

North Dakota Board of Podiatric Medicine
Regular Board Meeting
September 16, 2017

Board Members Present: Kevin Koester, DPM, Steven Kilwein, DPM, Ashley Evanoff, DPM, Eric Hart, DPM, Gordon Leingang, DO and Vicki Kunz.

Others Present: Stacy Moldenhauer, JD, attorney and JoDee S. Wiedmeier, Executive Director

Absent: None

Dr. Koester served as chairman of the meeting and called the meeting to order at 9:04 a.m. CDT.

Dr. Evanoff was introduced and welcomed as the new board member from Minot. A call for new agendas items was made. No new agenda items were placed on the agenda.

The proposed minutes from the September 10, 2016, board meeting were previously distributed to the board members. Ms. Kunz moved to approve the September 10, 2016, meeting minutes as written. Dr. Leingang seconded the motion. The motion passed unanimously.

Ms. Wiedmeier gave the licensure report. The state currently has 39 active licenses, two temporary licenses, and three temporary permits for residency. There is one pending application. It was reported that three podiatrists did not renew their licenses for 2017.

Ms. Wiedmeier reported that Dr. Kilwein's and Dr. Leingang's appointments will expire in June, 2018. Dr. Leingang is eligible for re-appointment. Dr. Leingang indicated a willingness to be re-appointed. Ms. Wiedmeier will contact the Governor's office to request re-appointment of Dr. Leingang as the board's physician member. Dr. Kilwein has served two terms and is not eligible for re-appointment. It was noted that board members are eligible to serve two consecutive four year terms. They cannot be re-appointed until at least two years from the expiration of their appointment have lapsed. Further, it was noted that podiatrist appointees are required to have been practicing podiatry in the state for a minimum of two years. Discussion was had regarding possible candidates to fill Dr. Kilwein's vacancy. It was noted that the board likes to be representative of all areas of the state. Discussion regarding possible podiatrists in Fargo, Grand Forks and Dickinson was had.

The board commenced the personal interviews for three applicants.

Kayla Emter, DPM appeared and introductions were made. Dr. Emter was previously issued a temporary license on July 1, 2017. She received her education in Iowa. She is currently employed with Dr. Gale in Bismarck. The scope of practice in North Dakota was discussed as well as the CME requirements for annual renewal of licensure. The Board's role in licensing and regulating podiatrists was also discussed. Dr. Emter was instructed that she must notify the board office of any address changes as soon as possible and display her licensure certificate in her office. Dr. Koester moved to grant full licensure. Dr. Hart seconded the motion. No further discussion was had. The motion passed unanimously.

Joseph M. Gould, DPM appeared and introductions were made. He was previously issued a temporary license on April 28, 2017. Dr. Gould is currently licensed in Texas and New Mexico. He is currently working at Indian Health Services (IHS) on the Spirit Lake Nation by Devils Lake. The scope of practice in North Dakota was discussed as well as the CME requirements for annual renewal of licensure. The Board's role in licensing and regulating podiatrists was also discussed. Dr. Gould was instructed to make sure he keeps the board informed of his current mailing address and that his certificate should be displayed when working in North Dakota. Dr. Kilwein moved to grant full licensure. Ms. Kunz seconded the motion. No further discussion was had. The motion passed unanimously.

Dr. Mark Doomas, DPM appeared and introductions were made. Dr. Domaas' education was discussed. Dr. Doomas is currently working at the VA in Fargo. The scope of practice in North Dakota was discussed as well as the CME requirements for annual renewal of licensure. The Board's role in licensing and regulating podiatrists was discussed. Dr. Doomas was instructed to make sure he keeps the board informed of his current mailing address and that his certificate should be displayed when working in North Dakota. Dr. Leingang moved to grant full licensure. Dr. Hart seconded the motion. No further discussion was had. The motion passed unanimously.

The board took a break from 10:00 a.m. CDT to 10:15 a.m. CDT.

Ms. Moldenhauer joined the meeting at 10:15 a.m. CDT.

Ms. Wiedmeier further reported that the board currently has three temporary permits for residency issued. Dr. Kaylee Miller completed her residency. Dr. Michael Hoenig has renewed three times and Dr. Christopher Collazo has renewed twice. Dr. Derek McLister was just issued his permit in July of this year. Dr. McLister's application was approved and issued by Dr. Koester on July 1, 2017. The board had previously been provided Dr. McLister's application and supporting documentation. Discussion was had regarding his previous two convictions for Driving Under the Influence in 2009 and 2014. This was concerning to the board. However, the fact that Dr. McLister will be continually supervised as a resident provides extra protection to the public. A motion to ratify the issuance of Dr. McLister's temporary permit for residency, to sent Dr. McLister a letter indicating the board's concern upon application for full licensure in North Dakota and to provide him information on the Professional Health Services Program was made by Dr. Leingang. Dr. Hart seconded the motion. The motion passed unanimously.

Further discussion was had regarding the Professional Health Services Program. Ms. Moldenhauer indicated that this program has been primarily used and funded by the North Dakota medical board, but that it has began to reach out to other professions. This may be something the board could utilize in the future, if necessary.

Ms. Wiedmeier reported on the FARB training conference she attended in July of this year indicating that it was beneficial in many ways and was well worth attending. Ms. Wiedmeier noted that the temporary permit application was updated to include primary source verification of the resident's education. Ms. Wiedmeier also reported that the Child Support Enforcement Agency had requested the board be involved in their Data Match program; however, this is not possible since

the board does not have a licensee database that can be shared. Ms. Wiedmeier previously notified Child Support of this information and has not been contacted further by the agency.

Since the full board was in attendance, individual and group pictures were taken for the board's new webpage.

It was noted that no legislation was introduced by the board in 2017 and that the naturopath bill that was of interest to the board did not pass. It was noted that a similar bill would more than likely be brought before the legislature in the next legislative session. The board office will continue to monitor such legislation. Ms. Moldenhauer discussed the North Carolina State Board of Dental Examiners v. FTC case relating to regulatory board immunity in antitrust situations. Further discussion was had regarding the House Concurrent Resolution 3026 which set up a committee to study the membership and state supervision of professional boards in order to retain antitrust immunity in light of this case. The board will be interested to hear the committee's findings.

Discussion was had regarding any further changes or updates that need to be pursued by the board in the 2019 legislative session. The board directed Ms. Wiedmeier to work with Ms. Moldenhauer to review pertinent statutes and provide recommendations to board at the next regular meeting. The board further instructed Ms. Wiedmeier and Ms. Moldenhauer to also review administrative rules for necessary changes and to report back at the next regularly scheduled board meeting. It was noted that over the past several years, Board has been updating and 'cleaning' up statutes and administrative rules which have been neglected for years. The Board feels it is important to continue this work.

Dr. Leingang made a motion to enter into Executive Session in order to discuss current complaints filed against podiatrists that contain confidential patient data and to further consult with the board's attorney in such matters. Ms. Kunz seconded and the motion passed unanimously. The board entered Executive Session at 11:31 a.m. CDT.

The executive session concluded at 12:10 p.m. CDT. It was noted that two complaints were reviewed by the board during the executive session. Both complaints were found by the Board to warrant no further action and were dismissed.

Ms. Moldenhauer was dismissed from the meeting and Dr. Leingang had to leave for the remainder of the meeting at 12:10 p.m. CDT. The board thanked both for their time.

The board broke for a short recess at 12:10 p.m. CDT. The meeting resumed at 12:20 p.m. CDT.

The board resumed the meeting with a discussion of the new website. It was noted that all felt the website is a great upgrade. A couple suggestions were made regarding the placement of the mission statement and adding a link regarding the scope of practice on the application page. It was noted that the webpage now indicates whether or there is discipline on a license, that all the forms are "fill-in", and that the meeting minutes are also available. The website has met the approval of the board and will go live as soon as the board member pictures are included. The website will be further reviewed for additional upgrades in the coming years.

The financial reports were reviewed. It was noted that the 2016 Annual Financial Report submitted to the Auditor's Office was approved. The bank balance as of August 31, 2017 was \$34,489.52.

The budget was reviewed. Discussion was had regarding beginning to build a reserve fund for future unanticipated legal, investigative and legislative expenses. This would be moneys set aside outside of the board's operational budget to be accessed in the future, if needed. It was noted that legal actions, including the investigative portion of reviewing a case for potential formal action, can be very costly. The board needs to be prepared and adequately funded for such circumstances, should they occur. It was noted that the board had previously (quite a few years ago) been in a situation where it needed to obtain a loan from the legislature due to a lengthy legal case. The board would like to avoid the need for this again in the future.

A motion was made to commence a reserve fund in 2018 by designated \$5,000.00 out of the board's current operational funds into a reserve fund and to amend the budget to reflect this and to approve the budget with the indicated amendment was made by Ms. Kunz. Dr. Hart seconded the motion. Further discussion was had. It was noted that the board would initially designate \$5,000.00 into the fund in 2018 and that Dr. Hart, as secretary treasurer of the board, would review the finances and prepare further recommendations regarding the reserve fund at the next regular board meeting.

The annual review of the Executive Director was had. No concerns were voiced regarding her job performance. It was noted what an important role Ms. Wiedmeier plays in administration of the board. Dr. Koester and the board expressed their appreciation. Dr. Hart moved to increase the Executive Director's salary by 5% to \$14,700.00 per calendar year, commencing January 1, 2018. Dr. Evanoff seconded. No further discussion. Motion passed unanimously.

Dr. Evanoff moved to increase the Executive Director's line item on the budget to \$14,700.00 and to approve the budget with this amendment. Dr. Hart seconded the motion. No further discussion. The motion passed unanimously.

Dr. Kilwein was recognized for his years of service with the board. His service from 2010 to 2018 was much appreciated.

Election of officers was had. Ms. Kunz moved to nominate and elect the slate of officers as follows: President - Dr. Kevin Koester, Vice President – Ashley Evanoff, Secretary/Treasurer- Dr. Eric Hart. Dr. Hart seconded and the motion passed unanimously.

The next regularly scheduled meeting of the board will be held on September 22, 2018, at 9:00 a.m. in Bismarck. Ms. Wiedmeier will make the necessary arrangements.

Dr. Kilwein moved to adjourn the meeting. Ms. Evanoff. seconded. The meeting adjourned at 1:10 p.m. CDT.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'Eric Hart', with a stylized flourish extending to the right.

Eric Hart, DPM
Secretary/Treasurer

Attest:

A handwritten signature in black ink, appearing to be 'Kevin Koester', with a stylized flourish extending to the right.

Kevin Koester, DPM
President