



Board of Podiatry, September 29, 2022

Public Meeting Minutes

September 29, 2022 at 9:00 AM

Attendance

Members Present:

Jennifer Sartori, Julie Shaheen, Serena Shomody

Guests Present:

Nik Frye, Shane Goulet, Lauren Warner, Jessica Whelehan, Jenna Wilson

I. Call To Order

Jennifer Sartori called the meeting to order at **9:02AM**.

II. Review of Public Minutes

Motion: to approve the public minutes of the meeting held on 8/2/2022 as amended.

Motion moved by Julie Shaheen and motion seconded by Serena Shomody. Passed

III. Public Appearances

Hearings Examiner Nik Frye was introduced and explained the process for the upcoming show-case hearings.

A. 9:00AM Show Cause Hearings:

Jennifer Sartori introduced Hearings Examiner Nik Frye who explained the process for the upcoming show-case hearings. The Board voted at the prior meeting for Nik Frye to act as Presiding Officer for the Board. All parties present for the 9:00AM hearings were sworn in.

1. MOHARAN, Michael - 0354

Beginning at 9:06AM, the Board reviewed the evidence and listened to testimony presented by Attorney Adam Pignatelli and the renewal applicant, Michael Moharan. Dr. Moharan indicated that he believed he only needed to complete the opioid training once for DEA licensure but not again as part of license renewal; he also relayed his intent to attend the Region I Conference on October 21-23, 2022 where he will obtain CE credits to make up for the deficit.

2. CANCELLIERE, Pasquale - 0363

Beginning at 9:14AM, the Board reviewed the evidence and listened to testimony presented by the renewal applicant, Pasquale Cancelliere. Dr. Cancelliere asked for the record to be left open to allow him the opportunity to obtain and submit 2 additional credits of opioid/pain management CE.

3. CLAIRE, Dennis - 0355

Board member Julie Shaheen was recused and did not participate.

Beginning at 9:21AM, the Board reviewed the evidence and listened to testimony presented by the renewal applicant, Dennis Claire.

4. CLARK, Allen - 0353

Board member Jennifer Sartori was recused and did not participate.

Beginning at 9:26AM, the Board reviewed the evidence and listened to testimony presented by the renewal applicant, Allen Clark.

Motion: to enter non-public session at **9:30AM** for the purpose of discussing investigations of alleged licensee misconduct and other confidential Board business. Such a non-public session is authorized by RSA 91-A:3, II (c) & (e), RSA 91-A:5, IV, Lodge v. Knowlton, (1978), and the Board's executive and deliberative privileges.

Motion moved by Julie Shaheen and motion seconded by Serena Shomody. passed by roll call vote.

Jennifer Sartori announced the Board was back in public session at **9:48AM**.

Motion: to seal the minutes of the non-public session to maintain the privacy of the items discussed in non-public session pursuant to RSA 91-A:3, II (c), on the grounds that public disclosure may adversely affect the reputation of a person other than a Board member or render the proposed action ineffective.

Motion moved by Jennifer Sartori and motion seconded by Serena Shomody. Passed.

Jennifer Sartori announced the Board would take a brief recess at **9:49AM**. The Board resumed public session at **9:56AM**

B. 10:00AM Show Cause Hearings:

Hearings Examiner Nik Frye introduced himself and explained the process for the upcoming show-case hearings. All parties present for the 10:00AM hearings were sworn in.

1. FRANK, Barry - 0266

Beginning at 10:05AM, the Board reviewed the evidence and listened to testimony presented by the renewal applicant, Barry Frank. Dr. Frank asked that the credits he obtained outside of the renewal cycle be applied to compensate for the current deficiency.

2. McNAMARA, Gregory - 0151

Beginning at 10:15AM, the Board reviewed the evidence and listened to testimony presented by Attorney Robert Carrey and the renewal applicant, Gregory McNamara.

3. GORGOL, Stanley - 0128

Beginning at 10:17AM, the Board reviewed the evidence and listened to testimony presented by the renewal applicant, Stanley Gorgol.

4. KURUVILLA, Bobby - 0348

Beginning at 10:22AM, the Board reviewed the evidence and listened to testimony presented by the renewal applicant, Bobby Kuruvilla.

5. KIRSNER, Robert - 0188

Beginning at 10:28AM, the Board reviewed the evidence and listened to testimony presented by the renewal applicant, Robert Kirsner. Dr. Kirsner asked for the record to be left open to allow him the opportunity to submit additional documentation.

6. DWYER, Patrick - 0211

Dr. Patrick Dwyer joined the meeting via Zoom at 10:04AM. Beginning at 10:31AM, Dr. Dwyer was sworn in by Nik Frye and then the Board reviewed the evidence and listened to testimony presented by the renewal applicant.

Motion: to enter non-public session at **10:38AM** for the purpose of discussing investigations of alleged licensee misconduct and other confidential Board business. Such a non-public session is authorized by RSA 91-A:3, II (c) & (e), RSA 91-A:5, IV, Lodge v. Knowlton, (1978), and the Board's executive and deliberative privileges.

Motion moved by Jennifer Sartori and motion seconded by Serena Shomody. Passed unanimously by rollcall vote.

Jennifer Sartori announced the Board was back in public session at **10:59AM**

Motion:

to seal the minutes of the non-public session to maintain the privacy of the items discussed in non-public session pursuant to RSA 91-A:3, II (c), on the grounds that public disclosure may adversely affect the reputation of a person other than a Board member or render the proposed action ineffective.

Motion moved by Jennifer Sartori and motion seconded by Serena Shomody. Passed.

C. 11:00AM Show Cause Hearings:

Hearings Examiner Nik Frye introduced himself and explained the process for the upcoming show-case hearings. All parties present for the 11:00AM hearings were sworn in.

1. TEDESCO, Brian - 0307

Beginning at 11:04AM, Dr. Tedesco appeared via Zoom without prior authorization and indicated that he sent an email to Jenna Wilson a few hours earlier requesting a continuance. Jenna Wilson confirmed receipt of the emailed request at 9:06AM. The Board indicated it would take the request for a continuance under consideration. Dr. Tedesco asked the Board to leave the record open and allow him 30 days to submit proof of continuing education if it was not willing to approve the request for a continuance.

2. RUHL, Glenn - 0168

Beginning at 11:14 AM, the Board listened to testimony presented by the renewal applicant, Glenn Ruhl. Dr. Ruhl testified that he had mailed the CE information to OPLC before the deadline; Jenna Wilson told the Board that OPLC has not received anything to date from Dr. Ruhl. The renewal applicant argued with the board that he did not receive a reminder to submit his CME documentation, and further told the board that his wife organizes and submits his proof of CME.

3. SMITH, Kwende - 0312

Beginning at 11:25AM, the Board reviewed the evidence and listened to testimony presented by the renewal applicant, Kwende Smith. Dr. Smith asked for the record to be left open to allow him the opportunity to complete his CME and submit it for the current renewal cycle.

4. O'KEEFE, KATHLEEN - 0304

At 11:37AM, Hearings Examiner Nik Frye noted that Dr. O'Keefe was not present at the hearing either in person or remotely.

5. PIZZUTO, John - 0223

At 11:38AM, Hearings Examiner Nik Frye noted that Dr. Pizzuto was not present at the hearing either in person or remotely.

Motion: to enter non-public session at **11:40AM** for the purpose of discussing investigations of alleged licensee misconduct and other confidential Board business. Such a non-public session is authorized by RSA 91-A:3, II (c) & (e), RSA 91-A:5, IV, Lodge v. Knowlton, (1978), and the Board's executive and deliberative privileges.

Motion moved by Serena Shomody and motion seconded by Julie Shaheen.
Passed by rollcall vote.

Jennifer Sartori announced the Board was in recess from the *non-public* session at **12:12PM**. The *non-public* session resumed at **12:37PM**.

Jennifer Sartori announced the Board was back in public session at **1:06PM**

Motion: to seal the minutes of the non-public session to maintain the privacy of the items discussed in non-public session pursuant to RSA 91-A:3, II (c), on the grounds that public disclosure may adversely affect the reputation of a person other than a Board member or render the proposed action ineffective.

Motion moved by Jennifer Sartori and motion seconded by Serena Shomody. Passed.

IV. OPLC and/or Board Administration Updates - None

V. Old Business - None

VI. New Business - None

VII. Licensure

A. CHARLES, Cassandre - Initial application

Motion: to conditionally approve licensure pending submission of a current Maryland license verification and DEA number written on the application form if applicable.

Motion moved by Jennifer Sartori and motion seconded by Julie Shaheen. Passed.

VIII. Administrative Rules & Legislative Topics

The Board initiated review of the draft rules sent by Tina Kelley, OPLD Rules Staff, and the members questioned whether they were the most current revisions. At the advice of Jessica Whelehan and Board counsel Lauren Warner, Jennifer Sartori tabled work on administrative rules until the next meeting.

IX. Non-Public Session

Motion: to enter non-public session at **1:37PM** for the purpose of discussing investigations of alleged licensee misconduct and other confidential Board business. Such a non-public session is authorized by RSA 91-A:3, II (c) & (e), RSA 91-A:5, IV, Lodge v. Knowlton, (1978), and the Board's executive and deliberative privileges.

Motion moved by Julie Shaheen and motion seconded by Serena Shomody. Passed unanimously by rollcall vote.

Jennifer Sartori announced the Board was in recess from the *non-public* session at **2:06PM**. The *non-public* session resumed at **2:11PM**.

X. Resume Public Session

Jennifer Sartori announced the Board was back in public session at **2:48PM**

XI. Seal The Minutes of the Non-Public Session

Motion: to seal the minutes of the non-public session to maintain the privacy of the items discussed in non-public session pursuant to RSA 91-A:3, II (c), on the grounds that public disclosure may adversely affect the reputation of a person other than a Board member or render the proposed action ineffective.

Motion moved by Jennifer Sartori and motion seconded by Serena Shomody. Passed.

XII. Adjournment

Jennifer Sartori adjourned the meeting at **2:53PM**.