



**Board Members and Staff**

**David J. Freedman, DPM**  
President

**Ira J. Gottlieb, DPM**  
Vice-President

**Mrs. Ernestine Jones Jolivet**  
Secretary / Treasurer

**Steven G. Chatlin, DPM**  
Member

**Jay S. LeBow, DPM**  
Member

**Tanya Sellers-Hannibal, DPM**  
Member

**Barbara Crosby, RN, BSN**  
Consumer Member

**Eva H. Schwartz, MS, SBB(ASCP)**  
Executive Director

**Richard N. Bloom, AAG**  
Office of the Attorney  
General, Board Counsel

**Sally L. Reier, BA**  
Administrative Officer

**John Rob Thomas, Jr.**  
Board Investigator

**LICENSE RENEWAL**



**Maryland podiatry licenses expire on December 31, 2009 and renewals must be received no later than December 1, 2009.**

Renewal notices will be distributed by mail in October. Please ensure that your mailing address with the Board is correct. Change of address requests signed and dated by the licensee may be faxed (410-358-3083) to the Board at anytime. The assessment of late fees shall not be waived for returned mail or non-receipt of mail.

**Cardio Pulmonary Resuscitation (CPR) certification (Basic Life Support for Healthcare Professionals) is required for all Active license renewals.** Evidence of CPR certification must be provided for audit compliance or upon request of the Board. CPR certification and/or recertification courses from Board approved sponsors are approved for a maximum of 3 CME Category A credits.

Licensees will be directed to submit their renewal applications online at the Board's website: [www.mbpme.org](http://www.mbpme.org). Our website has been updated and now allows CME information to be edited at any time prior to submission.

Licensees selected for audit will be required to submit documentation

to the Board evidencing CPR certification and completion of CMEs. Compliance with an audit request of the Board is mandatory. Licenses subject to audit will not be renewed until the Board receives and accepts your compliance documentation. **All late renewals will be audited** and shall be required to submit CME and CPR compliance documentation to renew.

Active license renewal fees of \$551.00 include the second annual payment towards 2010-2011 licensing fees plus the Maryland Health Care Commission (MHCC) user fee (\$525.00 + \$26.00 = \$551.00).

Inactive license renewal fees of \$50.00 are paid annually. Inactive licenses do not permit you to work or prescribe in MD. To place your license on Inactive status, submit the Inactive licensure application available from our website with the \$150.00 initial Inactive license fee. Thereafter, a \$50.00 annual renewal fee is required to maintain an Inactive status license. Inactive license holders that apply for an Active license will be required to submit CMEs for all periods of Inactive licensure.

**A late renewal fee of \$250.00 will be assessed to all licensees who fail to renew their license by December 1, 2009.**

**TAXES**

Effective July 1, 2003 all health occupation licensing boards in the State of Maryland are prohibited from renewing a license to practice a health care profession before receiving verification from the Office of the Comptroller that a renewal applicant has paid or arranged to pay all Maryland taxes and unemployment insurance contributions. (Maryland Code Annotated, Health Occupations Article §1-213).

Payment of all tax obligations (**personal and business**) must be satisfactorily verified by the Office of the Comptroller prior to the Board's issuance of a license. **The Board can not release tax holds.** The release of tax holds can only be accomplished by **contacting the Office of the Comptroller at 410-974-2432** to resolve tax issues and/or make payment arrangements.

Licensees are encouraged to **contact the Office of the Comptroller now** to allow for the timely release of tax holds that would prohibit license renewal.

**INSIDE THIS ISSUE:**

<i>Newly Licensed Podiatrists</i>	2
<i>Fees Schedule Effective 12/29/2008</i>	3
<i>Scope of Practice Board Determinations</i>	4
<i>CPR Certification BLS Approved Courses</i>	6

**Online License Renewal System Updated**

The CME portion (Part 3) of the online renewal system has been updated and now includes an edit feature. This allows the licensee to edit/change the CME entries anytime prior to final submission.





NEWLY LICENSED  
PODIATRISTS

**NEW LICENSEES**

- LAURENCE CANE
- RHONDA CORNELL
- JOSEPH E. CURIONE
- MATTHEW A. HOPSON
- AMIT LUHADIYA
- NICOLE S. MCCORMACK
- JUDITH OLKABA
- DARCI R. PARK
- LENNIE M. PETERS
- MIRIAM POPAL
- FARID QURAISHI
- YENISEY YANES

**IS IT "AT RISK FOOT CARE"? - MEDICARE GUIDELINES**

Each practitioner who renders foot care to their patients should be asking the question: "Does this patient's foot care qualify under the criteria set by Highmark Medicare Services for Medicare patients?" The Board utilizes the Highmark reference material in this matter when a complaint comes before the Board. It is incumbent upon each practitioner to review these policies known as Local Carrier Determinations (LCD's) which are made available to podiatrists and their staff by going to the web site: <http://www.highmarkmedicareservices.com/policy/index.html>.

Now, knowing where to look, you should periodically be reviewing their policies and any associated articles on their web site to address practice compliance with current coverage. The first policy is: LCD L27487 - Debridement of Mycotic Nails. You can reference this LCD and all applicable information at: <http://www.highmarkmedicareservices.com/policy/mac-ab/127487-r4.html> The second policy is: LCD L27486 - Routine Foot Care. You can reference this LCD at: <http://www.highmarkmedicareservices.com/policy/mac-ab/127486-r5.html>

Highmark attempted to clarify the billing and reporting for covered foot

care and posted an article dated 12/30/2008, you can find it on their web site at: <http://www.highmarkmedicareservices.com/bulletins/all/news12302008a.html>.

Let's address some very pertinent aspects of these policies and the article. They clearly outline the requirements for coverage. Knowing these concepts, a practitioner should be thinking about the criteria for each patient encounter when it comes to covering nail care and/or corn and callous care as "At Risk Foot Care". The chance that a patient's ambulation is so severe from their nail pain as the sole criteria is not realistic that it is a covered service on repetitive visits. Clearly, the Highmark article directed the coverage to severe changes in vascular status or areas of diminished sensation.

You must educate your patients, even print out the Highmark article showing them that they do not qualify for their foot care. Additionally, you should not be billing Medicare unless the patient directs you to do so because they feel their secondary insurance may cover their services regardless of how Medicare covers the treatment on that day.

Other resources to provide your patients includes the CMS APMA NEMB (Notice of Exclusion from Medical Benefits), this was created as a joint effort between

APMA and CMS, found at: <http://www.cms.hhs.gov/BNI/Downloads/APMANEMB.pdf> Do not forget, if you see a patient more frequently than the covered 61 days, then those earlier visits require the ABN form. This form changed in 2008 and is found at: <http://www.cms.hhs.gov/BNI/Downloads/CMSR131G.pdf> Make sure you are only using the CMS-R-131(03/08), previous versions are no longer considered acceptable. In these instances, you must collect from the patient and they should be made aware of this requirement. The Board wants to make sure licensed podiatric physicians in Maryland address this issue or any billing concern. It always requires you, the podiatric physician, as the one who must understand the coding and billing for Medicare and any insurance carrier that you bill on behalf of your patients. We suggest you **not** rely on your employees to provide you this necessary information.

Look at this as a positive opportunity to interact with our peers. Consider exchanging redacted, sample medical records with peers or partners. After review, proof read the records to see if they follow the standards required. Take corrective measures as needed. This peer review exercise will help insure the accuracy of your medical records and assure you of a restful night's sleep.

David J. Freedman,  
DPM, FASPS  
President, MBPME



**Special Notice**

The Maryland Board of Podiatric Medical Examiners Newsletter is considered an official method of notification to podiatrists. **These Newsletters may be used in administrative hearings as proof of notification.** Please read them carefully and keep them for future reference.

## FEES SCHEDULE

The following fee schedule is effective December 29, 2008:

10.40.03.02

.02 Fees.

The following fees are established by the Board:

### A. License fees:

- (1) Application fee—\$50;
- (1-1) Eligibility verification for PM Lexis examination—\$50;
- (1-2) Original license fee:
  - (a) January issue—\$1,050;
  - (b) July issue—\$850;
- (2) Limited license fee—\$100;
- (3) Inactive license fee (initial application)—\$150;

### B. License renewal fees:

- (1) Biennial license renewal fee (payable in \$525 annual payments)—\$1,050;
- (2) Inactive license renewal fee (payable annually)—\$50;
- (3) Late renewal fee - \$250;**

### C. Reinstatement fees:

- (1) Reinstatement of inactive license processing fee—\$300;
- (2) Reinstatement of expired license processing fee—\$500;
- (3) Reinstatement of inactive or expired license fees:
  - (a) January issue—\$1,050;
  - (b) July issue—\$850;

### D. Other fees:

- (1) Certification of license fee—\$30;
- (2) Duplicate license fee—\$50;
- (3) Registration of professional corporation fee—\$100;
- (4) Dispensing prescription drug permit fee (payable every 5 years)—\$50;
- (5) Penalty for failure to maintain correct address with the Board—\$300;
- (6) Roster of licensees fee—\$500;
- (7) Request for copy of public orders—\$50.

## TECHNOLOGY

### RADIOGRAPHS



Please be advised that *all radiographs* must be labeled to include the following information:

- Patient name
- Date
- Appropriate extremity (Left/Right)
- Podiatrist's name
- City and State in which the practice is located

When reviewing patient records, the Board has found that in many instance, this information is identified on the actual digital radiographic images, *but not* printing on copies provided for patients. Digital X-ray vendors may need to be contacted to update software, so that this information can be generated on any copies that are being provided.

*Tanya Sellers-Hannibal,  
D.P.M.*

## LEGISLATIVE NEWS

### Senate Bill 634 - Professional Corporations - Professional Services - Multiple Professions

Senate Bill 634 concerning corporations and associations was passed during the 2009 Legislative Session and is effective October 1, 2009. An excerpt of the bill is as follows:

(b) A corporation may be a professional corporation under § 5-112 of this subtitle for the purpose of rendering **THE SAME, SIMILAR, OR RELATED** professional services within 2 or more professions.

### Senate Bill 242 – Dispensation of Prescription Medication – Provision of Information Relating to Incorrectly Filled Prescriptions

Senate Bill 242 concerning providing certain information regarding the process for resolving incorrectly filled prescriptions passed during the 2009 Legislative Session and is effective October 1, 2009.

## E-MAIL FROM THE BOARD



Many e-mail providers utilize filtering systems developed to protect your account from spam and unsolicited correspondence. Occasionally these filters may block your receipt of certain e-mail by routing it to a junk e-mail folder. You can mark specific e-mail addresses or a whole domain (the part of an e-mail address after the @ sign) as “SAFE”. Messages from safe senders will not be sent to your junk e-mail folder.

To avoid the possibility of Board correspondence being misdirected by e-mail filters, please add the following Board domain to your “SAFE” list: @dhmh.state.md.us.

## SCOPE OF PRACTICE - BOARD DETERMINATIONS

### Podiatric assistants and the cutting of nails

The Board affirmed its prior determination that a podiatric assistant may debride/cut nails under the supervision of a podiatrist. The Board noted that a podiatrist may not bill Medicare for this service when performed by a podiatric assistant. According to Medicare guidelines, this service must be performed by the podiatrist to be eligible for reimbursement. For billing purposes, you should consult with the individual insurance carrier for their requirements.

### Low dye strapping/taping

The Board has determined that low dye strapping/taping can be performed by a medical assistant under the supervision of the podiatrist. For billing purposes, you should consult with the individual insur-

ance carriers for their requirements. According to Medicare guidelines, this service must be performed by the podiatrist to be eligible for reimbursement.

### Closed reduction of acute ankle fractures

A Maryland license podiatrist may perform closed reduction of an acute ankle fracture.

### Hyperbaric Oxygen Therapy

The Board affirmed its prior determination that podiatrists may assume the responsibilities of Administrative Medical Director of a hyperbaric center; however, podiatrists may not assume the supervision of whole body Hyperbaric Oxygen Therapy. The Board determined that administering Hyperbaric oxygen Therapy localized to the lower extremities is within the scope of practice of podiatry in Maryland.

### CPT Code 99354—Prolonged Services with Direct Face-to-Face Patient Contact Service

The Board determined that CPT code 99354 is within the scope of practice of podiatry in Maryland.

### CPT Code 76942

#### Ultrasound guided injections

The Board has determined that using ultrasound imaging for the placement of injections in the foot, ankle or leg (below the level of the mid-calf) is considered within the scope of practice of podiatry and is coded as CPT Code 76942.

### History and Physical exams for Pre-Operative patients

The Board has determined that it is within the scope of practice for a Maryland podiatrist to perform the history and physical portion of pre-operative examinations. The

required credentialing to perform H&Ps are determined by individual hospitals or ASCs.

### Podiatry Services and Preferred Vendors

The Board determined that it is within the scope of practice of Maryland podiatrists to prescribe, manufacture and dispense orthotics. Concerns regarding preferred vendors are outside of the Board's purview.

### Nerve Conduction Studies

The Board revised the prior determination as follows: Nerve conduction testing is within the scope of practice for the evaluation of nerve symptoms of the lower extremities. The Board determined that a licensed podiatrist can delegate the performance of this testing under his or her supervision.

### Change of Address



In accordance with §16-309 of the Annotated Code, "Each licensee shall notify the Board of any change of address". Board policy dictates that all requests for change of address be submitted to the Board in writing and include the signature of the licensee. A \$300.00 fine for non-compliance will be issued to podiatrists who fail to maintain a correct address with the Board.



## MARYLAND DRUG CONTROL PERMITS

Article 27, Section 281(a), Annotated Code of Maryland requires every person who manufactures, distributes, prescribes or dispenses any controlled dangerous substance within the State to obtain a registration (Permit) to be issued by the Department of Health and Mental Hygiene every two years.

Article 27, Section 281(d), Annotated Code of Maryland requires that a **separate registration (Permit) be obtained for each principal place** of business that manufactures, distributes, pre-

scribes or dispenses controlled dangerous substances.

Please note that you must obtain both a DEA registration number specific for a Maryland practice location along with a Maryland CDS permit. **If you have more than one location, you must have a Maryland Drug Control permit for each location and each practitioner at that location.**

Specific inquiries regarding the Maryland CDS permit should be directed to the Division of Drug Control at (410) 764-2890. For DEA Number inquiries call (410) 244-3591 or (877) 330-6670.

The Maryland Health Care Commission (MHCC) announced that the FY 2010 user fee for biennial renewals will be \$26.00.

**ADVERTISING REGULATIONS AND REMINDERS**

**LANGUAGE TRANSLATION SERVICES**

The advertising of podiatric services in Maryland must comply with The Code of Maryland Regulations 10.40.06. Electronic means of advertising such as television, radio, web sites, internet, and email as well as stationery, cards, signs, billboards, newspapers, magazines, flyers, directories, or any documents that may be circulated to the general public must comply with advertising regulations. Many of the advertising complaints reviewed by the Board may be avoided by thoroughly reviewing your advertising and correcting any of the following pitfalls:

- All advertising must state that the practitioner is a podiatrist. The title “doctor” or any abbreviation cannot be used without the qualification “podiatrist”, “podiatric physician”, “Doctor of Podiatric Medicine”, or other appropriate designation.
- Directory listings must be placed in sections that appropriately label and identify podiatry. Podiatrists may not place their listing under headings for physicians and surgeons where podiatry is not identified.
- The Board has endorsed the American Podiatric Medical

Association (APMA) guidelines for advertising and as such only recognizes certifications from the American Board of Podiatric Surgery (ABPS) and the American Board of Podiatric Orthopedics and Primary Podiatric Medicine (ABPOPPM).

- When advertising Board certification status, the name of the certifying Board must be clearly stated. Words such as “Board Certified” or “Certified” may not be used alone unless an asterisk (\*) directs the reader’s attention to the name of the certifying Board. The advertising of “Board Qualified” status may not be used in any way.
- If two or more podiatrists are included in a single advertisement, their certification statuses must be clearly designated.
- Members of the American Board of Podiatric Surgery (ABPS) must comply with the ABPS advertising policies requiring that podiatrists designate their certification as follows; Diplomate, American Board of Podiatric Surgery, or Certified by the American Board of Podiatric Surgery. **Acronyms such as ABPS, ABAFS, DABPS, or DABAFS, are not** to be used

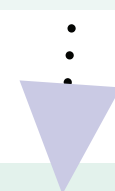
in any advertisement.

- Diplomates of the American Board of Podiatric Orthopedics and Primary Podiatric Medicine (ABPOPPM) must adhere to the following guidelines when advertising status (only the following statements of Diplomate status are acceptable): Diplomate, American Board of Podiatric Orthopedics and Primary Podiatric Medicine, Board Certified, American Board of Podiatric Orthopedics and Primary Podiatric Medicine, Certified American Board of Podiatric Orthopedics and Primary Podiatric Medicine. **Note: The organization initials (ABPOPPM) may be substituted for the full name.**
- Advertising may not infer superiority (e.g. Premier, Advanced, et cetera) or exclusivity (e.g. Only, First, et cetera).
- Board approval is not required for Trade names and the names of Limited Liability Companies (LLC) however these names still need to comply with the Board’s advertising regulations.

**If you are uncertain of the correct advertising criteria, please contact the Board.**

Today’s ever-diversifying patient populations have increased the demand for new technology that aids communication with limited-English speakers. Language Line® Over-the-Phone Interpretation Service may be an option to consider for improving access to quality healthcare for these patients and their families.

Additional information regarding telephone translation services is available by contacting Language Line® at [www.languageline.com](http://www.languageline.com) or 1-800-752-6096.



**BOARD ADDRESS**

**Mail that is addressed to DHMH only may be misdirected.**

Be sure to include **BOARD OF PODIATRY** on all correspondence mailed to the Board.

Mail should be addressed as follows:

**Board of Podiatry**  
4201 Patterson Avenue  
Baltimore, MD 21215

**PODIATRIC RESIDENTS: LIMITED LICENSE REQUIRED**

A Limited License is required of all podiatric residents. A podiatrist that holds a full Active License and pursues additional training in a residency program is required to hold a Limited License in addition to other licensure options. Podiatric residents rotating in your offices or ASC as part of their residency program

should provide you a copy of their Limited License valid for the dates of the rotation.

**A Limited License is valid only for supervised training at an approved location as part of a residency program;** this does not authorize the practice of podiatry outside of the residency program. Moonlighting, taking call, or

providing any type of weekend, holiday, or overnight coverage on a Limited License outside an approved residency program or an approved satellite facility is strictly prohibited.

Non-compliance with these licensure requirements may lead to disciplinary action by the Board.

# MARYLAND BOARD OF PODIATRIC MEDICAL EXAMINERS

4201 Patterson Avenue  
Baltimore, MD 21215

Phone: 410-764-4785

Fax: 410-358-3083

Toll Free : 1-866-253-8461

<http://www.mbpme.org>

**We're on the Web!**  
**[www.mbpme.org](http://www.mbpme.org)**

## BOARD MEETING SCHEDULE

September 10, 2009

October 8, 2009

November 12, 2009

December 10, 2009

The Board of Podiatric Medical Examiners meets the second Thursday of each month at the Department of Health and Mental Hygiene, 4201 Patterson Avenue, Baltimore, MD 21215. The public is invited to the Open Session of the meeting which begins at 1:00 p.m. Please note that the Board does not schedule an August meeting. For further information or to place an item on the public agenda, please contact the Board office.

## CPR REQUIRED FOR INITIAL LICENSURE AND ALL LICENSE RENEWALS

For the 2010-2011 licensure cycle (CMEs due by 12/1/2009), **Cardio Pulmonary Resuscitation (CPR) certification [Basic Life Support for Healthcare Professionals] is required for initial licensure and all license renewals.** Evidence of CPR certification must be provided for audit compliance or upon request of the Board. CPR certification and/or recertification courses are approved for a maximum of 3 CME Category A credits. CPR certification courses are available from the following organizations:

### American Red Cross

[www.redcross.org](http://www.redcross.org)  
1-800-REDCROSS

### American Heart Association

[www.americanheart.org](http://www.americanheart.org)  
1-877-AHA-4CPR  
1-877-242-4277

### American Safety & Health Institute

[www.ashinstitute.org](http://www.ashinstitute.org)  
1-800-246-5101

### Ursus Lifesavers & Aquatics

[www.411cpr.com](http://www.411cpr.com)  
1-888-681-1950

The Board encourages all licensees that need to obtain CPR certification/recertification to immediately contact one of the organizations listed above and schedule your training.

**Please note that your license expiring December 31, 2009 CAN NOT be renewed without current CPR certification.**

It is the responsibility of the licensee to identify the availability of CPR certification/recertification training to meet licensure renewal requirements.

The lack of available training courses in the October/November timeframe shall not allow for the license renewal of a licensee who fails to obtain CPR certification.



## NOTICE

**A late fee of \$250 will be assessed to all licensees who fail to renew their license by December 1, 2009.**