

Licensing Division

Staff Report for the Podiatric Medical Examiners Advisory Board October 4, 2021

Personnel Updates

Annette Lopez was hired on July 15th as a License and Permit Specialist II. She was previously at the Texas State Board of Dental Examiners.

Statistics

Doctors of Podiatric Medicine	New	Renewed	Online Renewal	Population
FY 2020	89	1129	99%	1157
FY 2021	61	481	99%	1198

Radiological Technician	New	New % Online	Renewed	Online Renewal	Population
FY 2020	88	N/A	342	N/A	411
FY 2021	41	N/A	249	N/A	283

Current Projects

*Update on Podiatry Email Counts

July	15
August	22

*Emergency extension update:

For the emergency extension we are making sure our licensees aware of the following:

- Under this emergency authorization, if license expired between August 1, 2020 and September 18, 2021, you will still be able to work for up to 120 days after your expiration date while your renewal is being processed. If TDLR makes a final determination that your renewal application is denied, you will no longer be able to work under the emergency license.
- Due to COVID-19, TDLR is facing an unprecedented challenge with processing paper renewals and applications. **We strongly encourage everyone who can renew online to take advantage of this option.** TDLR's online renewal portal accepts all major credit cards, including MasterCard and Visa branded gift cards.
- We are working as quickly as possible to process all payments that are included with your application. Please be advised that stopping payment through your financial institution will delay and/or stop your application from processing.

We are referring customers to the website for their extension information and to check for any updates.

CUSTOMER SERVICE DIVISION

Staff Report for the Podiatric Medical Examiners Advisory Board
Monday, October 4, 2021

Personnel Updates

After 15 years of service to TDLR, Director of Customer Service Trey Seals has moved on to pursue other endeavors and we wish him the very best in his pursuits. The impact that he has had on the division and the agency cannot be overstated and we will miss him. Tuan Nguyen, who began working in the Customer Service Division in 2014, is the new Customer Service Director. He officially started his new role on August 16th.

The Customer Service Division has concluded interviews to fill ten Customer Service Representative (CSR) positions and one Quality Training and Performance Analyst (QTPA) position.

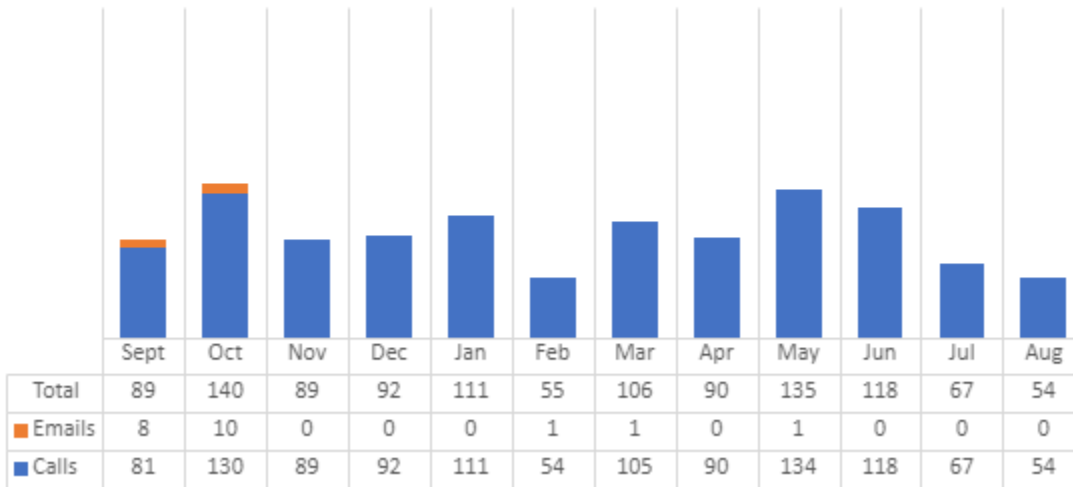
The CSRs selected will be trained to follow a preset call workflow, use the Nice inContact phone system to take calls, and update our Dynamics 365 Customer Resource Management (CRM) system with call notes for each call. CSRs will learn how to escalate customer inquiries that require more research through the CRM to their Team Leads. The details they include in these reports help identify recurring pain points that point process improvement opportunities. CSRs are also trained to use the CRM to send email templates to customers with helpful instructions and links to ensure the same information is being sent to customers and to reduce customer effort in future calls.

The Quality Training and Performance Analyst will join two other QTPAs in creating and producing reports for our division, developing, and delivering onboard training for our CSRs and will assist with special projects and day to day technical troubleshooting.

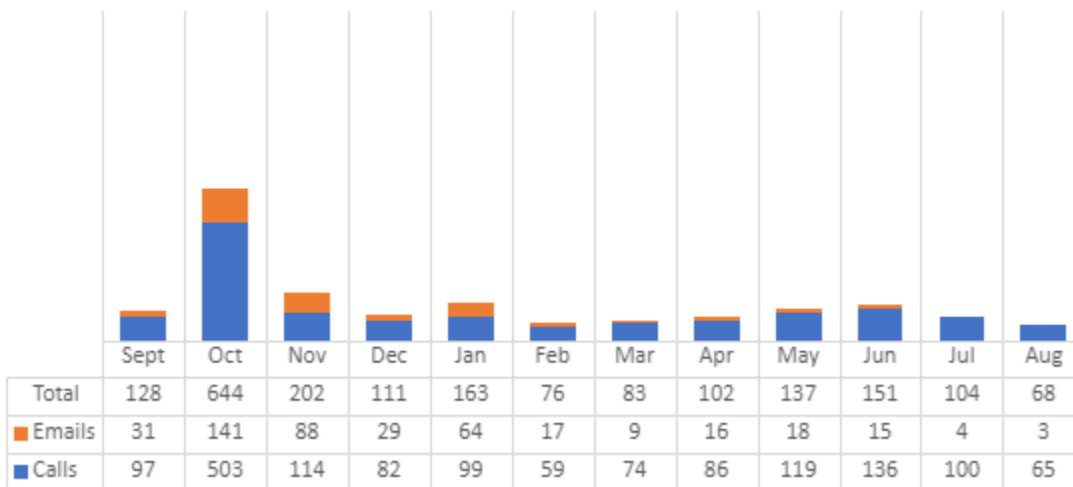
A posting to fill a Customer Service Manager position is coming soon.

Statistics

PODIATRY CUSTOMER SERVICE CONTACTS FISCAL YEAR 2021



PODIATRY CUSTOMER SERVICE CONTACTS FISCAL YEAR 2020



Enforcement Division

Staff Report for Podiatric Medical Examiners Advisory Board October 4, 2021

Personnel Updates:

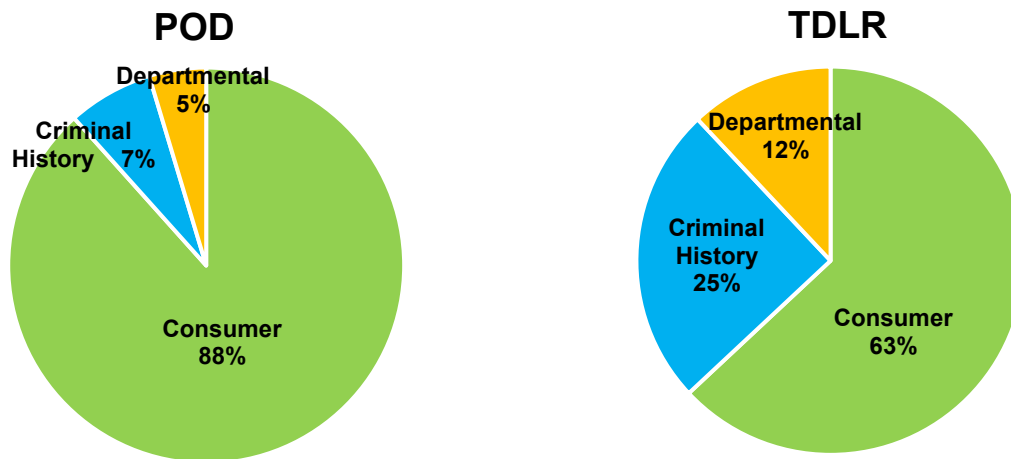
- On December 4, 2020, Prosecutor Michael Shirk retired after 8 years of service with TDLR and nearly two decades of service to the citizens of Texas. Michael was a member of the Transportation team where his enthusiasm for public service and protecting the citizen of Texas was clearly evident. He was a joy to work with and served as a mentor for many of our attorneys on staff. He will be missed but he left a legacy of public service that will be long remembered.
- Three Attorneys, Amanda Barrera, Aroosa Nizami and Natalie Olvera, were promoted to Attorney III positions to fill the vacancies that were created by the promotions and retirements in the Enforcement Division. Amanda's and Aroosa's promotions were effective December 15, 2020 and Natalie's promotion was effective January 1, 2021.
- On January 4th, 2021, Arthur Arevalo was hired to fill the Investigations Manager's position. Art retired from the Austin Police Department after nearly 26 years of service. Since then, he worked for the Travis County Sheriff's Office and more recently served as a Captain with the Texas State University Police Department. We look forward to his contribution to the success of our team as we continue to strengthen the Enforcement division with staff that embraces our mission and shares our dedication to make a positive impact serving the citizens of Texas.
- Three attorneys, Sara McKinney, Rachel Seshan, and Hunter McKinley were hired as Attorney II positions to fill the vacancies created by promotions in the Enforcement Division. These three attorneys will be working our inspections cases and our unlicensed air conditioning and electrical cases. Their hiring's were effective April 15, 2021.
- On August 1, 2021, Cynthia Marple was hired as an Attorney III. She joins TDLR from the Department of Public Safety's office of Regulatory Counsel Division where she prosecuted compliance and enforcement cases. Cynthia is a member of the Transportation Team, which focuses on cases related to Tow, Vehicle Storage Facilities, Driver's Education and Motor Fuels.

Statistics:

Shown below are the Enforcement Performance Measures and key statistics for the Podiatry (POD) program and for all TDLR programs combined through **July of Fiscal Year 2021**:

Key Statistic	POD	TDLR
Cases opened	43	9,133
Cases closed	57	8,423
Average time to close (days)	313.19	209.56
% of cases resolved within 6 months	28.07%	59.74%
% of cases resulting in disciplinary action	8.77%	14.35%
Cases pending at end of July 2021	38	6,560

Source of cases opened through July of Fiscal Year 2021



Case Outcomes	POD	TDLR
Commission Orders	1	40
Default Orders	0	445
Agreed Orders	3	689
Penalties Assessed	\$7,500.00	\$2,518,566.00
Penalties Collected	\$3,000.00	\$1,098,228.95
Licenses Revoked (Disciplinary)	1	88
Licenses Suspended	0	8
Licenses Denied/Revoked (Criminal History)	1	228
Cease & Desist Orders	0	19
Informally Resolved	52	7,107

Top POD Alleged Violations at Opening through July of Fiscal Year 2021

Alleged Violation:	Count
Gross negligence or malpractice	16
Unprofessional or unethical conduct	14
Fraud or deceit in services provided	4
Violation of disaster ordinance or order	3
Criminal History	2
False, misleading or deceptive advertising	2
Sexual misconduct with patient or client	2
Lacks honesty, trustworthiness or integrity	1
Habitual or intemperate use of intoxicants	1

TOP POD Violations Resulting in Disciplinary Action through July of Fiscal Year 2021

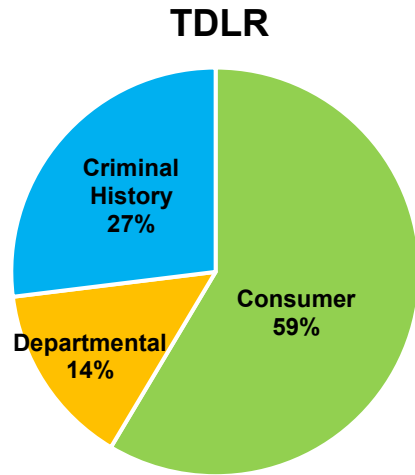
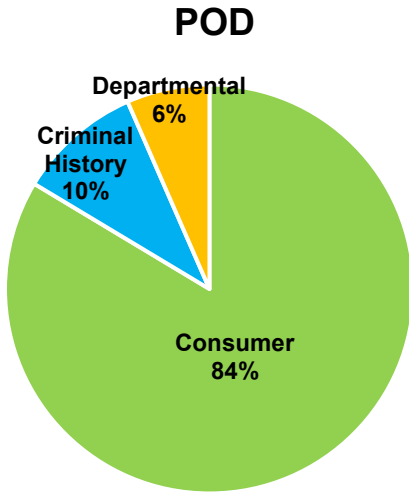
Violation:	Count
Gross negligence or malpractice	2
Unprofessional or unethical conduct	2
Criminal History	1

Statistics:

Shown below are the Enforcement Performance Measures and key statistics for the Podiatry (POD) program and for all TDLR programs combined for **Fiscal Year 2020:**

Performance Measure	POD	TDLR
Cases opened	61	10,465
Cases closed	73	9,763
Average time to close (days)	351.10	157.58
% of cases resolved within 6 months	30.14%	68.64%
% of cases resulting in disciplinary action	6.85%	13.48%
Cases pending at end of FY 2020	52	5,850

Source of Cases Opened Fiscal Year 2020



Case Outcomes

	POD	TDLR
Commission Orders	1	28
Default Orders	0	339
Agreed Orders	8	853
Penalties Assessed	\$12,375.00	\$2,360,451.00
Penalties Collected	\$12,375.00	\$1,296,792.16
Licenses Revoked (Disciplinary)	0	62
Licenses Suspended	0	3
Licenses Denied/Revoked (Criminal History)	1	240
Cease & Desist Orders	0	46
Informally Resolved	64	8,365

Top POD Alleged Violations at Opening for Fiscal Year 2020

Violation:	Count
Gross negligence or malpractice	34
Unprofessional or unethical conduct	17
Criminal History	6
Fraud or deceit in services provided	4
False, misleading or deceptive advertising	2
Continuing Medical Education violation	1
Practicing without a license	1
Sexual misconduct with patient or client	1

TOP POD Violations Resulting in Disciplinary Action for Fiscal Year 2020

Violation:	Count
Fraud or deceit in services provided	3
Unprofessional or unethical conduct	3
Gross negligence or malpractice	2
Lacks honesty, trustworthiness or integrity	1
Criminal History	1

Case Highlights

POD2020000852 – Brent Stephen Banks:

On October 28, 2020, Executive Director signed an Agreed Order imposing a penalty of \$1,000 on the Respondent and requiring him to attend the Providers Clinical Support System Continuing Medical Education on Opioid Risk Assessment, Mitigation and Management within one year of the date the order was signed. Respondent failed to practice podiatry in a manner consistent with public health and welfare by prescribing opioid painkillers to a patient after the patient failed to see a pain management specialist to whom the Respondent referred the patient after surgery. The monetary penalty has been paid in full.

POD20190008868, Milton Crawford:

On December 22, 2020, the Commission on Licensing and Regulation approved a Proposal for Decision revoking Respondent's podiatrist license and imposing a fine of \$4,500 for violating the Department's rules regarding sexual impropriety. Respondent engaged in conduct with a patient that was or could reasonably be interpreted as sexual.

POD20210009463, Hanna Elias Francis:

On or about May 10, 2020, the Department issued a letter notifying Respondent that his podiatrist license had been revoked by operation of law on March 30, 2020, when he pleaded guilty and received a sentence of deferred adjudication for sexual assault of a child and was required to register as a sex offender. Tex. Occ. Code § 108.053(a)(1) states that the license of a health care professional is revoked if the person is required to register as a sex offender.

POD20180012973, Roderick Hunter:

On or about October 26, 2020, the Executive Director signed an Agreed Order imposing a fine of \$500 on Respondent for failing to make or maintain accurate records of the diagnosis made and the treatment performed for and upon a patient. The penalty has been paid in full.

POD20190002330, Marcin Vaclaw:

On or about September 2, 2020, the Executive Director signed an Agreed Order imposing a penalty of \$1,500 and requiring the Respondent to attend a one and a half hour continuing medical education course on best practices for use of anti-inflammatory drugs within one year of the date of the Order. Respondent failed to consider the health and safety of the patient by prescribing medication to a patient which was contraindicated by the patient's medical condition. The Respondent has fully complied with the Order.

EDUCATION AND EXAMINATION DIVISION

Staff Report for Podiatric Medical Examiners— October 4th, 2021

Statistics

Examination Statistics
(As of August 31st, 2021)

FY 2021	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
PASS	4	0	1	5	2	2	3	7	1	7	3	11	18	14	6	38	61
FAIL	4	1	0	5	0	1	1	2	5	2	3	10	11	5	7	23	40
TOTAL	8	1	1	10	2	3	4	9	6	9	6	21	29	19	13	61	101
RATE	50.0%	0.0%	0.0%	50.0%	100.0%	66.7%	75.0%	77.8%	16.7%	77.8%	50.0%	52.4%	62.1%	73.7%	46.2%	62.3%	60.4%
FY 2020	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
PASS	2	3	0	5	0	2	6	8	1	0	0	1	31	8	2	41	55
FAIL	0	1	0	1	0	0	0	0	1	0	1	2	11	6	2	19	22
TOTAL	2	4	0	6	0	2	6	8	2	0	1	3	42	14	4	60	77
RATE	100%	75.0%	0.0%	83.3%	0.0%	0.0%	0.0%	100%	0.0%	0.0%	0.0%	33.3%	73.8%	57.1%	50.0%	68.3%	71.4%

Exam Updates

We are excited to inform you that we have continued to follow through on our promise to provide safer, more convenient, and more examination capacity through not only the COVID-19 pandemic but for the future as well. Following on the heels of our initiative for virtual practical examinations offered in some industries, we have now completed all steps and launched the Podiatric Physician Jurisprudence written exams as a virtual written examination, or what we are calling “E-Exams” since September 1, 2021.

E-Exams are conducted in an environment that has a remote proctor utilizing secure and sophisticated technology to observe the test taker by using their own desktop, webcam video and audio to confirm their identity and allow the candidate to complete the required licensing examination in a controlled environment.

The exam page has the link to the current Candidate Information Bulletin providing more information on how to register for the exam as well as a link to a small demo video of the e-exam process.

Regulatory Program Management Division

Staff Report for the Podiatric Medical Examiners Advisory Board

October 4, 2021

Personnel Updates

The Medical and Health Professions Section has two new staff members. Angela Sanders and Shawn O'Neal joined our section on February 1, 2021. Angela has worked for TDLR since 2017 and Shawn has been with TDLR since 2005. Both previously worked in our Field Inspections Division. They have been a great addition to our team.

Current Projects

HB 2174, 86th Regular Legislative Session, requires podiatrists to use electronic means to prescribe scheduled substances, effective January 1, 2021, unless they qualify for a waiver. The waiver gives podiatrists who are unable to obtain an EHR system, for a variety of reasons, time to come into compliance. It also allows for podiatrists who write 50 or fewer prescriptions for controlled substances listed in Schedule II during the previous year or have other barriers to electronic prescribing. TDLR developed a waiver application process and posted the information on our webpage. Fifty one waivers have been issued since the process was implemented.

We continue to work with the Pharmacy Board to facilitate registration and educate podiatrists about the Prescription Monitoring Program (PMP) requirements. Podiatrists are now required to query the PMP prior to prescribing opioids, benzodiazepines, barbiturates, and carisoprodol. The latest statistical information is in your packet. There are currently around 900 podiatrists registered or 75% of our licensed population. This number continues to increase slowly.

Staff, along with the Office of General Counsel and other divisions, worked on draft rules for telehealth and disaster response.

Staff consulted with the Standard of Care workgroup regarding an application for hyperbaric oxygen certification.

Staff have been working to implement House Bill 2509, which funds nine additional podiatry residency positions beginning in 2024. We are using the momentum created by this bill, along with the creation of the University of Texas Rio Grande Valley School of Podiatric Medicine to make program improvements, such as the proposed rule creating the faculty license that will be presented today. We will also reach out to podiatric program administrators this spring regarding the faculty license and resident application process. During those conversations, we will be seeking input on ways that TDLR can improve the process for applicants.

Steve Uecker continues to work with Stewart Myrick at the Texas Division of Emergency Management's State Operations Center as a TDLR liaison and a health professions subject matter expert in support of the state's COVID-19 pandemic response. We are fulfilling these duties

remotely, in addition to regular job duties.

Outreach

Steve Uecker, Katie Brice, Alex Phipps, Karen Cox, and Hemant Makan attended the Texas Podiatric Medical Association's (TPMA) Annual Conference in San Antonio this past June 24-27.

A larger group, including staff from our Licensing Division and Office of Strategic Communication attended the Southwest Foot and Ankle Conference, September 23-26, at the Irving Convention Center at Las Colinas. Staff manned a table and had informal and formal presentations for licensees. We received a lot of welcome feedback and interest.

Staff also produced Volume 14 of the TDLR Health Monitor which was distributed in August. The latest issue can be found on the program web page. Links to previous issues can be found under Agency Newsletters on the main TDLR page.

If you are aware of outreach opportunities, please share them with Steve Uecker.