

IDAHO BOARD OF PODIATRY
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Conference Call Minutes of 2/21/2013

BOARD MEMBERS PRESENT: Scott A. Graviet, D.P.M. - Chair
Douglas Williams, D.P.M.
Stewart Jones, D.P.M.
Jesse N. Overgard
Jeanne M Arnold, D.P.M.

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, Legal Counsel
Carrie Gilstrap, Technical Records Specialist II

OTHERS PRESENT: Larry Benton, Ray Powers, and Dr. Allen

The meeting was called to order at 4:00 PM MST by Scott A. Graviet, D.P.M.

APPROVAL OF MINUTES

Dr. Arnold made a motion to approve the minutes of 12/6/2012. It was seconded by Mr. Overgard. Motion carried.

LEGISLATIVE REPORT

Ms. Cory deferred the legislative report to the discussion of possible law and rule changes under old business.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board has a negative cash balance of \$166,030.12 as of 1/31/2013.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Dr. Arnold made a motion to approve the Bureau's recommendation and authorize closure in case I-POD-2012-4. It was seconded by Mr. Overgard. Motion carried.

OLD BUSINESS

DISCUSS POSSIBLE LAW AND RULE CHANGES

Ms. Cory provided a brief summary of this year's Legislative session and stated that unless there are significant changes to be made, the Board may want to hold off on the submission of proposed law and rule changes for a while.

NEW BUSINESS

DISCUSSION RE: THE HEALTH CARE PROFESSIONAL TRANSPARENCY ACT

Mr. Benton provided a brief overview of HB 190, The Health Care Transparency Act. He stated he is in opposition to this bill as he sees this as Board infringement. Mr. Benton also stated he does not believe there is a problem on this issue regarding the podiatrists and optometrists in this state.

He asked if the Board would draft a letter regarding the bill.

Further discussion was held. Mr. Overgard made a motion to allow the Chair to work with Bureau staff to draft a letter regarding HB 190. The biggest concern was with Section 48-1705(3) that stated:

Notwithstanding the imposition of any penalty, a professional licensing board or other administrative agency with jurisdiction may seek an injunction or other legal means as appropriate to prevent a person from violating the provisions of this chapter.

The Board believes this provision creates potential administrative conflicts and constitutional due process problems. It was seconded by Dr. Williams, Motion carried.

PAY POWERS POD-2010-2 RELEASE FROM PROBATION

Mr. Powers, attorney for Dr. Richard Allen, approached the members of the Board. Dr. Allen also joined the conference call meeting in support of his request to be released from his probationary status as had been ordered in his disciplinary case no. POD-2010-2. Following discussion Mr. Overgard made a motion to terminate Dr. Allen's probationary status effective immediately; direct legal counsel to draft the order; and authorize the Chair to sign on behalf of the Board. It was seconded by Dr. Williams. Motion carried.

EXECUTIVE SESSION

Mr. Overgard made a motion that the Board go into executive session under Idaho Code § 67-2345(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Dr. Arnold. The vote was: Dr. Graviet, aye; Dr. Williams, aye; Dr. Jones, aye; Mr. Overgard, aye; and Dr. Arnold, aye. Motion carried.

Mr. Overgard made a motion to come out of executive session. It was seconded by Dr. Arnold. The vote was: Dr. Graviet, aye; Dr. Williams, aye; Dr. Jones, aye; Mr. Overgard, aye; and Dr. Arnold, aye. Motion carried.

APPLICATIONS

Dr. Williams made a motion to approve the following for licensure:

P-218 Jacqueline Babol
P-221 Kylin Kovac
P-222 Cory Brown

It was seconded by Mr. Overgard. Motion carried.

APPLICANT ID # 901124714 Dr. Williams made a motion to approve for licensure upon receipt of the required documentation. It was seconded by Mr. Overgard. Motion carried.

NEXT MEETING was scheduled for July 15, 2013.

ADJOURNMENT

Dr. Arnold made a motion to adjourn the meeting at 5:06 PM. It was seconded by Mr. Overgard. Motion carried.

Scott A. Graviet, D.P.M., Chair

Douglas Williams, D.P.M.

Stewart Jones, D.P.M.

Jesse N. Overgard

Jeanne M Arnold, D.P.M.

Tana Cory, Bureau Chief