

NEVADA STATE BOARD OF PODIATRY

TELEPHONIC BOARD MEETING MINUTES OF DECEMBER 08, 2014

1. ***Call to order, roll call of members, and establish quorum.*** The meeting was called to order at 5:32 p.m. by Dr. Douglas Stacey, President. Board Members present: Dr. Douglas Stacey, President; Dr. Clark Pillsbury, Vice President; Dr. Christine Clark, Secretary/Treasurer; Donna Baushke, Public Member. Non-Members present: Richard Dreitzer, Legal Counsel; Stacey Whittaker, Executive Director.
2. ***Public comment.*** No public comments at this time.
3. ***Review and approval of June 9, 2014 and October 20, 2014 Board meeting minutes.***

Stacey Whittaker states that she has not received the June 9, 2014 meeting minutes from Allison Tresca as they were on the flash drive that was compromised. Stacey has asked Allison to send her the audio recording of the minutes so that they can be composed. There are no questions or concerns regarding the October 20, 2014 Board meeting minutes.

Motion to approve the October 20, 2014 meeting minutes as written and to table the approval of the June 9, 2014 meeting minutes until the next board meeting:
Secretary/Treasurer Clark.
Second to motion: Board Member Baushke
Motion passes unanimously.
4. ***Licensee #9402, Henry Bindson, D.P.M. would like the Board to consider waiving the license reinstatement requirements due to extenuating circumstances.*** Dr. Henry Bindson explains to the Board that he suffered a spinal cord injury in January of this year and has been disabled and unable to work for the last 11 months. He therefore did not renew his license to practice Podiatry in October and would like the Board to consider waiving the license reinstatement fee and the remaining Continuing Medical Education Units (he has completed 31 of the 50 required). Vice President Pillsbury asks Dr. Bindson if he is able to practice now. Mr. Bindson states that he has had success with Physical Therapy and is confident that he can return to practice at the beginning of the year. President Stacey asks Dr. Bindson if he has considered finishing his CME courses online as there are some available at no cost. Dr. Bindson did not realize that there are some available at no cost and he would be happy to look into them as he is in favor of advanced learning. Secretary/Treasurer Clark says that she has the web addresses of a couple sites that he can take the CME's at no cost. She will forward the links to Stacey Whittaker who will in turn send them to Dr. Bindson.

Board Member Baushke asks Richard Dreitzer if this could potentially be a liability issue for the Board. Richard states that the circumstances can often create a slippery slope. If there are ways to get CME's without a financial burden then this is a great option. He also advises the Board to consider giving Dr. Bindson more time to pay the license reinstatement fee rather than waiving it altogether as this will create a precedence for other licensees to follow and create issues down the road. Dr. Bindson states that he has been given an offer to work with another Podiatrist the first of the year and could pay the Board the fees as he is able to make money. Vice President Pillsbury asks Dr. Bindson if he would be able to complete the remaining CME's and pay the \$600.00 license reinstatement fee to the Board by October 1, 2015. Dr. Bindson feels that this is acceptable once he is back to work.

Vice President Pillsbury motions for Dr. Bindson to pay \$100.00 per month towards the \$600.00 license reinstatement fee beginning in 2015 once he is employed and back to work. The \$600.00 reinstatement fee must be paid in full by September 30, 2015 along with the remaining 19 Continuing Medical Education Units and current CPR requirements.

Secretary/Treasurer Clark seconds the motion.

Motion passes unanimously.

President Stacey asks Richard Dreitzer if it would be in the Board's best interest to get a letter from Dr. Bindson's Physician stating that he is able to return to practice. Stacey Whittaker agrees as it is the Board's responsibility to protect the public. She also reminds the Board that there is a question on the renewal application that addresses medical conditions and the ability to practice podiatric medicine. Richard Dreitzer feels that this is acceptable and asks the Board to amend the previous motion to include a Doctor's release.

Motion to require Dr. Bindson to obtain a letter from his Physician releasing him to practice Podiatry without limitations in addition to the requirements previously set forth:

Vice President Pillsbury

Secretary/Treasurer Clark seconds the motion.

Motion passes unanimously.

- 5. Review and discuss the Board's current policy on Complaints and Investigations and the matter of hiring an Investigator for the Board.** Stacey Whittaker reviews the current Board policy on Complaints and Investigations that was drafted and approved by the Board in March, 2010. The concern Richard Dreitzer has, is that the Board has discussed complaints in general terms (without using names) at prior Board meetings. Because of NRS622A.320 and the limitations set forth regarding communication, Richard asks that the Board no longer include this item on the agenda. He reiterates that the person of subject should get a letter from the Board informing them of the complaint and give them 30 days to respond. Once the response comes in, Stacey will then assign the case to an Investigating Board Member. If the Investigating Board Member determines that there is a clear violation of the statutes then the complaint will be sent to Richard Dreitzer for advice.

President Stacey asks if the Investigating Board Members should make a determination on the complaint and then present it to Richard for review. Richard Dreitzer says that yes this is the way the complaints should be handled in order to separate the Investigating Board Member from the other Board Members should the case move forward. If the complaint moves forward with a Hearing, then the Investigating Board Member would not vote on the case.

Board Member Baushke feels that she does not have the expertise to be an Investigating Board Member when it comes to scope of practice. Richard reiterates that not all cases involve the scope of practice and that she has excellent instincts when it comes to the statutes. President Stacey would like to move the discussion to hiring an Investigator for the Board. Stacey Whittaker reiterates that hiring an outside Investigator will not alleviate the need for Investigating Board Members. It will however, allow the Investigator to gather the facts of the case. Once this is done, the case file will be presented to the Investigating Board Member for decision. The Investigating Board Member can request additional information, dismiss the case, or move forward with a formal complaint. Secretary/Treasurer Clark likes the idea of hiring an Investigator as the Podiatry community is small. Richard Dreitzer recommends hiring a retired

Podiatrist in the community so that there is knowledge of the practice act. President Stacey states that he may know of someone interested in the position. Vice President Pillsbury is in favor of hiring an Investigator as the cases are timely and often difficult to do when running a practice. President Stacey asks Richard Dreitzer and Stacey Whittaker to work on updating the policy on Complaints and Investigations and a job description for the Investigator position. Once that is complete, Stacey will post the job opening on the Board website.

Secretary/Treasurer Clark motions for Stacey Whittaker to move forward with drafting a job description for the Investigator position, revising the current policy on Complaints and Investigations and posting a notice on the website regarding the job opening.

Vice President Pillsbury seconds the motion.

Motion passes unanimously.

6. ***Review and discuss the direct supervision of Podiatric Limited Licenses.*** President Stacey had queried the Board Members for their opinion of what the definition of “direct supervision” should be. Vice President Pillsbury states that he has not been involved with a Limited License but feels that “direct supervision” means a supervising Doctor needs to be on site and present. Unless the language is changed, Dr. Pillsbury has a hard time visualizing it if they are not in the same office. President Stacey has done some research with non Podiatric groups and found that APN’s can practice independently after 24 months and PA’s have a supervisor on site for 30 days and then the Physician is available telephonically after that.

Secretary/Treasurer Clark interprets “direct supervision” as meaning they are in the same office as the supervising Doctor and should be on the premises if there be a problem. She does not want this to allow people to come to Nevada and practice with a Limited License because we appear lax. Board Member Baushe asks what the requirements are of a Podiatric Limited License in Nevada. President Stacey clarifies that they have the same licensure requirements other than they have not sat for the Nevada State Boards. They are Podiatrists who have practiced for 25+ years in another State and are typically looking to retire and work part time.

Stacey Whittaker shares with the Board some information she gathered in researching other State Boards and how they define “supervision”. In Arizona, they define “direct supervision” as having a Podiatrist present when a Nurse is involved in the dispensing process. Colorado does not specifically define “supervision”, and Utah goes as far as defining direct supervision, immediate supervision and general supervision. Utah defines “direct supervision” and “immediate supervision” as having the supervising licensee present and available for face to face communication.

President Stacey strongly feels that the fully licensed Podiatrist who employs the Limited Licensee should be in direct contact or readily available by phone to the Limited Licensee. Stacey Whittaker feels that the word “direct” may be of concern and asks why the Board is addressing the issue. President Stacey explains that there have not been any concerns regarding “direct supervision”; the Board was simply working towards clarifying the term. Vice President Pillsbury asks Richard how feasible it is to change the language in the statutes. Richard Dreitzer says that it is a very timely process that can become complicated and opens up the practice act to be limited. His advice to the Board is to table this item until such time that it needs to be addressed since there are not any current concerns regarding the matter.

Vice President Pillsbury motions to table Item #6 until further warranted.

Secretary/Treasurer Clark seconds the motion.

Motion passes unanimously.

- 7. Review and discuss financial status of the Board, future reporting requirements, and all matters relating thereto.** Stacey Whittaker informs the Board that she does not have access to the financials as of yet, they are still waiting on the signature authorizations to go through. Stacey has been in contact with the Legislative Audit Division regarding the Balance Sheet that was due to them by December 1, 2014. They are aware of the Board's extenuating circumstances and asked that we submit our information once it is available. Stacey will work with the Bookkeeper to get the financials reconciled and have more to report at the next meeting. There are no further questions or comments.
- 8. Review and discuss job duties and parameters for the Board Executive Director position.** Stacey Whittaker drafted a job description for the Board Executive Director position for review. Secretary/Treasurer Clark states that she has seen a list of job duties for this position but not to this extent. Board Member Baushke asks if Stacey would please revise the job description to include what the specific State and Federal reporting requirements are. Stacey will revise the job description and send to the Board Members. The Board discusses setting parameters for the days and hours of operation. Stacey feels that 15 hours a week is reasonable now that the license renewal period is over. She recommends Mondays, Tuesdays, and Thursdays from approximately 8:30-1:30 as this would allow her to meet her other obligations. If the work load warrants more or less hours, Stacey will address it with the Board. There are no further questions or comments.
- 9. Review and discuss activities of the Board office and all matters relating thereto.** Stacey Whittaker gives the Board a review of current activity to include license verifications, responding to voicemail and email, and administering the complaints that have come in. She will move forward with cleaning up the files, creating databases and revising policies. President Stacey addresses the letter that came in from the Attorney General's office acknowledging Allison Tresca's time and efforts as the Interim Executive Director. President Stacey and the Board agree that a letter should be sent to Allison from the Board commending her on her efforts. Stacey Whittaker will draft a letter for President Stacey to sign and send to Allison Tresca. There are no further questions or comments.
- 10. Public comment.** No members of the public present at this time.
- 11. Future agenda items.**

 - a) Review and approve June 9, 2014 and December 08, 2014 Board meeting minutes.
 - b) Update on hiring an Investigator for the Board.
 - c) Review and discuss salaries for Board Members while engaged in Board business.
 - d) Review and discuss financial status of the Board and all matters relating thereto.
 - e) Update on activities of the Board.
- 12. Discussion, possible decision on date of next Board meeting.** The next board meeting is scheduled for February 23, 2015 @ 5:30 p.m.

13. Attorney-client meeting. Richard Dreitzer, Legal Counsel does not see a need to close the meeting at this point and that he is working with Stacey Whittaker to get the complaints moving forward and cleaning up the process.

14. Adjournment.

Motion to adjourn the meeting of the Nevada State Board of Podiatry at 7:00 pm:

Board Member Baushke

Second to motion: Vice President Pillsbury

Motion passes unanimously.