

THESE MINUTES HAVE NOT BEEN APPROVED BY THE PODIATRY BOARD

**MINUTES OF THE MEETING OF THE
BOARD OF PODIATRY
August 18, 2020**

ROLL CALL

The meeting of the Board of Podiatry was called to order at 2:00 pm on August 18, 2020, by Torrey Rassfeld, DPM, Chairperson, in the Licensure Unit Conference Room, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. The following members answered the roll call:

Torrey B. Rassfeld, DPM, C.Ped, FACFAOM, Chairperson
Scott C. Nelson, DPM, FACFAS, Secretary
R. McLaran Sawyer, PhD
Zackary Gangwer, DPM, FACFAS
Absent: None

A quorum was present and the meeting convened. Also present to participate in the meeting were Natalee Hart, Assistant Attorney General; Suzanna Glover- Ettrich, Department Attorney; Jesse Cushman, Program Manager; Jan Gaden-Harris, Health Licensing Coordinator; Jeff Newman, Investigator with the Investigation Unit and Anna Harrison, Compliance Monitor, for Licensing and Investigations.

Dr. Rassfeld announced that there is a copy of all the public documents being reviewed at this meeting available in the meeting room pursuant to the Open Meetings Act.

Welcome, to Dr. Zackary Gangwer, DPM, FACFAS as the new member of the Board of Podiatry. Dr. Gangwer will be replacing Dr. Raska whose term was complete November 30, 2019.

ADOPTION OF THE AGENDA

Gangwer moved, seconded by Sawyer, to adopt the agenda. Voting aye: Gangwer, Nelson, Rassfeld and Sawyer. Voting nay: None. Absent: None. Abstain: None. Motion carried.

APPROVAL OF MINUTES OF THE MEETING

Sawyer moved, seconded by Nelson, to approve the November 19, 2019 minutes as written. Voting aye: Nelson, Rassfeld and Sawyer. Voting nay: None. Absent: None. Abstain: Gangwer. Motion carried.

DESIGNATION OF THE METHOD BY WHICH THIS BODY WILL GIVE PUBLIC NOTICE OF ITS MEETINGS

Sawyer moved, seconded by Nelson, to continue giving notice to the public of meetings of the Board by posting the agenda on the Department website and bulletin board, e-mailing the agenda to interested parties and all licensees with a current e-mail address on record with the Department. Voting aye: Gangwer, Nelson, Rassfeld and Sawyer. Voting nay: None. Absent: None. Abstain: None. Motion carried.

INVESTIGATIONAL REPORTS AND APPLICATION REVIEW – CLOSED SESSION

Nelson moved, seconded by Sawyer, to go into closed session at 2:08 p.m. for the purpose of review and discussion of investigative reports, disciplinary reports, licensure applications, and other confidential information, and for the prevention of needless injury to the reputation of the individuals. Voting aye: Gangwer, Nelson, Rassfeld and Sawyer. Voting nay: None. Absent: None. Abstain: None. Motion carried.

Nelson moved, seconded by Sawyer, to return to open session at 2:19 p.m. Voting aye: Gangwer, Nelson, Rassfeld and Sawyer. Voting nay: None. Absent: None. Abstain: None. Motion carried.

APPLICATION REVIEW - OPEN SESSION

There were no applications for review before the Board.

2020 LEGISLATION UPDATE

The 106th Legislature, 2nd Session, was reconvened on July 20, 2020 following the break due to COVID-19. The Legislature has now adjourned with no appointed date for resumption.

Jesse Cushman will review the legislative bills that passed and were signed by the Governor and will notify the Board of any that would be pertinent to Podiatry.

REGULATIONS UPDATES

The Board discussed making a change to the proposed draft regulations for Title 172 Nebraska Administrative Code, Chapter 143, Practice of Podiatry, for the continuing competency requirement. Current regulations require 48 hours of approved continuing education be obtained during the 24 months prior to the license renewal date, with a maximum of 16 hours of home study allowed. Home study must have a testing mechanism in order to be approved. Nelson moved, seconded by Sawyer, to revise the current draft of regulations to require 48 hours of CPME (Council on Podiatric Medical Education) approved continuing education either in person or home study. The home study must have a testing mechanism. Voting aye: Gangwer, Nelson, Rassfeld and Sawyer. Voting nay: None. Absent: None. Abstain: None. Motion carried.

PRACTICE QUESTION(S)

- A. Is it within the scope of practice for podiatry, in the State of Nebraska, to do peroneal releases at the knee?
It is the opinion of the Board that it is within the scope of practice.

BOARD DISCUSSION

Currently there are only three Assistant Attorney Generals assigned to all of the Medical and Specialized Health Boards and the caseload is extremely high. Nelson moved, seconded by Sawyer to support the request by the Attorney General's office to solicit the Nebraska Legislature to acquire a fourth Assistant Attorney General. Voting aye: Gangwer, Nelson, Rassfeld and Sawyer. Voting nay: None. Absent: None. Abstain: None. Motion carried.

COVID-19 DISCUSSION

The State of Nebraska, Governor's office has issued Executive Orders No.20-10 (EO), effective March 27, 2020 and EO No.20-27, effective June 17, 2020.

Visit the DHHS website to see listed updates regarding COVID-19, the EO's, frequently asked questions (FAQ's) related to the EO's and the FAQ's related to the Continuing Competency Waiver, the State's Directed Health Measures and County Directed Health Measures.

<http://dhhs.ne.gov/Pages/default.aspx>

<http://dhhs.ne.gov/Pages/COVID-19-Directed-Health-Measures.aspx>

FYI(s)

- A. Part II CSPE Exam Announcement in regard to COVID-19:

The National Board of Podiatric Medical Examiners (NBPME) remains committed to the importance of the CSPE as a distinctive and validated examination to test essential skills not otherwise evaluated for licensure. The experience of state licensing boards in disciplinary issues highlights the significance of this aspect of testing to satisfactory performance of licensees.

The NBPME has agreed that the start of the examination should be delayed until October 1, 2020 and will extend until February 2021. Further, scores will not be reported as part of the 2021 Match process. Finally, candidates will have the option to test during this session or in a later cycle as long as the examination is successfully completed prior to completion of residency. Candidates from the Class of 2021 will be permitted to attempt Part III regardless of their status in Part II CSPE. This exception applies only to the Class of 2021.

For further updates visit the Federation of Podiatric Medical Boards website:
<https://www.fpmb.org/Default.aspx>

ELECTION OF OFFICERS

Nelson moved, seconded by Sawyer to have the following slate of Officers for 2020 for the Board of Podiatry: Torrey B. Rassfeld, Chairperson; Zackary Gangwer, Vice Chairperson; Scott C. Nelson, Secretary and Scott C. Nelson, Investigative Consultant. Voting aye: Gangwer, Nelson, Rassfeld and Sawyer. Voting nay: None. Absent: None. Abstain: None. Motion carried.

ADJOURNMENT

There being no further business, Nelson moved, seconded by Sawyer, to adjourn the meeting at 2:50 pm. Voting aye: Gangwer, Nelson, Rassfeld and Sawyer. Voting nay: None. Absent: None. Abstain: None. Motion carried.

Respectfully submitted,

signature available upon request

Scott C. Nelson, DPM, FACFAS, Secretary
Board of Podiatry