

NEVADA STATE BOARD OF PODIATRY

BOARD MEETING MINUTES OF November 15, 2021

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

The meeting was called to order at 5:34 p.m. by President Dr. Kenneth Jarvis.

Board Members present: Dr. Kenneth Jarvis, President

Dr. Kathyryne Glantz, Vice-President

Dr. Christine Clark, Secretary/Treasurer;

Dr. Denise Tropea-Kelly, Board Member;

Non-Members present: Carolyn J. Cramer, Esq., Executive Director; Richard Dreitzer,

Esq. Board Counsel Rocky Finseth, President Carrara Nevada, Jenny Reese, Vice-

President Carrara Nevada and Aohdan Downey, Intern Carrara Nevada; Dr. Mario

Pacada, DPM; Adrian L. Romero, Podiatry Hygienist Applicant; Dr. Jody Politz, DPM

and Dr. Jeff Bean, DPM

Absent: None

Members of the public present: None

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

3. *Review and approve the October 4, 2021 Board of Podiatry meeting minutes.*

Motion to approve the October 4, 2021 meeting minutes as written made by Vice-President Dr. Glantz

Second to motion Board Member Dr. Tropea-Kelly;

Motion passes unanimously

4. *Review and approve the financial status of the Board for September and October 2021.*

The report was given by Secretary/Treasurer Dr. Clark on the financial activities and questions were taken from the Board Members regarding the review of the financial activity memo and financial statements. Secretary/Treasurer Dr. Clark reported that the checking account balance was \$ 9,860.84 and the money market was \$179,189.13.

All bills have been paid. On November 2, 2021 a check for \$300.00 was deposited for restitution paid by the former executive director for restitution, approximately \$24,200 remains.

Motion to approve the finances of the Board for September 2021 and October 2021 made by Secretary/Treasurer Dr. Clark;

Second to motion Vice-President Dr. Glantz;

Motion passes unanimously

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

Executive Director Cramer indicated the following had occurred since the last meeting:

- There are 157 active podiatric physicians. One active application is pending.
- There are 43 active podiatry hygienists. Six active applications are pending.
- No complaints have been received.

Renewals have concluded. There are still a few stragglers left.

Board staff attended the Fall Federation of Podiatric Medical Board's via Zoom. Today there was another update on the NCJIS system still scheduled for completion in 2023.

6. Review, discussion and potential action regarding the legislative matters, Special Session report given by Carrara Group LLC 5:45 p.m. via telephone.

Jenny Reese gave an update on the special session and the work of the legislature during the interim period. Aohdan Downey, an intern at Carrara Nevada, was introduced to the Board. This was a report only.

7. Review, discussion and potential action regarding the implementation of the contract with Carrara Group LLC.

Executive Director Cramer gave a brief overview of the contract and answered the questions of the Board Members.

Motion to approve the Carrara Group LLC contract made by Secretary/Treasurer Dr. Clark;

Second to the motion Board Member Dr. Tropea-Kelly;

Motion passes unanimously

8. Review, discussion and potential action regarding the scope of practice for a podiatric physician in the performance of laser hair removal, tattoo removal, laser vein treatments, body contouring machines and other aesthetic modalities to the lower extremity and up to what anatomic level can a podiatry physician perform these treatments or supervise a properly trained and licensed health provider.

Executive Director Cramer introduced this item as it was brought back from the August meeting after staff had an opportunity to review the matter. The Board looked at this item by reviewing each one of the items listed and determining whether the item was being done for medical or cosmetic reasons. Board Counsel Mr. Dreitzer opined that if a treatment was not being performed for a medically necessary reason it could not be performed by the podiatric physician. Mr. Dreitzer reasoned that the only item listed that could be medically necessary would be the laser vein treatment. Vice-President Dr.

Glantz concurred with Mr. Dreitzer's assessment that the only medically necessary procedure would be laser vein treatments to treat pain and that all the other items listed would not be within a podiatric physician's scope of practice as the items listed would be for cosmetic reasons.

Motion to find that a podiatric physician could perform laser vein treatments on the leg and foot made by Board Member Tropea-Kelly;
Second to motion Vice-President Dr. Glantz
Motion passes unanimously

9. Review, discussion and potential action for whether a podiatric physician in the performance of in-office procedures or injections can use a device that administers a 50/50 mixture of Oxygen and Nitrous Oxide other known as "Pro-Nox"

Mr. Dreitzer led off the discussion on whether "Pro-Nox" was within the scope of practice for a podiatry physician under NRS 635.085 and he raised two concerns with regard to the use of Pro-Nox. First, the information he found in his research showed that it was self-administered by the patient. Second, the use of this product was beyond a local anesthetic. President Dr. Jarvis and Vice President Dr. Glantz joined in the discussion and voiced concern in whether the use of this product was for conscious sedation and outside the scope of practice for a podiatric physician. The discussion concluded without a vote but a general agreement that this was not within the practice of a podiatry physician as stated in NRS 635.085(1)(g).

10. Review, discussion and potential action whether a podiatry hygienist can perform toenail trimming and debridement and callus trimming under the supervision of a podiatric physician

Dr. Jeff Bean was the requester for this discussion item and participated in the discussion with the Board. Secretary/Treasurer Dr. Clark and Vice-President Dr. Glantz both thought that the broad expanse of duties of the podiatry hygienist allowed for them to provide toenail trimming and debridement and callus trimming under the present statute, but if the procedure was to be billed to insurance, then the podiatric physician would have to provide the treatment. All parties to the discussion felt that this was the present state of affairs. Generally, it was determined that under the present surgical codes, toenail trimming and debridement and callus trimming was covered but if insurance is used the podiatric physician is required to do the work. If a general office code is used, the podiatric physician needs to perform the service but caution should be used because this code may not be appropriate for toenail trimming when performed on a Medicare patient. It was opined that in the past Medicare patients were used to having toenail trimming covered by Medicare, but unless there is a specific disease state that requires it the patient will need to be a cash patient for the service of toenail trimming. Dr. Bean expressed his concern that he is seeing an upturn in toenail trimming patients and that he is forced to set them out for care because he has other patients that need treatment first. Dr. Bean also expressed the need for more podiatric physician to take these patients in light of the

recent retirements of podiatric physicians in his community or the refusal of some podiatric physicians to perform these services. The Board Members expressed that they have no desire to open a rulemaking at this time or seek a statutory change for the podiatry hygienist. Dr. Bean thanked the Board for addressing his concerns and thanked them for their time.

11. Review, discussion and potential action whether a podiatry physician under the scope of practice in Nevada may prescribe a below the knee prosthetic limb.

The discussion of this was brief as Vice-President Dr. Glantz opined that there was no question that it was clearly within the practice of a podiatry physician to prescribe a below the knee prosthetic limb under NRS 635.085(1) (c) and that no further vote was needed because Nevada Revised Statute was clear and must be followed. There was no further discussion of the matter.

12. Review, discussion and potential action, including possibly changing the terms and conditions of the licensure of Mario Pacada, DPM, license number 2067. Possible closed session for the Board to discuss the character, professional competence, alleged misconduct, or physical or mental health of the person as allowed under NRS 241.030

As a preliminary matter, Board member Dr. Tropea-Kelly disclosed that she is Dr. Pacada's practice mentor and would abstain from voting in this matter, if a vote was required. Dr. Pacada consented to his review being heard in public. Board Member Dr. Tropea-Kelly stated that she and Dr. Pacada were continuing to review his files to make sure that the patient care provided was properly noted. Dr. Pacada added that the reviews are including more in-depth chart review. Vice-President Dr. Glantz asked Dr. Pacada how many hours he is practicing per week and where else he was practicing. Dr. Pacada replied that he was only practicing podiatry in Nevada and was only working between twenty-four and thirty hours per week. Dr. Pacada asked if his reviews could be modified and Vice-President Dr. Glantz said that she thought it was too soon to modify the terms of his license until he had at least a year of reviews completed. The review was positive and had revealed that there were no issues in his practice and that Dr. Pacada would be reviewed in the next quarter. No vote or further action was taken as this was a report.

13. Review, discussion and potential action, regarding the Podiatric Hygienist application of Adrian L. Romero, Possible closed session for the Board to discuss the character, professional competence, alleged misconduct, or physical or mental health of the person as allowed under NRS 241.030

Mr. Romero consented to having his matter heard in an open session. Executive Director Cramer gave an overview of the factual posture of the application with regards to Mr. Romero's licensure history and made an affirmative recommendation on licensure. Mr.

Romero made a brief statement and took questions from the Board Members on why he was seeking to be licensed as a podiatry hygienist in Dr. Politz's office and the process he has undertaken to become legible for licensure and his desire to be a part of Dr. Politz's office and a member of the regulated community. After answering the Board members questions Dr. Politz recommended that he be licensed as a podiatry hygienist.

Motion to Approve the podiatric hygienist application of Adrian L. Romero made by Vice-President Dr. Glantz;
Second to the motion Secretary/Treasurer Dr Clark;
Motion passes unanimously

14. Future agenda items.

- a. Review and approve November 15, 2021 Board meeting minutes.
- b. Review and discuss financial status of the Board and all matters relating thereto.
- c. Review and discuss activities of the Board office and all matters relating thereto.
- d. Review and discuss the Medicaid reimbursement issue.
- e. Review and discuss the home address issue

Motion to approve items a through e made by Vice-President Dr. Glantz;
Second to motion Secretary/Treasurer Dr. Clark;
Motion passes unanimously

15. Discussion, possible decision on date of next Board meeting.

The next Board meeting is scheduled for January 10, 2022 at 5:30 p.m. in Reno, Nevada with the next tentative meeting date approved March 14, 2022 at 5:30 p.m.

Motion to approve the date of the next meeting made by Board Member Dr. Tropea-Kelly;
Second to the motion Secretary/Treasurer Dr. Clark;
Motion passes unanimously

16. Public Comment. No members of the public present at this time.

17. Attorney-client meeting.

Richard Dreitzer, Board Legal Counsel, did not see a need to close the meeting at this time.

18. Adjournment.

Motion to adjourn the meeting of the Nevada State Board of Podiatry at 6:57 p.m. made By Secretary/Treasurer Dr. Clark;
Second to motion Vice-President Dr. Glantz;
Motion passes unanimously