

North Dakota Board of Podiatric Medicine
Regular Board Meeting
October 3, 2020

Board Members Present: Ashley Evanoff, DPM, Gordon Leingang, DO, Aaron Albers, DPM, Andrew Knudsen, DPM and Josh Jeffers

Absent: Eric Hart, DPM

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

Dr. Evanoff served as chairman of the meeting and called the meeting to order at 9:03 a.m. CDT. After welcoming the board members and noting that a quorum was had, a call for additional agendas items was made. No new agenda items were placed on the agenda.

The proposed minutes from the September 28, 2019 board meeting had been previously distributed to the board members. Dr. Leingang moved to approve the meeting minutes as written. Dr. Knudsen seconded the motion. Those in favor: Drs. Evanoff, Leingang, Albers, Knudsen and Mr. Jeffers. None opposed. Motion passed unanimously.

The proposed minutes from the May 10, 2020 special board meeting had been previously distributed to the board members. Mr. Jeffers moved to approve the meeting minutes as written. Dr. Leingang seconded the motion. Those in favor: Drs. Evanoff, Leingang, Albers, Knudsen and Mr. Jeffers. None opposed. Motion passed unanimously.

A review of the temporary permits for residency issued to Bennen Bierman, DPM (TP 8) and Briana Gebert-Oberle, DPM (TP 9) on July 1, 2020 by approval of the President was had. It was further noted that Drs. Hinh, Gravos and Fiszke continued in the residency program and their respective permits were renewed as of July 1, 2020. No concerns were noted. Dr. Albers moved to ratify the newly issued permits TP 8 and TP 9. Dr. Knudsen seconded. No further discussion was had. Those in favor: Drs. Evanoff, Leingang, Albers, Knudsen and Mr. Jeffers. None opposed. Motion passed unanimously.

Dr. Derek McLister, DPM appeared and introductions were made. Dr. McLister completed the ND residency program through Sanford and has been hired by Sanford in Fargo for podiatric practice, as well as to be part of the residency program. Discussion was had regarding the scope of practice in ND and the board's role in licensing and regulating podiatrists. Discussion was further had regarding Dr. McLister's two previous convictions for DUI. Dr. Leingang moved to grant full licensure. Dr. Albers seconded the motion. No further discussion was had. Those in favor: Drs. Evanoff, Leingang, Albers, Knudsen and Mr. Jeffers. None opposed. Motion passed unanimously. Dr. McLister was presented with this certificate of licensure and was also informed of the new requirement to be registered with the ND PDMP.

Ms. Wiedmeier gave the licensure report and licensure renewal report. There are currently 39 total licenses issued. Thirty-four are active licenses and five are temporary permits for

residency. Drs. Britten, Gould, Nelson and Vay Ung did not renew their license for 2020. There are no pending applications before the board at this time.

Ms. Wiedmeier noted that the next board member appointment would be in June of 2021 when Dr. Evanoff's first term expires. Dr. Evanoff indicated her agreement to serve a second term; therefore, Ms. Wiedmeier will follow up with the Governor's office at the appropriate time next year regarding the re-appointment.

Ms. Wiedmeier and Mr. Jeffers reported on the Board Orientation and Training Seminar which had been held in October of 2019. Ms. Wiedmeier reviewed some points of interest for the board members regarding statutory limits, licensure as a barrier, conflict of interest, and public/open meeting rules. Mr. Jeffers also noted much time was spent on financial aspects that are more applicable to larger boards, but overall, the seminar was informative.

Ms. Wiedmeier reported on the panel discussion that she virtually attended on August 26, 2020, regarding Occupational Licensure Refinement or Reform presented by the ND Chamber of Commerce. Some points of interest shared with the board were that licensure may be considered a barrier for individuals to enter the work force and it was felt that boards need to be nimble and fast in issuing licenses while protecting the health and safety of North Dakota citizens. The study that was required by the legislature in 2019 and directed to be performed by the ND Department of Commerce found that, overall, the occupational regulatory boards were doing a pretty good job of issuing licenses efficiently. It appears the panel felt that licensure process of some boards could use refinement, but that a full overhaul of the whole licensure system in North Dakota is not needed.

Ms. Wiedmeier and Dr. Evanoff reported on the FPMB's annual meeting that was held virtually on May 1, 2020. It was noted that a lot of the discussion at this time centered around COVID and how boards were handling the issues surrounding it – such as online CME, expanded medical practice, etc. There was also an open forum where the boards could speak about current topics of interest and get input from other boards.

Ms. Wiedmeier also attended the FPMB's virtual meeting held on September 16, 2020 regarding the NDPME's announcement on the delayed schedule (Oct – Feb instead of Aug – Dec) of the Part II CSPE exam. She reported that class of 2021 will have until the end of their residency to complete the Part II CSPE exam and will be allowed to sit for the Part III exam before passing the Part II CSPE. This 'waiver' is only for the class of 2021. While the delay of this exam may affect licensure by some state podiatric medical boards, it will not affect the issuance of podiatric licensure in North Dakota. Specifically, residency licenses will not be affected because ND's requirements for issuance do not include the passing of any exams. Full licensure will not be affected because all parts of the APMLE (which is required for full licensure) will be passed by the end of residency.

An annual evaluation of the performance of the Executive Director was had. It was noted that Ms. Wiedmeier does a fantastic job for the board and there were no concerns regarding her job

performance. It was noted that she has typically received a 5% raise each year. The discussion regarding her salary was tabled until the such time as the budget is discussed.

Discussion moved to agenda item number 16 regarding Dr. Gale's request for approval of CME. Dr. Gale requested reconsideration of the course provided by Mental Health First Aid completed for 8 CME on June 4, 2019 as well as courses that were administratively denied, those being a course on practice optimization on August 29, 2020 for 1.5 CME; Telemedicine TeleECHO on July 29, 2020 for 1 CME and Advancing Orthobiologics on August 28, 2020 for 7 CME. The board reviewed the materials provided by Dr. Gale and NDAC 63-03-02-06. Dr. Knudsen moved to approve the 8 CME course taken in 2019, approve 5 of the 7 CME for Advancing Orthobiologics, and deny the 2.5 credits for the Practice Optimization and Telemedicine courses. Dr. Leingang seconded. No further discussion was had. Those in favor: Drs. Evanoff, Leingang, Albers, Knudsen and Mr. Jeffers. None opposed. Motion passed unanimously.

Stacy Moldenhauer joined the meeting at 10:00 a.m.

Discussion moved back to agenda item number 10. Ms. Moldenhauer and Ms. Wiedmeier reported that all of the proposed amendments to the administrative rules passed except 63-02-02-03. These rules became effective on October 1, 2020. After speaking with special assistant Attorney General Allyson Hicks, 63-02-02-03 was withdrawn. This was due to concerns regarding the lack of notice the applicant would have as to whether or not they would have to submit to an oral-practical examination by the board. The board discussed whether or not the board should follow up with additional amendments to 63-02-02-03 at this time. It was determined that no action would be taken at this time and that it would be looked at again when other administrative rules amendments become necessary.

In light of the amendments to NDAC 63-02-02-03 being withdrawn, it was noted that the board does require a personal appearance by each applicant applying for full licensure. Discussion was had regarding having a more uniform and structured interview process. It was determined that Ms. Wiedmeier and Dr. Evanoff would work together on this project and report back to the board next meeting.

Ms. Wiedmeier presented the 2021 annual renewal declaration form indicating it was revised to include a certification confirming compliance with registration with the PDMP. Discussion was also had regarding updating the process to allow for notices and declarations to be submitted electronically. It was noted that 63-03-01-01 requires that all notices be mailed. Therefore, the board office will continue to mail the notice of renewal. It was also determined that it was not cost effective to look at an amendment of 63-03-01-01 to allow for electronic notice at this time, but that it could be included when other administrative rules amendments become necessary. It was further determined that it is acceptable for licensees to sign the annual declaration, scan the original and submit the form with the CME via email to the board office.

Discussion was had regarding the board's current recommendation of at least one CME be related to opioid management. Ms. Wiedmeier had been previously instructed to do some research regarding whether or not the board could require, as opposed to recommend, one hour of CME on opioid management. After a review of the pertinent statutes with Ms. Moldenhauer, it was determined that the board could not make specific CME topics/courses mandatory. The board determined that the time and cost associated with amending statutes to allow this was not justified at this time. Ms. Moldenhauer noted that the board could revisit the issue if Chapter 43-05 is opened up by the legislature.

The legislature will convene in 2021. Discussion was had regarding any legislative issues or amendments that needed to be considered. None being voiced, Ms. Moldenhauer and Ms. Wiedmeier will monitor the session and notify the board of any items of interest.

Discussion was had regarding a request submitted by Dr. Timothy Uglem regarding whether or not popliteal blocks were considered part of a podiatrist's scope of practice in North Dakota. Discussion was had regarding when and where popliteal blocks are performed. Ms. Moldenhauer reminded the board that it is unable to give legal advice. Dr. Albers moved that Ms. Wiedmeier and Ms. Moldenhauer draft a response to Dr. Uglem referring him to the statute relating to the scope of practice and indicate the statute should be followed diligently. Mr. Jeffers seconded. No further discussion was had. Those in favor: Drs. Evanoff, Leingang, Albers, Knudsen and Mr. Jeffers. None opposed. Motion passed unanimously.

A short break was had at 10:35 a.m. CDT and the meeting resumed at 10:42 a.m. CDT.

Dr. Albers made a motion to enter into Executive Session in order to discuss information that contains confidential patient data and to further consult with the board's attorney in such matters. Dr. Knudsen seconded. Those in favor: Drs. Evanoff, Leingang, Albers, Knudsen and Mr. Jeffers. None opposed. Motion passed unanimously. The board entered Executive Session at 10:43 a.m. CDT.

The executive session concluded at 10:45 a.m. CDT. It was noted that no complaints were reviewed by the board.

Ms. Moldenhauer was dismissed from the meeting at 10:45 a.m. CDT.

Agenda item number 16 was previously discussed, the board moved to agenda item number 17 regarding the financial reports. The 2019 Annual Financial Report, which had been reviewed and approved by the ND State Auditor's office, and previously distributed to the board, was reviewed. No questions or concerns were had. Dr. Knudsen reported that board's bank account balance was \$52,949.59 as of August 31, 2020. Of this balance, \$15,000 is set aside for reserve funds which provides the board with \$37,949.59 in operating funds.

The proposed budget had been previously submitted to the board for review. Dr. Kundsens, as secretary/treasurer, recommended the board designate an additional \$5,000 to the reserve fund.

Mr. Jeffers moved to accept the Secretary/Treasurer's recommendation to designate \$5,000.00 to the board's reserve fund and to amend the Reserve line item on the proposed budget to reflect the same. Dr. Leingang seconded the motion. No further discussion was had. Those in favor: Drs. Evanoff, Leingang, Albers, Knudsen and Mr. Jeffers. None opposed. Motion passed unanimously.

Dr. Albers moved to increase the Executive Director's salary by 5%, effective January 1, 2021, and to amend the Executive Director line item on the proposed budget to \$17,017.09. Mr. Jeffers seconded. No further discussion was had. Those in favor: Drs. Evanoff, Leingang, Albers, Knudsen and Mr. Jeffers. None opposed. Motion passed unanimously.

Dr. Albers moved to approve the proposed 2021 budget, as amended. Mr. Jeffers seconded. No further discussion was had. Those in favor: Drs. Evanoff, Leingang, Albers, Knudsen and Mr. Jeffers. None opposed. Motion passed unanimously.

Election of officers was had. Dr. Albers moved to nominate and elect the slate of officers as follows: President - Dr. Ashley Evanoff; Vice President – Dr. Gordy Leingang; and Secretary/Treasurer- Dr. Andy Knudsen. Dr. Jeffers seconded. No further discussion was had. Those in favor: Drs. Evanoff, Leingang, Albers, Knudsen and Mr. Jeffers. None opposed. Motion passed unanimously.

The next regularly scheduled board meeting will be held on October 2, 2021, at 9:00 a.m. in Bismarck. Ms. Wiedmeier will make the necessary arrangements.

Dr. Leingang moved to adjourn the meeting. Dr. Albers seconded. The meeting adjourned at 11:05 a.m. CDT.

Respectfully Submitted,



Andy Knudsen, DPM
Secretary/Treasurer

Attest:



Ashley Evanoff, DPM
President