

KENTUCKY BOARD OF PODIATRY
REGULAR BOARD MEETING MINUTES
August 9, 2024

A regular meeting of the Kentucky Board of Podiatry was held on August 9, 2024, at 9:30 a.m. via Microsoft Teams teleconferencing and in person in the Mayo-Underwood Hearing Room 133CW at 500 Mero Street, Frankfort, KY, 40601.

MEMBERS PRESENT

Timothy Ford, DPM
Paul Krestik, DPM
Keith Myrick, DPM
R. Neil Lively, Citizen-At-Large

DEPARTMENT OF PROFESSIONAL LICENSING

Kristen Lawson, Commissioner
Jamar Carter, Executive Staff Advisor
Courtney Cook, Administrative Supervisor
Gabriel Dent, Boards & Commissions Specialist

MEMBERS ABSENT

Thomas Childress, DPM

OTHERS

Sara Janes, Board Counsel

CALL TO ORDER

Board Chair, Keith Myrick, called the meeting to order at 9:36 a.m.

MINUTES

Paul Krestik made a motion to approve the April 12, 2023, meeting minutes. Timothy Ford seconded the motion and the motion carried.

FINANCIAL REPORT

The Board reviewed the Financial Reports from April 2024, May 2024, June 2024, July 2024 and FY24 Period 13. The Board had no additional questions.

DPL REPORT

No report.

LEGAL REPORT

Board Counsel, Sara Janes, presented a Request for Proposal for a Board Investigative Services contract for review and approval. Timothy Ford made a motion to move forward with filing the RFP with fiscal. Keith Myrick seconded the motion and the motion carried.

Board Counsel presented amended regulation 201 KAR 25:031 to the Board for review and approval to file with the Legislative Research Commission, said amendment relating to continuing education to clarify attendance must be in-person and virtual attendance at a live event is not permitted. Keith Myrick made a motion to move forward with filing 201 KAR 25:031 as amended. Timothy Ford seconded the motion and the motion carried.

Paul Krestik moves and Keith Myrick seconds entering closed session at 9:59 a.m., pursuant to KRS 61.810(1)(j) for deliberations of quasi-judicial bodies regarding complaints at which information protected by KRS 61.810(1)(k) may be discussed.

Keith Myrick moves and Paul Krestik seconds returning to open session and the motion carried.

Keith Myrick announces the time returning from closed at 10:09 a.m.

The Board reviewed a request from the Department of Public Health to distribute a letter and the CDC Guide to Infection Prevention for Outpatient Podiatry Settings to all licensed Kentucky Podiatrists. Keith Myrick made a motion to distribute the letter with a link to the Guidelines to all licensees. Paul Krestik seconded the motion and the motion carried. Board Specialist to distribute the CDC Guidelines along with a corresponding letter from the DPH to all Kentucky Podiatrists.

Board Counsel presented amended regulation 201 KAR 25:080 to the Board for review. The Board requested that Board Counsel implement further amendments following the physician guidelines before a decision is made. Additional discussion of the amended regulation was tabled until the December 13, 2024, Board Meeting.

Board Counsel discussed an inquiry made to the Board regarding the verification of registration by licensees with the county clerk in the county of practice pursuant to KRS 311.440. The Board discussed potential amendments to existing regulations that would authorize the Board to verify license registration with the county clerk in all counties of practice during renewal. No decision was made by the Board at this time and additional discussion was tabled until future regulation review is needed in 2027.

OLD BUSINESS

- The Board reviewed the FPMB annual membership dues for the 2024–2025. Paul Krestik made a motion to approve the payment of the 2024-2025 annual dues and renew the Boards FPMB membership. Keith Myrick seconded the motion and the motion carried.
- The Board discussed SB28 and its veto by Governor Beshear during the 2024 Legislative Session. Timothy Ford made a motion to send a letter to Governor Beshear requesting guidance on what the Board needs to correct in the bill, other than the removal of the U.S. citizen requirement, prior to the Board refiling it in the future. Keith Myrick seconded the motion and the motion carried. Additionally, Commissioner Lawson will include the Board’s inquiry regarding that correction in a future report that is shared with the Governor’s office.
- Timothy Ford made a motion for Board Counsel to move forward with filing an RFP for a lobbyist to assist with the filing a new bill during the 2025 General Assembly that would correct the issues in SB 28 that were found to be unconstitutional by the Governor’s Office after the 2024 Session. Keith Myrick seconded the motion and the motion carried. Board Counsel to draft an RFP for lobbyist. Board counsel informed the Board that a special meeting would need to take place for review and approval of the RFP. Paul Krestik made a motion for Keith Myrick to proceed with approval for RFP for lobbyist in lieu of special meeting. Timothy Ford seconded the motion and the motion carried.

NEW BUSINESS

- Commissioner Lawson reported to the Board that Dr. Paul Krestik, Dr. Thomas Childress and R. Neil Lively have been reappointed by Governor Beshear to the Board of Podiatry until the Kentucky Board of Podiatry until June 29, 2028. These appointments were filed on August 8, 2024, and are reflected in Executive Order 2024-546.
- Dr. Thomas Childress to continue as the Board elected member secretary pursuant to KRS 311.410.
- The Board reviewed the 2024 Q1 KASPER Quarterly Trend Report.
- The Board discussed SB47, which legalized medical cannabis in Kentucky and the CFHS promulgated administrative regulations for the medical cannabis program. The Board discussed the exclusion of Podiatrists from being a medical cannabis practitioner pursuant to KRS 218.010. The Board requested that the Board Specialist inquire with LRC and CFHS to attempt to find a reason for the exclusion of Podiatrists from the practitioner definition.
- The Board reviewed the 2024 Q1 Department of Insurance Report of Health Care Providers with Settlements and/or Judgements.
- The Board reviewed the 2024 Q2 Department of Insurance Report of Health Care Providers with Settlements and/or Judgments.
- The Board reviewed two email inquiries from Podiatrists in Kentucky requesting the waiver of the late fee associated with not renewing their Podiatry license by June 30, 2024. The Board declined the licensee's request for late fee waiver pursuant to the language in 201 KAR 25:021. Board Specialist to send follow up correspondence.
- The Board Specialist requested Board review of Podiatry renewals awaiting Board audit in E-Services. Keith Myrick stated he would review the audits awaiting following the meeting.

INTERVIEW CANDIDATES

Paul Krestik made a motion to approve 4 applications for licensure. Timothy Ford seconded the motion and the motion carried.

- A.L.
- J.N.
- S.C.
- T.B.

Keith Myrick made a motion to request additional clarifying documentation on a PA record check before approving or deferring 1 application for licensure. The Board will approve the application if the disposition status is dismissed and will defer the application to the December 13, 2024, meeting if it reflects any other status. Timothy Ford seconded the motion and the motion carried.

- S.S.

Keith Myrick made a motion to deny 1 application for licensure. Timothy Ford seconded the motion and the motion carried.

- R.T.

SETTLEMENTS/JUDGEMENTS REPORTS

The Board reviewed the following settlements and provided the following recommendations:

- **J.V. Settlement (22-CI-316)**
 - Board Counsel to send letter informing Podiatrist the Board would like more information on the medical records relating to this settlement and the underlying case.

Keith Myrick made a motion to accept the Boards recommendation for the settlements/judgements. Timothy Ford seconded the motion and the motion carried.

COMPLAINTS/MALPRACTICE/ADMINISTRATIVE HEARINGS

The board reviewed the following complaints/malpractices/administrative hearings and provided the following recommendations:

- **T.H. Malpractice Reports**
 - No judgement or action to be taken. A motion was made by Keith Myrick to accept the Board recommendation. Timothy Ford seconded the motion and the motion carried.
- **P.K. Malpractice Report:**
 - No judgement or action to be taken. A motion was made by Keith Myrick to accept the Board recommendation. Timothy Ford seconded the motion and the motion carried. Board Specialist to send a letter notifying the licensee of this decision.
- **M.F. Malpractice Report**
 - Board Counsel to send letter informing Podiatrist the Board would like more information on the medical records relating to this settlement and the underlying case. A motion was made by Keith Myrick to accept the Board recommendation. Timothy Ford seconded the motion and the motion carried.
- **2024-BOP-00002**
 - Board Counsel to send letters to the licensee and the Lexington Podiatry Clinic requesting the licensee respond to the complaint and pay a \$500 fine for not responding to the Boards initial request following the April 12, 2024, meeting. Board Specialist to send a letter to the complainant requesting medical records. A motion was made by Keith Myrick to send the Respondent/licensee a letter with the fine and request medical records. Timothy Ford seconded the motion and the motion carried.

NEXT MEETING

December 13, 2024 @ 9:30 a.m.

TRAVEL

There was no travel of board members to approve.

ADJOURN

Keith Myrick made a motion to adjourn the meeting at 12:42 p.m. Timothy Ford seconded the motion and the motion carried.



Keith Myrick, DPM, President/Chair