

GRETCHEN WHITMER
GOVERNOR

# STATE OF MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS LANSING

ORLENE HAWKS DIRECTOR

# MICHIGAN BOARD OF PODIATRIC MEDICINE & SURGERY JANUARY 27, 2021 Meeting

# **APPROVED MINUTES**

In accordance with the Open Meetings Act, 1976 PA 267, as amended, the Michigan Board of Podiatric Medicine & Surgery met in regular session on January 27, 2021. The meeting was held via Zoom, pursuant to MCL15.263 and 15.263a.

# **CALL TO ORDER**

Jay Meyer, DPM, Chairperson, called the meeting to order at 9:04 a.m.

#### **ROLL CALL**

# Members Present: Jay Meyer, DPM, Chairperson

Attended remotely from the city of Okemos, Ingham County, Michigan.

# Harvey Lefkowitz, DPM

Attended remotely from the city of Ferndale, Oakland County, Michigan.

# **Courtney Morris, Public Member**

Attended remotely from the city of Clinton Township, Macomb County, Michigan.

#### Ali Safiedine, DPM

Attended remotely from the city of Franklin Village, Oakland County, Michigan.

# **Tino Smith, Public Member** (Arrived at 9:36 a.m.)

Attended remotely from the city of Battlecreek, Calhoun County, Michigan.

# **Brandon Weber, PA**

Attended remotely from the city of Berkley, Oakland County, Michigan.

Michigan Board of Podiatric Medicine & Surgery Meeting Minutes January 27, 2021 Page 2 of 7

**Members Absent:** Erik Kissel, DPM

**Staff Present:** Kimmy Catlin, Board Support, Boards and Committees Section

Dena Marks, Analyst, Boards and Committees Section

Kiran Parag, Analyst, Compliance Section

Kerry Przybylo, Manager, Boards and Committees Section

Rick Roselle, Analyst, Compliance Section

# APPROVAL OF AGENDA

MOTION by Lefkowitz, seconded by Safiedine, to approve the agenda as presented.

A roll call vote was held: Yeas – Lefkowitz, Morris, Safiedine, Weber, Meyer

Nays - None

MOTION PREVAILED

# **APPROVAL OF MINUTES**

MOTION by Lefkowitz, seconded by Safiedine, to approve the April 22, 2020, meeting minutes as written.

A roll call vote was held: Yeas – Lefkowitz, Morris, Safiedine, Weber, Meyer

Nays – None

MOTION PREVAILED

# **REGULATORY CONSIDERATIONS**

# Richard Behnan, DPM – Petition for Reinstatement

MOTION by Safiedine, seconded by Lefkowitz, to discuss the matter.

A roll call vote was held: Yeas – Lefkowitz, Morris, Safiedine, Weber, Meyer

Nays - None

MOTION PREVAILED

Discussion was held.

MOTION by Lefkowitz, seconded by Safiedine, to reinstate the license.

A roll call vote was held: Yeas – Lefkowitz, Morris, Safiedine, Weber, Meyer

Nays - None

Michigan Board of Podiatric Medicine & Surgery Meeting Minutes January 27, 2021 Page 3 of 7

#### MOTION PREVAILED

MOTION by Lefkowitz, seconded by Safiedine, to place the Petitioner on probation for a minimum of three years not to exceed five years. During the probationary period, the Petitioner shall meet quarterly with a board approved physician reviewer to review the Petitioner's practice, including at least 25 patient records with a particular focus on billing and potential for Medicare fraud. The physician reviewer shall provide quarterly reports on the Petitioner's work performance and records.

A roll call vote was held: Yeas – Lefkowitz, Morris, Safiedine, Weber, Meyer

Nays - None

# MOTION PREVAILED

# Regina Spears, DPM - Proposal for Decision

MOTION by Safiedine, seconded by Lefkowitz, to discuss the matter.

A roll call vote was held: Yeas – Lefkowitz, Morris, Safiedine, Weber, Meyer

Nays - None

#### MOTION PREVAILED

Discussion was held.

MOTION by Safiedine, seconded by Lefkowitz, to accept in part and reject in part the Proposal for Decision and table until the next regularly scheduled meeting for the drafting of the Board's Findings of Fact and Conclusions of Law.

A roll call vote was held: Yeas – Lefkowitz, Morris, Safiedine, Smith, Weber,

Meyer

Nays - None

#### MOTION PREVAILED

# Anmy Tran, DPM - Proposal for Decision

MOTION by Safiedine, seconded by Lefkowitz, to accept the Proposal for Decision and grant reinstatement.

A roll call vote was held: Yeas – Lefkowitz, Morris, Safiedine, Smith, Weber,

Meyer

Nays - None

Michigan Board of Podiatric Medicine & Surgery Meeting Minutes January 27, 2021 Page 4 of 7

#### MOTION PREVAILED

Discussion was held.

MOTION by Smith, Seconded by Lefkowitz, to place the Petitioner on probation for a minimum of three years not to exceed five years. During the probationary period, the Petitioner shall meet quarterly with a Board approved physician reviewer to review the Petitioner's practice, including at least 25 patient records with a particular focus on controlled substance prescribing and review of MAPS reports. The physician reviewer shall provide quarterly reports on petitioner's work performance and records.

A roll call vote was held: Yeas – Lefkowitz, Morris, Safiedine, Smith, Weber,

Meyer

Nays - None

**MOTION PREVAILED** 

# **OLD BUSINESS**

None

# **NEW BUSINESS**

# **Rules Discussion**

Marks presented the draft rules.

Discussion was held.

MOTION by Safiedine, seconded by Lefkowitz, to approve the draft rules as amended.

A roll call vote was held: Yeas – Lefkowitz, Morris, Safiedine, Smith, Weber,

Meyer

Nays – None

# **MOTION PREVAILED**

# **HPRP Annual Report**

Marks presented the Health Professional Recovery Program (HPRP) Annual Report and discussed statistics of the participants in the program from October 1, 2019 through September 30, 2020.

# **Master Resolution**

Michigan Board of Podiatric Medicine & Surgery Meeting Minutes January 27, 2021 Page 5 of 7

Marks presented the master resolution.

Discussion was held.

#### 2021 Public Notice

Discussion was held on the meeting dates.

# **Board Member Resolutions**

The Board expressed their appreciation for the termed-out members' time and commitment to the Board.

# **Elections**

Marks ran the election for Chairperson.

MOTION by Safiedine, seconded by Morris, to elect Meyer as Chairperson.

A roll call vote was held: Yeas – Lefkowitz, Morris, Safiedine, Smith, Weber,

Meyer

Nays - None

# **MOTION PREVAILED**

Marks ran the election for Vice -Chairperson.

MOTION by Smith, seconded by Meyer, to elect Safiedine as Vice-Chairperson.

A roll call vote was held: Yeas – Lefkowitz, Morris, Safiedine, Smith, Weber,

weye

Nays - None

# **MOTION PREVAILED**

# **Committee Assignments**

Meyer made the following committee assignments:

**DSC** 

Morris- Chair

Smith

Lefkowitz

Safiedine

Weber

Michigan Board of Podiatric Medicine & Surgery Meeting Minutes January 27, 2021 Page 6 of 7

Kissel - Alternate

Rules

Meyer Safiedine Weber

**Allegations** 

Meyer

Kissel

# **Chair Report**

None

# **Department Update**

Marks announced that the Department was holding a board member training on February 17, 2021, and all members are welcome to attend.

Catlin reminded the Board to use their state email addresses.

# **PUBLIC COMMENT**

Richard Behnan thanked the Board for reviewing his case.

# **ANNOUNCEMENTS**

The next regularly scheduled meeting will be held April 28, 2021 at 9:00 a.m. in the Ottawa Building, 611 W. Ottawa Street, Conference Room 4, Upper-Level Conference Center, Lansing, Michigan.

# **ADJOURNMENT**

MOTION by Safiedine, seconded by Morris, to adjourn the meeting at 10:45 a.m.

A roll call vote was held: Yeas – Lefkowitz, Morris, Safiedine, Smith, Weber,

Meyer

Nays - None

# **MOTION PREVAILED**

Minutes approved by the Board on April 28, 2021.

Michigan Board of Podiatric Medicine & Surgery Meeting Minutes January 27, 2021 Page 7 of 7

Prepared by: Kimmy Catlin Board Support Bureau of Professional Licensing

February 1, 2021