

THESE MINUTES HAVE NOT BEEN APPROVED BY THE PODIATRY BOARD

**MINUTES OF THE MEETING OF THE
BOARD OF PODIATRY
November 7, 2023**

ROLL CALL

The meeting of the Board of Podiatry was called to order at 2:00 pm on November 7, 2023, by Zackary Gangwer, DPM, Chairperson, in the Husker Conference Room, at the Hampton Inn and Suites, 7343 Husker Circle, Lincoln, Nebraska 68504. The meeting was conducted In-Person and by WebEx. The following members answered the roll call:

Zackary Gangwer, DPM, FACFAS, Chairperson
Derek Miller, DPM, Vice-Chairperson
Jon Goldsmith, DPM, Secretary

Absent: Vacancy - (Public Member Open)

A quorum was present, and the meeting convened.

Also present to participate in the meeting were T.J. O'Neill, Assistant Attorney General; Abigail Nissen, Assistant Attorney General; Teresa Hampton, Department Attorney, via WebEx; Danielle Sund, Department Attorney; Vonda Apking, Program Manager; Jan Gadeken-Harris, Health Licensing Coordinator and Anna Harrison, Compliance Monitor, via WebEx.

Dr. Gangwer 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.

In accordance with Neb. Rev. Stat. § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were e-mailed to the Board members and other interested parties, posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>, and posted in the Licensure Unit on October 24, 2023.

ADOPTION OF THE AGENDA

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

APPROVAL OF MINUTES OF THE MEETING

Goldsmith moved, seconded by Miller, to approve the June 20, 2023 minutes as written. Voting aye: Gangwer, Goldsmith and Miller. Voting nay: None. Absent: None. Abstain: None. Motion carried.

PUBLIC PRESENTATION

Chad Summy, DPM and his Attorney, Melanie Whittamore-Mantzios were present at the meeting. Dr. Summy addressed the Board regarding his Reinstatement after Discipline application requesting reinstatement after suspension to practice podiatry that has been submitted for Board review.

INVESTIGATIONAL REPORTS AND APPLICATION REVIEW – CLOSED SESSION

Miller moved, seconded by Goldsmith, to go into closed session at 2:13 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, Goldsmith and Miller. Voting nay: None. Absent: None. Abstain: None. Motion carried.

The Board returned to open session at 2:42 p.m.

APPLICATION REVIEW - OPEN SESSION

SUMMY, CHAD, DPM – application for a Reinstatement after Discipline, requesting reinstatement after suspension. Goldsmith moved, seconded by Miller, to recommend a reinstatement of the license to practice Podiatry with a (3) three-year probation. Basis for the probationary period is prior disciplinary action. Voting aye: Gangwer, Goldsmith and Miller. Voting nay: None. Absent: None. Abstain: None. Motion carried.

2023 LEGISLATION UPDATE

The Board and the Department had no comments currently.

REGULATIONS UPDATES

Vonda Apking will check on the status of the previously proposed draft Regulations for 172 NAC 143 that were approved by the Board.

FYI(s)

- A. Federation of Podiatric Medical Boards (FPMB) Annual Meeting, July 14, 2023 – Recap
The Board had no comments currently.
- B. FPMB 2023 Fall/Winter Meeting, October 26, 2023 - Recap
The Board had no comments currently.

Vonda Apking will be attending an upcoming FPMB meeting via ZOOM regarding the formation of a Licensure Compact for Podiatry. Vonda will report updates at the next Board meeting.

PRACTICE QUESTION(S)

- A. Would a licensed surgical podiatrist be able to practice as an assist in surgery for an orthopedist on a knee surgery?

It is the opinion of the Board, that this is not what “knowledge or skill” the podiatrist has, but what the Nebraska Statutes allow the podiatrist to do. Podiatry is a “limited” practice of medicine, therefore it is not logical to conclude that a podiatrist can perform or assist in the performance of surgery on the knee.

<https://dhhs.ne.gov/licensure/Documents/Podiatry.pdf>

38-3005. Practice of podiatry, defined. 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. Source: Laws 2007, LB463, § 1027.

38-3011. Podiatry; surgery; restrictions. A podiatrist shall not perform surgery on the ankle other than in a licensed hospital or ambulatory surgical center, and a podiatrist who performs surgery on the ankle in a licensed hospital or ambulatory surgical center shall have successfully completed an advanced postdoctoral surgical residency program of at least one year's duration which is recognized as suitable for that purpose by the board. No podiatrist initially licensed in this state on or after September 1, 2001, shall perform surgery on the ankle unless such person has successfully completed an advanced postdoctoral surgical residency program of at least two years' duration which is recognized as suitable for that purpose by the board. Source: Laws 2001, LB 25, § 3; R.S.1943, (2003), § 71-174.02; Laws 2007, LB463, § 1033.

BOARD MEETING SCHEDULE

At the present time no future meetings have been scheduled for the Board of Podiatry. To see a complete list of the 2024 projected schedules, visit the DHHS website:

<https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>

ADJOURNMENT

There being no further business, Gangwer adjourned the meeting at 3:00 p.m.

Respectfully submitted,

Signature available upon request

Jon R. Goldsmith, DPM, Secretary
Board of Podiatry