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**New Mexico Regulation and Licensing Department**  
**BOARDS AND COMMISSIONS DIVISION**  
**NM Board of Podiatry**

Toney Anaya Building ▪ 2550 Cerrillos Road ▪ Santa Fe, New Mexico 87505  
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February 1, 2008

Regulation and Licensing Department,  
Toney Anaya Bldg., Hearing Room #2  
2550 Cerrillos Rd. Santa Fe, NM

I. **Call to Order:**

Dr. Marc Stess, Chair, called the Regular Meeting of the New Mexico Board of Podiatry to order at 1:10p.m. Ms. Graystone, Board Administrator, took roll call and a quorum was determined present.

A. **Roll Call:**

Marc Stess, D.P.M. Chairman  
Janet Simon, D.P.M. Vice-Chairwoman  
Edward Williams, D.P.M. Secretary Treasurer  
Ruby Bishop, Public Member -**ABSENT**  
Leo Garza, Public member

B. **Others Present:**

Cynthia Graystone, Board Administrator  
Andrea Buzzard, Assistant Attorney General

II. **Approval of the Board Meeting Agenda:**

Dr. Simon suggested an add on to the agenda requesting that the board send a letter to the new Medicare carrier Trail Blazers to reinforce New Mexico Podiatry Boards scope of practice. **MOTION** was made by Dr. Williams to approve the Regular Board Meeting Agenda. **SECONDED** by Mr. Garza with amendments. **MOTION PASSES.**

III. **Approval of Minutes:**

A. **MOTION** was made by Dr. Williams to approve the minutes of October 26, 2008. **SECONDED** by Dr. Garza. **MOTION PASSES.**

IV. **Old Business:**

A. **Insurance companies that don't follow Diabetic services- Letter from Superintendent of Insurance:**

A letter from the Superintendent of Insurance office was sent to the board office stating that its not the insure that is exempt, but how the insurance is being provided. If the insurer is violating the law a complaint should be files by the provider concerning lack of appropriate coverage to PRC Consumers

Relation Division at [www.nmprc.state.nm.us](http://www.nmprc.state.nm.us) if the exemption isn't clear. Discussion was held by the board members concerning the letter from the superintendent office and basically states that if the insurance is not mandated the insurances companies can follow there own set of rules. Dr. Williams also added that Presbyterian state that they go by Medicare rules.

**B. Letter from AG Buzzard on Exemption for Orthotic devices:**

Ms. Buzzard addressed the board with the information she obtained from a research on the status of other states to determine whether other states have an exemption similar to NMSA 61-8-4(D) ( 1998) and, if so, whether the courts of those other states have construed the meaning of that exemption.

Ms. Buzzard located only a few other states that have similar exemptions , but have found no published opinion or attorney general opinion that has been issues construing the meaning of those exemptions.

Ms. Buzzard recommended that Ms. Graystone contact the Podiatry boards of Delaware, South Dakota, Alabama to research if there are any regulations under their exemptions, if they have attorney general opinions, any court decision that have not been published. The board accepted Ms. Buzzard's recommendation. Ms. Graystone will have a report for the board at the next regular meeting in May.

**V. New Business :**

**A. Ratify approval of applications for permanent or temporary licensure:**

**MOTION** was made by Dr. Simon to ratify temporary licensure for Candice Magee **SECONDED** by Dr. Williams **MOTION PASSES.**

**MOTION** was made by Dr. Simon to ratify licensure for Cynthia Hemesath **SECONDED** by Mr. Garza **MOTION PASSES.**

**B. Number of renewals for 2008:**

Ms. Graystone explained the renewal process to Mr. Garza new board member and the other members of the board which included late renewal, lapsed licenses, and expiration dates.

**C. Letter to Medicare New insurance Trail Blazers:**

Dr. Simon reported to the board that many podiatrists have been having on going issues with the current carrier in regards to scope of practice, mostly with codes above the ankle as well as bone codes. Podiatrists have trouble getting reimbursement by Medicare. Now with the new carrier taking effect on March 1, 2008 it is Dr. Simons request that the board address a letter to trail blazers insurance located in Dallas Texas outlining the New Mexico Board of Podiatry's scope of practice and request a teleconference before the effective date.

Dr. Simon stated that the group known as the MAC4 which consist of representative from the Associations of Texas, New Mexico, Oklahoma, and Colorado these state have been dealing with the policies that will come into effect on March 1 will have trouble getting reimbursement. These states and the NMPA are all in favor of a letter from the state board is sent to Trail Blazers. A letter will be drafted by Dr. Simon and sent to the President of Trail Blazers insurance.

VI. Information Items:

- A. Report from the Board Chair – No discussion
- B. Report from Board Administrator

Ms. Graystone officially introduced Mr. Leo Garza as the newest board member.

VII. Executive Session

Pursuant to Section 10-15-(H) (1) of the Open Meetings Act to discuss matters related to the issuance, suspension, renewal or revocation and pending or threatened litigation. **–NO DISCUSSION**

VIII. Date and time of Next Meeting:

Next meeting of the Podiatry Board will be held in Santa Fe on May 16, 2008 in Santa Fe, NM

IX... Adjourn:

**MOTION** was made by Mr. Garza to adjourn the meeting. **SECONDED** by Dr. Simon. **MOTION PASSES.**

SUBMITTED BY: \_\_\_\_\_  
Cynthia Graystone, Board Administrator                      Date

APPROVED BY: \_\_\_\_\_  
Marc Stess, DPM, Chair    Date