

**MINUTES OF THE MEETING OF THE  
BOARD OF PODIATRY  
November 19, 2019**

**ROLL CALL**

The meeting of the Board of Podiatry was called to order at 2:00 pm on November 19, 2019, 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, Chairperson  
Richard J. Raska, DPM, Vice-Chairperson  
Scott C. Nelson, DPM, Secretary  
R. McLaran Sawyer

Absent: None

A quorum was present and the meeting convened. Also present to participate in the meeting were Ami Huff, Assistant Attorney General; Jesse Cushman, Program Manager; and Jan Gadeken-Harris, Health Licensing Coordinator.

**ADOPTION OF THE AGENDA**

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

**APPROVAL OF MINUTES OF THE MEETING**

Nelson moved, seconded by Raska, to approve the February 26, 2019 minutes as written. Voting aye: Nelson, Raska, Rassfeld and Sawyer. Voting nay: None. Absent: None. Motion carried.

**INVESTIGATIONAL REPORTS AND APPLICATION REVIEW – CLOSED SESSION**

Nelson moved, seconded by Raska, to go into closed session at 2:02 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: Nelson, Raska, Rassfeld and Sawyer. Voting nay: None. Absent: None. Motion carried.

Nelson moved, seconded by Sawyer, to return to open session at 2:10 p.m. Voting aye: Nelson, Raska, Rassfeld and Sawyer. Voting nay: None. Absent: None. Motion carried.

**APPLICATION REVIEW - OPEN SESSION**

There were no applications for review before the Board.

**FPMB (FEDERATION OF PODIATRIC MEDICAL BOARD) 2019 ANNUAL MEETING**

Dr. Rassfeld attended the meeting which was held by video webinar on April 26, 2019. The presentations and topics of discussion included:

- APMLE Part I & II Score Reporting
- The APMLE Test Series
- Podiatry Physician Re-Entry Program
- Restoring Board Immunity
- Occupational Licensing Reform
- Interstate Podiatric Medical Licensure Compact
- Increasing Engagement / Open Forum

Visit the FPMB website for all the current news and resources: <https://www.fpmb.org/>

## **2019 LEGISLATION UPDATE**

Updates of the different legislative bills followed by the Podiatry Board were discussed.

The following list of bills were available for review by the Board prior to the meeting:

### **LB29 - Provide and eliminate telehealth provisions**

Current Status: Approved by Governor on March 21, 2019

### **LB37 - Change the Podiatry Practice Act to authorize a physician assistant to assist a podiatrist**

Current Status: Indefinitely postponed

### **LB 112 - Provide for waiver of certain occupational and licensing fees as prescribed**

Current Status: Approved by Governor on March 21, 2019

### **LB489 - Require registration for the prescription drug monitoring system**

Current Status: Notice of Hearing March 28, 2019

### **LB556 - Change provisions relating to prescriptions for controlled substances and the prescription drug monitoring program**

Current Status: Approved by Governor on May 1, 2019

### **LB557 - Change provisions relating to prescriptions for controlled substances**

Current Status: Provisions/portions amended into LB556 by AM383

## **REGULATIONS UPDATES**

The proposed draft regulations for Title 172 Nebraska Administrative Code, Chapter 143, Practice of Podiatry were reviewed at a Public Hearing held on October 18, 2019 after notice to the public, the Secretary of State, and the Executive Board of the Legislative Council on September 5, 2019. Hearing comments were submitted and reviewed.

Nelson moved, seconded by Raska to approve adoption of the proposed draft regulations. Voting aye: Nelson, Raska, Rassfeld and Sawyer. Voting nay: None. Absent: None. Motion carried.

## **PRACTICE QUESTION(S)**

### **A. Does the Podiatrist's Scope of Practice in Nebraska include the ability to supervise hyperbaric oxygen therapy (HBOT)?**

*Department Response: A podiatrist regardless of the therapy provided would have to be working within their scope of practice, which is limited to areas of the foot as can be found in Neb. Rev. Stat. 38-3005. "Practice of podiatry means the diagnosis or medical, physical, or surgical treatment of the ailments of the human foot, ankle, and related governing structures except (1) the amputation of the forefoot, (2) the general medical treatment of any systemic disease causing manifestations in the foot, and (3) the administration of anesthetics other than local."*

Nelson moved to adopt the Department's response, seconded by Sawyer. Voting aye: Nelson, Raska, Rassfeld and Sawyer. Voting nay: None. Absent: None. Motion carried.

### **B. Can a Podiatrist do a History and Physical Exam for Surgery?**

*Board Response: Yes, however the Patient must meet the ASA (American Society of Anesthesiologists) physical status classification 1 and 2 and accordingly the exam has to meet the Standard of Care within your Scope of Practice. The Joint Commission has long recognized the ability of podiatrists to perform inpatient H&Ps. The 2009 Hospital Accreditation Standards, Standard MS.2.10, Rationale for MS.2.10, explains that "the organized medical staff recommends practitioners for privileges to perform medical history and physical examinations; the governing body approves such privileges."*

<https://www.apma.org/files/FileDownloads/Policy%20Position%20DPM%20HandP%20FINAL.pdf>

**FYI's**

**A. Council on Podiatric Medical Education's verification fee policy.**

The Board had no comments at this time.

**B. Proposed revision to CPME (Council on Podiatric Medical Education) publications 120, 130, 220, 230, 720 and 730 and the College Accreditation Eligibility Requirements are scheduled for consideration by the CPME during the October 2019 meeting.**

The Board noted a precaution for those taking any CE course to make certain that the course has been pre-approved with the CPME. If the course is not CPME approved the credits will not count toward the 48 hours of CE required for renewal of licensure in Nebraska.

**PRESENTATION OF SERVICE AWARDS**

Richard J. Raska, DPM, Podiatrist Member of the Board was presented with the "Admiralship Award with the Great Navy of the State of Nebraska" awarded by the Governor's office along with a Plaque from the Board and a Certificate of Appreciation from the Department. Dr. Raska has served the Podiatry Board for fourteen years, from January 24, 2005 to November 30, 2019

The Podiatry Board and the Department of Health and Human Services extend their deepest appreciation to Dr. Raska for his service to the State of Nebraska. His presence at the Board meetings will be greatly missed.

**ADJOURNMENT**

There being no further business, Raska moved, seconded by Nelson, to adjourn the meeting at 3:00 pm. Voting aye: Nelson, Raska, Rassfeld and Sawyer. Voting nay: None. Absent: None. Motion carried.

Respectfully submitted,

\*signature available upon request\*

Scott C. Nelson, DPM, Secretary  
Board of Podiatry