

NEVADA STATE BOARD OF PODIATRY

1. Call to order, roll call of members, and establish quorum.

The meeting was called to order at 5:30 p.m. by Dr. Douglas Stacey, President. Board Members present: Dr. Douglas Stacey, President; Dr. Clark Pillsbury, Vice President; Dr. Christine Clark, Secretary/Treasurer; Dr. Kenneth Jarvis, Board Member; Donna Baushke, Public Member. Non-Members present: Richard Dreitzer, Legal Counsel; Stacey Whittaker, Executive Director.

2. Public comment. No members of the public present at this time.

3. Review and approval of July 13, 2015 Board meeting minutes.

Motion to approve the July 13, 2015 meeting minutes as written:
Board Member Jarvis
Second to motion: Board Member Baushke
Motion passes unanimously.

4. Review and discuss the authorized activities of a Podiatry Hygienist as defined under NRS 635.098 and the inquiry as to whether nail trimming is permissible.

Stacey Whittaker explains to the Board that an inquiry came in asking if Licensed Podiatry Hygienists can perform nail trimming since it isn't listed under NRS635.098 as an authorized activity. President Stacey feels that nail trimming falls under routine foot care and doesn't have a problem with it. Board Member Baushke agrees but is concerned that insurance would not cover it if it wasn't performed by the Doctor. Secretary/Treasurer Clark feels that billing Medicare for nail debridement is a whole other issue for Diabetic patients and feels they should see the Doctor and not a Hygienist. Board Member Jarvis agrees and feels that nail trimming is not typically done on a "normal" toenail and should be performed by the Doctor.

President Stacey feels that the Podiatry Hygienists fall under the Podiatrist's License and that they would be responsible for ensuring that the Hygienists are properly trained. Vice President Pillsbury feels that this is a complicated situation and that Hygienists shouldn't be trimming nails that are abnormal or those of new patient. There is a difference between nail trimming and nail debridement. Some private insurance companies consider nail trimming as "foot surgery". This is a slippery slope and may have to be left to the discretion of the Licensed Podiatrist.

Richard Dreitzer understands both sides of the argument; this could be opening the door and giving away their scope of practice. One option would be to survey the Podiatrists and get feedback from them. Secretary/Treasurer Clark feels that this would open up a can of worms; President Stacey agrees and would like to come to a resolution.

Richard Dreitzer advises the Board that unless they want to open up the practice act to add nail trimming to the authorized activities of a Podiatry Hygienist, they may want to leave it at the discretion of the overseeing Podiatrist. This forces the Licensed Podiatrist to keep track of their employees when delegating powers.

Motion to have the individual Podiatrist or Practice determine if their Licensed Podiatry Hygienists can perform "nail trimming" as an authorized activity: Secretary/Treasurer Clark.

Second to motion: Board Member Baushke
Motion passes 4-1.



5. Review and discuss NRS 635.075 and the information gathered from Board Members regarding the scope of practice for a Podiatry Limited License.

Stacey reviews the proposed language for a Podiatry Limited License that was drafted by Board Member Jarvis and the feedback provided by each Board Member. President Stacey feels that “the treatment of inflammatory soft tissue diseases” should be taken out and that “Injection(s) of local anesthetics and steroids” should be added. Secretary/Treasurer Clark agrees that “the treatment of inflammatory soft tissue diseases” should be removed. Vice President Pillsbury feels that “casting for orthotics” should also be included in the language.

Stacey Whittaker reminds the Board that in order to draft these specific guidelines for the scope of practice for a Limited License, they would have to be added to the Board’s NAC through the Legislature. The Board can’t just simply adopt them as a policy at a Board Meeting and would have no authority to enforce it without a regulation. Stacey further explains that it is not impossible to do; she just wanted to clarify the process.

President Stacey is pleased that this was brought to the Board’s attention and he personally does not think it is necessary to make regulation changes at this time. Board Member Jarvis disagrees and feels that the Board should not shirk the idea of adding it to the regulations. His concern is with Licensed Podiatrists bringing in the Limited License Podiatrists to do surgery. President Stacey reiterates that the Limited License must practice under the direct supervision of a Licensed Podiatrist. Again, this places the responsibility on the Licensed Podiatrist. Board Member Baushke agrees, the Board should keep the regulations ambiguous without tying our hands.

Richard Dreitzer advises the Board that should any issues come up with the Limited License holders; the Board has policies in place to investigate the concerns.

President Stacey asks the Board what they would like to do with this information at this time. Board Member Baushke suggests that it be filed for now until such time that issues come up.

Motion to table Item #5: Vice President Pillsbury

Second to Motion: Board Member Baushke

Motion passes unanimously. Dr. Jarvis, Board Member abstained.

6. Review and discuss the Investigator position and the parameters for hiring an Investigator for the Board.

Stacey Whittaker informs the Board that she is in continual correspondence with the Osteopathic Board about utilizing their Investigator on a part time basis to handle Board complaints. Their Executive Director, Barbara Longo has reached out and said that they have been tied up on a couple of big cases and that their Legal Counsel will begin drafting a Memo of Understanding for Richard Dreitzer to review. Stacey will keep the Board apprised as to the progress of hiring the Investigator. President Stacey asks that this be brought back on the next meeting agenda. There are no further questions or comments.

7. Review and discuss the upcoming license renewal period for Licensed Podiatrists and Podiatry Hygienists and all matters relating thereto.

Stacey Whittaker informs the Board that the revised renewal applications have been sent out for both Licensed Podiatrists and Podiatry Hygienists. She will have an update at the next board meeting as to how the renewal process went. Board Member Baushke asks Stacey if she was able to add a statement to the renewal application regarding the Continuing Medical Education requirements. Stacey confirms that even though CME’s

are due every even numbered year, she added a statement to the renewal application dictating the requirements. There are no further questions or comments.

8. *Review and discuss current financial status of the Board including investment options and all matters relating thereto.*

Stacey Whittaker asks the Board if there are any questions or concerns regarding the financial statements that were sent out, there are none. Stacey then reviews the investment options available to the Board to include a money market account, T-Bills, and CD's. After reviewing the Board's financial status with an Investment Officer at Nevada State Bank, the recommendation would be to move money into a money market account that is liquid. Once the financial status of the Board is more secure, then CD's would be another option. T-Bills are not recommended at this time as they are paying little to nothing.

Board Member Baushke is familiar with the money market accounts and feels that this is the best option for the Board. President Stacey agrees, this would allow the Board to easily move money from the checking account into the money market account. He also feels that the Board should put the maximum amount of \$150,000.00 into the money market account since it can easily be moved over as needed.

Motion to open a money market account with \$150,000.00: Board Member Jarvis

Second to motion: Vice President Pillsbury

Motion passes unanimously.

9. *Review and discuss the current contract/agreement between the Nevada State Board of Podiatry and Board Counsel Richard Dreitzer with Wilson, Elser, Moskowitz, Edelman, & Dicker LLP.*

Stacey Whittaker states that the only contract she can find on file was drafted in 2013 when Richard was with Fox Rothschild. Richard Dreitzer states that this is the correct contract that has carried over with the new law firm, Wilson, Elser. He explains to the Board that the baseline of \$5,000 is essentially 20 hours at \$250/hour. This would include approximately 16 hours of general advice, counseling and attendance at Board meetings. The other 4 hours would be for disciplinary matters that do not involve a formal hearing. Anything above this would go to the Board for approval. Richard explains that the legal fees have skyrocketed the last year or two based on the embezzlement case and catching up on complaint investigations. He will continue to bill at the rate of \$250 per hour for the remainder of the year and then will submit a new contract to the Board for January 1.

Motion to renew the contract between the Nevada State Board of Podiatry and Richard Dreitzer with Wilson, Elser, Moskowitz, Edelman & Dicker LLP beginning January 1, 2016: Board Member Jarvis

Second to motion: Vice President Pillsbury

Motion passes unanimously.

10. *Review and discuss activities of the Board office and all matters relating thereto.*

Stacey Whittaker feels that they have covered most of the Board business at this time. The Balance Sheet will be due to the Legislative Auditor by December 1st. She will also provide an update to the Board after the license renewal period. There are no further questions or comments.

11. *Public comment.* No members of the public present at this time.

12. Future agenda items.

- a) Review and approve September 14, 2015 Board meeting minutes.
- b) Review and discuss financial status of the Board to include investment options and all matters relating thereto.
- c) Review and discuss update on hiring an Investigator for the Board.
- d) Review and discuss activities of the Board office and all matters relating thereto.

13. Discussion, possible decision on date and parameters of next Board meeting.

The next board meeting is scheduled for November 16, 2015 @ 5:30 p.m.

14. Attorney-client meeting.

Richard Dreitzer, Board Legal Counsel does not see a need to close the meeting at this time as there is nothing further to discuss.

15. Adjournment.

Motion to adjourn the meeting of the Nevada State Board of Podiatry at 6:47 p.m.:
Secretary/Treasurer Clark
Second to motion: Board Member Baushke
Motion passes unanimously.