STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

Washington State
Department of Health
Podiatric Medical Board
Meeting Minutes
November 22, 2002

The meeting of the Washington State Podiatric Medical Board was called to order by Gerald Kuwada, DPM, Chair, at 9:10 a.m. The meeting was held at the Department of Health,1101 SE Eastside Street, Olympia, Washington.

Board Members Participating:	Gerald Kuwada,DPM, Chair David Bernstein, DPM, Vice-Chair William Ith, Public Member Stewart Brim, DPM
Staff Participating:	Marc Defreyn, Assistant Attorney General Robert Nicoloff, Executive Director Arlene Robertson, Program Manager Holly Rawnsley, Program Manager Karen Maasjo, Administrative Assistant
Guests:	Lynn Hankes, MD, Medical Director, Washington Physicians Health Program Cynthia Fenberg, DPM, former board Member

Open Session

1. Call to Order

1.1 Approval of Agenda
The meeting agenda was approved as published.

1.2 Approval of Minutes - February 22, 2002
The February 22, 2002 meeting minutes were approved as submitted.

1.3 Approval of Minutes - March 14, 2002
The March 14, 2002 meeting minutes were approved as submitted.

1.4 Introductions/Presentations
Board member and staff introductions were made to, Stewart Brim, DPM, newly appointed board member.

Cynthia Fenberg, DPM, was presented a plaque of appreciation for her 10 years service as a board member.

2. 9:15 am - Washington Physicians Health Program - Lynn Hankes, M.D., Medical Director
7.1 October 2002 Statistical Information

Dr. Hankes provided a review of the Washington Physicians Health Program (WPHP). He explained how individuals are assessed for program participation and expectations of participants throughout the various phases of the program. He also provided information on the types of outreach activities he conducts. Dr. Hankes provided an overview of the October 2002 statistical report which includes other professions as well as DPM participants.

Dr. Hankes responded to board member questions about the program.

3. Infections Associated with footbaths/pedicures - Dr. Bernstein
Review of recent news articles related to the spread of Mycobacterium fortuitum.
3.1 Board Policies related to footcare/infection control
3.1.1 Recommendations for Standards of Care Provided in Foot Care Clinics
3.1.2 HIV & Hepatitis Infection Control
3.1.3 HPQA Policy - HIV/AIDS Disease Complaints Against Licensees

ISSUE
Recent news articles related to an outbreak and spread of mycobacterial furunculosis associated with whirlpool footbaths at nail salons was discussed.

ACTION
This infection appears to be transmitted through cuts or scraps on the skin via improperly maintained whirlpool footbaths. Since the infection is very virulous and antibiotic resistant, the Board is concerned that establishments using these devices have properly trained manicurists who can assess clients' skin for cuts and be

able to discern whether a footbath tub should be used. The Board was also concerned with the maintenance of the equipment and whether proper sterilization mechanisms are required.

The Board requested that staff contact the Cosmetology program with the Department of Licensing to arrange a meeting to discuss these issues.

4. Policy Review
Updates of current board policies.

4.1 Podiatric physicians conducting pre-surgical histories and physicals.

ISSUE
The Board was asked to review suggested modifications provided by the Medical Quality Assurance Commission.

ACTION
The modifications proposed by the Medical Commission were reviewed. The proposed changes were determined to be unworkable in today's health care environment. The interpretative statement was modified to include histories and physicals as within the scope of practice of podiatric physicians. Hospitals and facilities may determine who may perform histories and physicals for surgery and admittance to their facility.

4.2 Reviewing Board Member Role - Complaints
4.3 Review of Investigations by Reviewing Board Member Recommending Disciplinary Action or Further Investigation
4.4 Closure of Investigative Cases
4.5 Closure of Below Threshold Reports
4.6 Case Reviews: Use of multiple board members/pro tem members

ISSUE
Policies reflected in 4.2, 4.3, 4.4, 4.5, and 4.6 needed terminology updating and to reflect changes in HPQA policies.

ACTION
The suggested modifications were approved.

4.7 Coordinating Health Professions Quality Assurance Policies

4.7.1 Case Management Teams

4.7.2 Compliance Cases

These two policies were provided as background reference for the proposed changes in 4.2-4.6.

Newly adopted HPQA policy.

4.8 Felony and Gross Misdemeanor Convictions

Review of policy relative to applicants that have criminal convictions.

ISSUE

The recently adopted policy relative to felony and gross misdemeanor convictions which pertain to applicants was shared with the Board.

ACTION

Applicants that have convictions will be referred to a reviewing board member for assessment and recommendations on how to pursue each case, similar to a standard complaint.

5. Scope of Practice Issues.

5.1 Best Practices Guidelines

ISSUE

Review of Board of Pharmacy proposal relative to calling in prescriptions to pharmacies.

ACTION

The Board supports the Best Practices Guidelines for calling in prescriptions.

6. Budget

6.1 Budget Reports

Ms. Robertson provided the September 2002 Interim Operating Report. Expenses continue to remain under allocation and a modest balance is now reflected.

6.2 2001 Annual Activity and Statistical Report

The 2001 annual report was provided to the Board. The number of licensees continues to increase while complaints have decreased minimally in the past year.

Budget constraints have limited activities to basic licensing, investigative, and disciplinary actions.

7. Executive Director Reports

7.1 Delegation of Final Decision Making to the Presiding Officer

This issue was tabled until the next meeting.

7.2 Report on Board, Commission, Committee Conference 2002/ Issues Discussed

Mr. Nicoloff reported on the conference held in October. There is an interest in increasing attendance at the conference and other alternative times were discussed. It was recommended the conference time not be changed.

8. Establishing 2003 meeting dates.
The following dates were determined for 2003:
March 21-22 (retreat)
May 15
September 25
December 4

9. Settlement Presentations (See below)

Closed Session

10. Disciplinary Case Reviews - Reviewing Board Member Reports

CASE NUMBER	CASE DISPOSITION
2002-06-0003PO	Issue Statement of Charges
2002-01-0001PO	Closed no cause for action; insufficient evidence
2002-11-0001PO	Closed; Below Threshold

CLOSED BELOW THRESHOLD SINCE MARCH 14, 2002 MEETING
2002-05-0001PO
2002-05-0002PO
2002-05-0003PO

CASES CLOSED NO JURISDICTION
2002-08-0004OP
2002-08-0005OP

CLOSED AS THE RESULT OF A FINAL ORDER 3/15/2002
Docket # 98-06-A-1074PO/Case #s 96-05-0002PO & 97-05-0002PO

CLOSED AS THE RESULT OF A DEFAULT ORDER
Docket # 00-05-A-1056PO/Case # 99-03-0002PO

11. Compliance Reports

There were no compliance reports.

12. Application Review

There were no applications for board review.

The business meeting adjourned at 12:00 pm.

9. Settlement Presentations

1:00 p.m. - Open Session
9.1 Settlement Presentation - Stephen M. Fuson, DPM, Docket No. 01-01-A-1068PO (Case No. 2000-11-0001PO) Margaret Gilbert, Staff Attorney, presented the case on behalf of the Department of Health.

The following board members served as the panel for the settlement presentation: Gerald Kuwada, DPM; David Bernstein, DPM; and Stewart Brim, DPM.

Jay O'Sullivan, attorney at law, was present representing Dr. Fuson.

John Kuntz, Health Law Judge, presided over the proceedings. The respondent will be notified of the Board's determination by mail.

Respectfully Submitted

Arlene Robertson
Program Manager

Minutes for the Podiatric Medical Board dated November 22, 2002 were reviewed and approved at the March 20, 2003 board meeting.

Gerald Kuwada, DPM, Chair