

TEXAS STATE BOARD OF PODIATRY EXAMINERS
Semi-Annual Meeting
Austin, Texas
August 26th & 27th, 1993

THURSDAY, AUGUST 26TH, 1993

CALL TO ORDER: The meeting of the Texas State Board of Podiatry Examiners was called to order at 10:00 a.m., August 26th, 1993 at the Embassy Suites-Downtown, in Austin, Texas with Ben Clark, Jr., D.P.M. presiding.

INVOCATION: The invocation was given by Dr. Thomas S. Garrison.

ROLL CALL: Members present were Dr's. Clark, Goforth, Scioli, Valenza, Garrison and Williams. General members present were Mr. Sorrells. Also present was office staff Janie Alonzo, Misty Sherrod and Assistant Attorney General, Cynthia Reyna. Absent were Ms. Walker and Ms. Laborde.

INSPECTION OF CREDENTIALS: Debra A. Banks, D.P.M. (deferred until next exam due to not having PMLexis scores), Joseph F. Bender, D.P.M., Melanie Sue Dayrit, D.P.M., Elizabeth R. Eline, D.P.M., Jeff Hetman, D.P.M., Martin Norman Jackson, D.P.M., Robert Hayes Lee, D.P.M., Samuel Nava, D.P.M., Nestor Pacheco, D.P.M., William Eric Pack, D.P.M., Jacquelyn Perry, D.P.M., Thomas T. Pignetti, D.P.M., Teresa L. Quebedeaux-Farnham, D.P.M., John Grady Welchon, D.P.M., Laurence Welker, D.P.M.

A motion to accept these credentials was made by Dr. Garrison with the exception of Debra A. Banks who we don't have PMLexis grades for.

2nd by - Dr. Williams

CARRIED:

READING OF THE MINUTES: The minutes were reviewed by everyone prior to the meeting by fax. After a discussion regarding the use of the word "clinic", it was determined that the minutes should be changed to reflect the fact that "clinic" can be used under certain circumstances stated in the rule. A motion was made by Dr. Scioli to accept the minutes with changes.

2nd by - Mr. Sorrells

CARRIED:

The Board took a five minute recess and then returned.

Ms. Reyna announced that Dr. Clark and Dr. Williams would be recusing themselves from the Hearing on Gregson Edwards, D.P.M. Dr. Clark and Dr. Williams left the room. Dr. Goforth then took over to conduct the proceedings. Mr. Christopher Maczka, Assistant Attorney General proceeded to tell the Board of the findings of the Administrative Law Judge. Mr. Buddy Dossett, attorney for Dr. Edwards, proceeded to present Dr. Edwards case. After a lengthy discussion, a final ruling was made as follows:

IT IS HEREBY ORDERED that the Texas license issued to Gregson S. Edwards, D.P.M. be given a private reprimand and that Gregson S. Edwards, D.P.M., provide competent proof to the Texas State Board of Podiatry Examiners within three (3) months from the date of the Order that he has completed eight (8) hours of Continuing Education in the area of Medical Recordkeeping and Documentation.

Motion to accept by Dr. Valenza.

2nd by - Mr. Sorrells

Voting for the motion was Sorrells, Valenza & Garrison.

Voting against the motion was Dr. Scioli.

The motion passed by a 3 to 1 vote.

Dr. Clark and Dr. Williams returned to the room. Chris Maczka was thanked.

Ms. Alonzo mentioned that no one would be attending the Health Coordinating Council meeting on September 3rd, since the Executive Director is to sit on the Council. Ms. Reyna informed everyone that a Ms. Diane Morris, with the Attorney General's office would be there on the Podiatry Board's behalf.

The meeting was adjourned at 6:45 p.m. for the day.

FRIDAY AUGUST 27TH. 1993

The Board met at 8:00 a.m., with the candidates to welcome them to the examination. The candidates were given a copy of the laws and rules and Dr. Clark went over some other pertinent matter. The candidates were then given the oath, and the oral/practical examination began. The

DOCKET NO.512-92-245

(91-114)

IN THE MATTER OF	§	BEFORE THE STATE
TEXAS STATE BOARD	§	
OF PODIATRY EXAMINERS	§	
V.	§	OFFICE OF
GREGSON S. EDWARDS, D.P.M.	§	ADMINISTRATIVE HEARINGS

BE IT REMEMBERED that on the 26th day of August, 1993, oral argument was held in the above matter and Gregson Edwards, D.P.M., having been duly notified of the proceedings, appeared and was represented by counsel.

The Board, after having read the administrative law judge's Proposal for Decision and hearing arguments of counsels, makes the following findings of fact and conclusions of law and enters this Order.

I.

FINDINGS OF FACT

1. Gregson S. Edwards is a podiatrist licensed by the Board to practice podiatry in the State of Texas.
2. Notice, dated December 3, 1991, of the Board's intention to institute disciplinary action (i.e., conduct a hearing, if necessary), the conduct alleged to warrant this action, and of the informal [APTRA Section 18(c)] conference (scheduled for December 13, 1991) was properly addressed and mailed to Respondent. Notice of the hearing, dated July 9, 1992, was also mailed to Respondent, pursuant to Tex. Rev. Civ. Stat. Ann. art. 6252-13a, Section 13.
3. A hearing in this matter was convened on September 28, 1992, in the offices of the State Office of Administrative Hearings, located at the Clements Building, 300 West 15th Street, Austin, Texas and adjourned on September 30, 1992. A copy of the transcript was filed with the State Office of Administrative Hearings on December 14, 1992.

4. The hearing was conducted pursuant to, and under the authority of Article 4573 of the Podiatry Practice Act of Texas; Procedural Rules of the Texas State Board of Podiatry (22 TAC 377.1 et seq.); the Administrative Procedure and Texas Register Act ("APTRA"), Tex. Rev. Civ. Stat. Ann. art. 6252-13a; and the Texas Rules of Civil Procedure. During the hearing evidence in the form of testimony and exhibits was presented.

5. Rule 375.11 of the Board's Rules Governing the Practice of Podiatry states:

All podiatrists shall make, maintain, and keep accurate records of the diagnosis made and the treatment performed for and upon each of his patients for reference and for protection of the patient for at least two years following the completion of the treatment.

6. Rule 375.11, referenced in Finding of Fact 5, does not mandate that the information required be documented in progress notes.

7. The language of Rule 375.11 (i.e., "diagnosis made" and "treatment performed") indicates that at a minimum what must be maintained is documentation of the decision or conclusion reached by the podiatrist as to the identity or cause of the problem or condition, and the action taken relating to the diagnosis (e.g., the medication(s) given or the procedure or technique carried out).

8. If the podiatrist documents his conclusions regarding the cause or nature of a problem and how he handled the matter, then there is no violation of the Rule as written.

9. With one exception, Respondent maintained (in some form or fashion) accurate records of the diagnoses he made and the patient treatment he rendered pursuant to those diagnoses.

10. In one instance, Respondent identified a problem, i.e., the existence of painful callouses, but failed to document his treatment of that problem, i.e., removal or smoothing with a dremel disc.

11. Article 4567b of the Texas Podiatry Act states:

PRACTICE OF PODIATRY; PENALTY. Any person shall be regarded as practicing podiatry within the meaning of the law, and shall be deemed and construed to be a podiatrist, who shall

treat or offer to treat any disease or disorder, physical injury or deformity, or ailment of the human foot by any system or method and [charge] therefor, directly or indirectly, money or other compensation, or who shall publicly profess or claim to be a chiropodist, podiatrist, pedicurist, foot specialist, doctor or use any title, degree, letter, syllable, word or words that would tend to lead the public to believe such person was a practitioner authorized to practice or assume the duties incident to the practice of podiatry. Whoever professes to be a podiatrist, practices or assumes the meaning of this law or Article, without first obtaining from the Texas State Board of Podiatry Examiners a license authorizing such person to practice podiatry, shall be punished by a fine of not less than Fifty Dollars (\$50), nor more than Five Hundred Dollars (\$500), or by imprisonment in the county jail of not less than thirty (30) days, nor more than six (6) months or by both such fine and imprisonment.

12. Rule 375.8 of the Board's Rules Governing the Practice of Podiatry states:

A podiatrist shall not aid an unethical practitioner or engage in any subterfuge with any person, business, or organization. He shall expose any illegal, unethical, or dishonest conduct of other practitioners and cooperate with those vested with the responsibility of enforcement of the law and these rules of conduct.

13. The evidence does not establish that Respondent knowingly allowed or authorized Lisa Brandy to practice podiatry prior to her being licensed by the Board, as charged in the complaint against Respondent in this case.
14. The evidence does not establish that Respondent falsely reported to Mr. Carbrera's insurance company that a pre-existing condition was not pre-existing, as charged in the complaint against Respondent in this case.

II.

CONCLUSIONS OF LAW

1. The Texas State Board of Podiatry Examiners has jurisdiction over the subject matter of this proceeding pursuant to Article 4568(j) and Article 4573 of the Act. The State Office of Administrative Hearings has jurisdiction over matters related to the conduct of the hearings, including the authority to issue a

proposal for decision that includes findings of fact and conclusions of law, pursuant to Tex. Rev. Civ. Stat. Ann. art. 6252-13f.

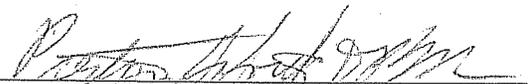
2. Proper notice was provided in this case as set forth in Finding of Fact 2.
3. Respondent violated Rule 375.11 of the Board's Rule Governing the Practice of Podiatry by failing to document treatment performed on a patient, as set forth in Finding of Fact 10.
4. Violation of any law regulating the practice of podiatry or rule adopted by the Board is grounds for discipline under the Texas Podiatry Act.

ORDER

IT IS HEREBY ORDERED that the Texas license issued to Gregson S. Edwards, D.P.M. be given a private reprimand and that Gregson S. Edwards, D.P.M., provide competent proof to the Texas State Board of Podiatry Examiners within three (3) months from the date of the Order that he has completed eight (8) hours of Continuing Education in the area of Medical Recordkeeping and Documentation.

DONE this the 28 day of September, 1993.

Ben Clark, Jr., D.P.M., President
(recused)



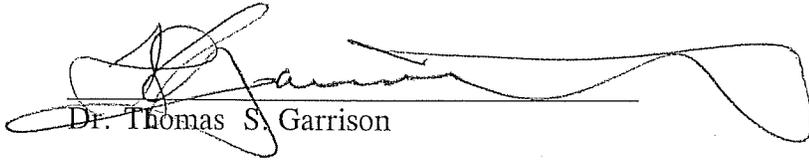
Dr. W. Preston Goforth, Vice-President



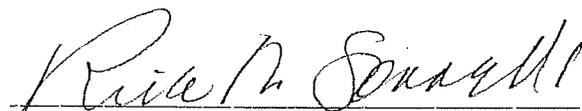
Dr. Eugene R. Scioli, Secretary

Dr. Peter Williams (recused)


Dr. J. Michael Valenza


Dr. Thomas S. Garrison

Ms. Betty Frances Walker (absent)


Mr. Rick D. Sorrells

Ms. Ana Maria Laborde (absent)