

**INDIANA BOARD OF PODIATRIC MEDICINE
INDIANA GOVERNMENT CENTER SOUTH
302 WEST WASHINGTON STREET
CONFERENCE CENTER
ROOM 5
INDIANAPOLIS, INDIANA 46204**

MINUTES OF MAY 5, 2017

Vincent Coda, D.P.M., Chairman, called the meeting to order at 9:04 a.m. and declared a quorum in accordance with IC § 25-29-2-5.

Members Present: Vincent Coda, D.P.M., Chairman
Jane Koch, D.P.M., Secretary
Lisa Lanham, D.P.M.
William Oliver, D.P.M., arrived at 9:19 a.m.

Members Absent: Therese Eutsler, P.T.

Staff Present: Darren R. Covington, J.D., Board Director
Professional Licensing Agency
Kimberly Letko, Assistant Board Director
Professional Licensing Agency
Gordon White, Deputy Attorney General
Office of the Attorney General

The Board voted to adopt the agenda.

Participating Board Members: Vincent Coda, D.P.M., Jane Koch, D.P.M., Lisa Lanham, D.P.M., William Oliver, D.P.M.

Oliver / Koch, 4/0/0
Motion carries

The Board voted to adopt the October 20, 2016 minutes.

Participating Board Members: Vincent Coda, D.P.M., Jane Koch, D.P.M., Lisa Lanham, D.P.M., William Oliver, D.P.M.

Oliver / Koch, 4/0/0
Motion carries

ELECTION OF OFFICERS FOR 2017

Participating Board Members: Vincent Coda, D.P.M., Jane Koch, D.P.M., Lisa Lanham, D.P.M., William Oliver, D.P.M.

The Board voted and elected Vincent Coda, D.P.M. to serve again as Chairman of the Board of Podiatric Medicine.

Oliver/Lanham, 4/0/0
Motion carries

The Board voted and elected William Oliver, D.P.M. to serve as Vice Chairman of the Board of Podiatric Medicine.

Coda/Koch, 4/0/0
Motion carries

The Board voted and elected Jane Koch, D.P.M. to serve again as Secretary of the Board of Podiatric Medicine.

Coda/Lanham, 4/0/0
Motion carries

ADMINISTRATIVE HEARINGS

William P. Roman, D.P.M., License No. 07010033A, Cause No. 2014 PMC 0003

Respondent appeared in person and by counsel, Mary Anne Drenth, regarding a Petition to Withdraw Probation scheduled before the Board. The State of Indiana was represented by Patricia Gibson, Deputy Attorney General and Matthew Daly, Deputy Attorney General. The court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Vincent Coda, D.P.M., Jane Koch, D.P.M., Lisa Lanham, D.P.M., William Oliver, D.P.M.

On June 2, 2015, Respondent signed an agreement with the State placing his license on Indefinite Probation with terms and conditions.

Respondent presented evidence that he has complied with all of the Board's terms and conditions of his probation, and has modified the way he practices by referring patients in need of controlled substance prescriptions to physicians who specialize in pain management.

After discussion, the Board moved to WITHDRAW PROBATION.

Oliver/Koch, 4/0/0
Motion carries

Frederick Fedorchak, D.P.M., License No. 07000528A, Cause No. 2016 PMC 0002

Respondent appeared in person and by counsel, J. Michael Grubbs, regarding a Petition to Withdraw Probation scheduled before the Board. The State of Indiana was represented by Patricia Gibson, Deputy Attorney General and Laura Iosue, Supervising Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Vincent Coda, D.P.M., Jane Koch, D.P.M., Lisa Lanham, D.P.M., William Oliver, D.P.M.

Respondent was placed on indefinite probation for three years on October 20, 2016 for controlled substance violations. Respondent appeared before the Board to request his probation be withdrawn due to a change in circumstances.

Respondent admitted the following exhibits into evidence:

- Exhibit 1: Petition for Withdrawal of Probation; Hearing Notice; Final Order; Proposed Settlement Agreement; Letter from Anthem; Letter from Cigna; Letter from Daniel Kobosky, Executive Director, Positive Sobriety; DEA Memorandum Agreement
- Exhibit 2: Aetna Letter to Respondent
- Exhibit 4: Franciscan Health removal of Respondent's privileges
- Exhibit 6: Compliance form for Respondent's practice
- Exhibit 7: Email from McKesson confirming account closed; Email from Smith Medical Partners confirming account closed; Letter A.F. Hauser, Inc. confirming only non-controlled substances will be purchased from them
- Exhibit 8: Respondent's drug screens from Positive Sobriety and Affinity January-November 2016
- Exhibit 9: Chart entitled "Effects of DEA Restrictions and Probation Restrictions"
- Exhibit 10: Citations to cases regarding the Purpose of Professional Licensure Sanction Authority
- Exhibit 13: Probation and DEA requirements and status
- Exhibit 14: Letter to Board from Vijay K. Gupta on behalf of Respondent regarding loss of privileges and Broadwest Specialty Surgical Center.
- Exhibit 15: Respondents' surgical procedure log
- Exhibit 16: Respondent's prescribing log

The State called the following witness via phone conference:

Juan M. Morales, Diversion Investigator, DEA.
Investigator Morales testified regarding the memorandum of agreement with the DEA.

After discussion, the Board moved to deny Respondent's Petition to Withdraw Probation and agreed to maintain probation as written.

Oliver/Koch, 4/0/0
Motion carries

CONTINUING EDUCATION AUDIT FOR JULY 1, 2015 – JUNE 30, 2017 PERIOD

Participating Board Members: Vincent Coda, D.P.M., Jane Koch, D.P.M., Lisa Lanham, D.P.M., William Oliver, D.P.M.

The Board discussed the details of the upcoming Continuing Education Audit. Podiatrists are required to complete thirty (30) continuing education credits every two years, or fifteen (15) continuing education credits per year. The audit period will be from July 1, 2015 through June 30, 2017.

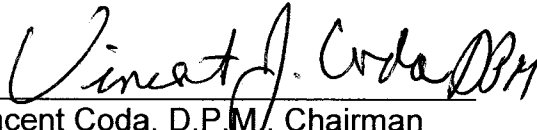
After discussion, the Board moved to set the percentage of Podiatrists randomly audited to ten (10%) percent; allow the PLA staff permission to issue a Notice of Non-Compliance to all non-compliant auditees; to set the Civil Penalty to thirty-three dollars and thirty-three cents (\$33.33) per missing credit hour; direct non-compliant auditees to make up missing continuing education credits within six (6) months from the date of the notice of non-compliance; and pay the civil penalty within 21 days of the notice of non-compliance; and direct PLA staff to issue notices of immediate suspension to those who failed to pay the penalty and/or complete the additional hours.

Oliver/Koch, 4/0/0
Motion carries


Discussion

The Board Director notified the Board that podiatrists were now included in the list of telehealth providers. The Director also informed the Board about the new opioid prescribing limits found in SB 226.

There being no further business the meeting adjourned at 12 p.m.



Vincent Coda, D.P.M., Chairman



Jane Koch, D.P.M., Secretary