



TPMA E-NEWS

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President's Message

Robert Taylor, DPM, FCFAS

bobbyerl@msn.com

On May 15th the Supreme Court vacated the Order of Abatement and set a schedule for the petitioners, TPMA & TSBPME, to file briefs to the court by June 15th. The TMA & TOA will have until July 6th to respond, followed by our response to their response by July 21st. The TPMA Executive Council and our legal team met to discuss our options pursuant to the actions of the court, and after thoughtful consideration, we decided our best course of action was to move forward with filing our brief to the court.

We have and will continue to encourage the Board to take action on the new rule that has been proposed and discussed at length. It is the Association's opinion that the new proposed rule is a good rule and if adopted would provide needed clarity to the contemporary practice of podiatric medicine and surgery as well as give guidance to hospitals and credentialing bodies. Adoption of this new rule would also significantly change our course of action with the Supreme Court. The TSBPME's next meeting is July 6th in Austin, and we will be present again to strongly encourage the Board to take action.

On a final note, please make every effort to attend our Annual Business Meeting in South Padre Island June 25-28th. This is a great opportunity to participate in the governance of our great organization and a cost effective option to "get away". Hopefully we will see you in Padre.

Mark Your Calendars

TPMA Annual Convention

June 25-27, 2009

Isla Grand Beach Resort

South Padre Island, Texas

Highlights

6 CEU's	Awards Luncheon
Annual Business Meeting	President's Reception & Auction
TPMF "Surf & Turf" Events	

Meeting Information

Register Now

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Executive Director's Report

Don Canada

don@txpma.org

We had a tremendous response to our inaugural issue of the TPMA E-news last month! I believe it will go a long way to keep the membership involved in the process and kept informed of issues that pertain to the practice of podiatric medicine in Texas.

The comments ranged from "welcome to the 21st century" to "it's about time!" I am convinced that with the technology that is available today and how most of us get our news, it was about time! By the way, thanks to Jeff Hetman, DPM for having this idea about 5 years ago!

Our next project at the state office is already underway: To overhaul, improve and simplify the TPMA website. TPMA has joined the APMA State eAdvocacy Program that utilizes the CapWiz advocacy software. The program is a Web-based, advocacy management tool to help APMA and state associations administer and integrate state advocacy and public relations activities. It also allows members to receive advocacy messages and take action in a timely, streamlined fashion. We expect that to be completed by the TPMA Annual Meeting June 24-28, and hope to have a demonstration of the new features.

APMA Trustee Joseph M. Caporusso, DPM, (currently APMA Treasurer and one of our own!) sits on the International Federation of Podiatrists (FIP) Board allowing APMA to be an integral part of the discussions related to the globalization of podiatric medicine and to share information about international foot and ankle care with APMA and its members. The next [World Congress of Podiatry](#) will be held in Amsterdam, The Netherlands, May 13-15, 2010. APMA members also are automatically members of FIP and are offered free access to the organization's newsletter at www.fipnet.org as a member benefit. So, if you are not getting that newsletter, just log in and sign up!

The [92nd TPMA Annual Convention](#) is less than a month from now (June 25-27, 2009)! Get ready for one of the best Annual Conventions yet at the Isla Grand Hotel in South Padre Island, Texas. Don't miss CME lectures & fun in the sun along the Texas coastline. TPM Foundation events are covered elsewhere in this TPMA E-news, but it looks like fun for all. In response to many suggestions from our membership who felt we had too many CME meetings, the TPMA Board of Directors elected to combine our Spring and Summer meeting beginning next year. So this will be the last of the "stand alone" annual meetings. In the future, we will have a 3-day CME program combined with our TPMA Annual Membership Meeting that will be held in the Woodlands north of Houston June 3-6, 2010. That will limit the TPMA meetings to just three per year in the future (Southwest Foot & Ankle Conference, Dallas County/TPMA Winter Conference, and the TPMA Annual Meeting and Convention.

[CLICK HERE](#) for APMA and TPMA affinity programs for members with leading car rental, credit card, office supply, and other companies. If there are additional programs you would like to see from us, just let us know what you are looking for in another member benefit.



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Legislative Update

Mark Hanna, P. C., J.D.

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SCOPE OF PRACTICE LITIGATION SUMMARY AND UPDATE

Based on the following, TPMA is on target to go the distance with the Texas Supreme Court case:

On May 15, 2009, the Supreme Court vacated its Order of Abatement and issued the following briefing schedule:

Petitioner's brief is due, no later than 3:00 p.m., on June 15, 2009;

Respondent's brief is due on July 16, 2009; and

Petitioner's Reply Brief is due on July 21, 2009.

Accordingly, the anticipated timetable for the appeal process before the Texas Supreme Court is as follows:

- (1) TPMA, TSBPME, and Dr. Scudday will submit briefs on the merits to the Supreme Court on June 15, 2009.
- (2) TMA/TOA's reply briefs are due on July 16, 2009.
- (3) TPMA's brief in reply to TMA/TOA's briefs is due July 21, 2009.
- (4) All briefs will be reviewed by a staff attorney who will make a written recommendation to the Supreme Court to either grant or deny the Petitions For Review. This should occur in September, 2009.
- (5) It is likely that the Supreme Court will not grant or deny the Petitions For Review until October, 2009.
- (6) If the Petitions For Review are granted by the Supreme Court, oral argument will likely be scheduled in January or February, 2010.

If, however, the TSBPME finally adopts new rules (at their next meeting on July 6th) which define the DPM's scope of practice in Texas and repeal the current definition of "foot," this would likely render the pending appeal moot. If this occurs, TPMA will file a Motion to Dismiss the Appeal with the request that the Supreme Court enter a *per curiam* notation that the appeal is moot and that the Court neither approves or disapproves the Court of Appeals Decision.

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Regional Caucus Information for 2009 Elections:

Per the TPMA bylaws, Article VIII, Section 3, "at each annual meeting of the Association, the members from each Region whose Regional Director or directors' term expires that year, shall caucus separately for the purpose of electing the Regional Director or Directors. Each caucus shall elect a chairman to preside over the election, and the caucus shall proceed to elect its Director (s)." A region is eligible for a director for every 40, or portion thereof, active members. Please reference the below list for openings.

Region I – 117 members . Eligible for 3 directors.

Tim Abigail, DPM -	Regional Position is up for election.
Leslie Campbrell, DPM -	Regional position is NOT up for election, 1 more year of term.
Nicole Hancock, DPM -	Regional position is NOT up for election, 1 more year of term.

Region II – 111 members. Eligible for 3 directors.

Marque Allen, DPM –	Regional position is NOT up for election, 1 more year of term.
Maureen Caldwell, DPM –	Regional Position is up for election.
James Miller, DPM –	Regional Position is up for election.

Region IV – 47 members. Eligible for 2 directors .

Cory Brown, DPM –	Regional Position is up for election.
Bradford Glass, DPM –	Regional position is NOT up for election, 1 more year of term.

Region V – 38 members. Eligible for 1 director.

Jonathan Hosch, DPM –	Regional Position is up for election.
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Region VI – 169 members. Eligible for 5 directors.

Jeffrey Bowman, DPM -	Regional position is NOT up for election, 1 more year of term.
James Kutchback, DPM –	Regional position is NOT up for election, 1 more year of term.
Scott McKinney, DPM –	Regional Position is up for election.
Jason Miller, DPM –	Regional Position is up for election.
Eligible for a 5 th slot -	

Region VII – 67 members. Eligible for 2 directors.

Angel Lopez, DPM –	Regional Position is up for election.
Eligible for a 2nd slot -	

Region VIII – 88 members. Eligible for 3 directors.

Carlton Newman, DPM -	Regional position is NOT up for election, 1 more year of term.
Gary Prant, DPM –	Regional Position is up for election.
Steve Sterriker, DPM –	Regional Position is up for election.

In addition to Board of Directors slots, each region will also nominate the following committee members for 1 year terms per the bylaws:

Nominating Committee member and alternate - *(Must be a member for 5 years and cannot succeed themselves)* Peer Review/Quality Assurance Committee – however, proposed bylaws changes would change method of appointment by the President with approval by the Board Grievance Committee will be merged with Peer Review/Quality Assurance Committee with proposed bylaws if adopted.

**Reported May 1, 2009.*



BUDGET & FINANCE COMMITTEE REPORT

Samuel Nava, DPM, Chairman

Budget & Finance Committee 2008-2009

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As per the bylaws the Budget and Finance Committee Report has been mailed to the entire membership for their review 30 days prior to the Annual Meeting. The membership will consider the report of the Budget and Finance Committee, which was approved by the Board of Directors on April 17, 2009. The report includes 2008-2009 year-end vs. budget, as well as a proposed budget for your consideration for the next fiscal year June 1, 2009 through May 31, 2010.

The current year was fiscally challenging. We weathered the economic storm that had potential to put our finances in jeopardy. As of this writing it is estimated that, following the payment of the outstanding bills, the TPMA will see a net income of almost (\$38,000). The Contingency Fund and Rent Reserve Fund now have a total of about \$126,000 but we took a 37% hit in these funds with this year UBS which were invested in mutual funds. From March of this year, we are beginning to recover some of the losses as we stayed the course. In order to get better service and better performing mutual funds, we changed from UBS Financial to Edward Jones this year. The investments are now in the American Funds family and are balanced for income, growth/income, and growth funds to give us diversity. American Funds have historically been top performers in the mutual fund market.

The financial success of the association this year was realized, in part, by the very successful CME programs sponsored by the TPMA. The association continues to grow in membership with a yearly rise in podiatric physician and assistant attendance to our increasingly stellar programs, and we continue to see a steady increase in the number of vendors at each meeting. A special thanks to Damien Dauphinee, D.P.M., for all of his CME Committee's good work toward making the CME meetings successful. Corporate sponsorships are another reason for concern during this economic climate. Several companies who have been supporters in the past just do not have the discretionary budget to continue, or to continue at the level we have become accustomed to, but PICA leads the contributors and has pledged continuation of their support. A very special thank you goes to the TPMA staff for their diligence in remaining faithful to the budget and keeping spending within the sometimes very strict parameters.

This year we lost a tenant in the restaurant downstairs, but that created an opportunity to get an outdated lease back to market value. My thanks to Don Canada for his negotiation of a new lease with an upscale Mexican Restaurant, El Chile Café & Cantina. We previously were getting about \$2,500 in monthly rent plus taxes and insurance, and the new lease is \$4,650 for this year plus 50% of the taxes and insurance on the building. Our rental income is projected to be \$67,500 annually which includes the café downstairs and rental income from Don Canada's firm for his other association business. Plus we are getting about \$6,000 toward our insurance and taxes on the building from the tenants.

But the best news this year is we paid the mortgage off in February and own the building free and clear! It continues to be a showplace for TPMA and a base for legislative advocacy.

I would also like to thank Dr. Taylor, the Executive Committee and the membership for their support and confidence over the past year. Even though this year has been a challenging economic climate during our litigation that is fighting over our rights to keep ankle surgery in Texas, the leadership has remained strong and the Board of Directors has continued looking out for the interests of all our members.



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Constitution and Bylaws Committee Report
Ken Dennis, DPM
Chairman, Constitution and Bylaws Committee

Membership will be considering several Bylaws changes at our annual meeting. Most are simply housekeeping and are outlined below. One significant change was unanimously endorsed by the TPMA Board of Directors in San Antonio on April 17th. The spirit and intent of this change comes from a request by the Texas State Board of Podiatric Medical Examiners to TPMA to have our Peer Review process become more formal and assist the TSBPME in their deliberations on the complaints they receive – pros and cons will be discussed below.

- The inclusion of a “young member” (TPMA member < 5 years), appointed by the President, to be a voting member of the Board of Directors. Article V, 1st paragraph, Line 3, page 12.
- Refining award – “Young Practitioner of the Year”, to recognize TPMA members < 5 years (so they can qualify for the award before they are eligible to receive AARP benefits!!). Article IV, Section 2, subsection 5, page 9.
- Refining the language, responsibilities and duties of our Delegates and Alternates to the APMA House of Delegates. Article IV, Section 2, Subsection 11 (TPMA Delegation to APMA House of Delegates), Second Paragraph, Second sentence, page 11.
- We no longer have a labor committee. Therefore, Article IV, Section 1, Subsection 10 – page 11. **Delete the Subsection “Labor Committee” entirely.**
- Clarification of the mechanism of filling vacancies within the elected positions of TPMA. Article VIII. Section 4. Page 15. To more adequately reflect the intent of the Bylaws.

These proposed Bylaws changes received a unanimous endorsement from the TPMA Board of Directors.

Background: “Reasonable people should be able to resolve reasonable problems without government intervention.” (from TSBPME).

- The Texas Podiatric Medical Association (TPMA) is a ***social organization*** representing Podiatrist. The Texas State Board of Podiatric Medical Examiners (TSBPME) is a ***governmental agency*** charged with protecting the citizens of Texas. Both serve important functions.
- The members of the TSBPME are incredibly overworked as they sift through the huge backlog of complaints they receive – both civil and criminal. 210 days is the current estimate of time required to resolve a complaint made to TSBPME.
- The estimated number of cases TPMA will be asked to consider annually are expected to be between 30 and 50.
- Members of the Peer Review committee are legally protected by statute in the state of Texas. TPMA also holds Directors & Officers Insurance for all volunteer committee members.

PROS:

- “TPMA already does this as long as the complaint originates in our office. Why not help TSBPME out.” – TPMA past president.
- The Texas Medical and Dental Associations already do this – it truly is the standard – we need to step up to the plate.

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- ** If TPMA deliberates – resolution will be a private matter between the parties. If TSBPME deliberates – it is a matter of public record. (*In Constitution & Bylaws opinion; this is a **huge membership benefit!***)
- TPMA will most certainly be able to improve the time interval between complaint and resolution.
- TPMA will only be considering civil complaints – any negative findings will be sent back to TSBPME for final disposition.
- This proactive approach will provide TPMA a much bolder stance in the legislative arena as we prove we can and will “police our own.”

CONS:

- TPMA is not a regulatory agency.
- TPMA will no longer be able to elect the members of Peer Review – they will be appointed by the President (with more stringent qualifications) and will have to undergo a complete background check.
- When a case is reviewed; the Peer Review committee member from that region may participate in deliberations, but not vote on the outcome – this may help to decrease any potential conflict of interest.
- There is an obvious expense inherent in this type of committee work – TPMA may need to seek reimbursement as the extent of involvement becomes clear.

REGIONAL NEWS

Gary Prant, D.P.M.

Region 8 Director

First, I want to thank Dr. Taylor for his amazing work for us this year. His wisdom, judgment and senatorial voice have served us well this year. I've often said that as a small group we accomplish so much more than anyone would expect. A large part of the reason we accomplish so much is because of people like Robert Taylor, Don Canada and Mark Hanna.

During these last few years we have often not been able to discuss details of our board meetings dealing with scope negotiations with our membership. Unfortunately, I think this has caused us to lose touch with our membership. I think we need a re-emphasis on communication with our members. I think that we need to communicate more on a one to one basis and in local meetings. I think that all the regional directors should give a short report at the board meeting about what is happening in their region. I applaud the TPMA staff for developing the TPMA E-news as it will go a long way to improve communication with the members.

So what's going on in Austin? We have several new practitioners. Several have affiliated with large multispecialty groups and a few have opened up with existing docs and very few opened up by themselves. I see a dichotomy forming in our profession between those in the large multispecialty groups and those in solo practice. Their interests are quite different. The largest group of podiatrists in town ADC lost one experienced doc to private practice and one fine young doc to academic medicine in Dallas. I have a feeling in the future that we will be seeing very different demands on TPMA from “private” docs and those who are members of multispecialty groups.



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Nominating Committee Report

Brian Carpenter, Chairman, TPMA Nominating Committee

Following are the results of Nomination Committee Conference Call, Thursday, May 7th. Elections will be held on Saturday, June 27th at the TPMA Annual Meeting in South Padre Island.

Nominating Committee Recommended Slate for Officers:

President	Martin Sloan, DPM (automatic as per by laws)
President-Elect	Samuel Nava, DPM
First Vice President	Damien Dauphinee, DPM
Second Vice President	Steven Brancheau, DPM

Nominating Committee Recommended Slate for APMA Delegates (2 year terms):

Paul Kinberg, DPM
Jay Lifshen, DPM
Robert Boudreau, DPM
Kyle Ballew, DPM

Charley Hartley, DPM (serving second year of 2-year term)
Bradford Glass, DPM (serving second year of 2-year term)

Nominating Committee Recommended Slate for APMA Alternates (1 year terms):

Jeffrey Bowman, DPM
Don Blum, DPM
Robert Taylor, DPM



Dr. Joe Caporusso, Bailey McGee (2011), Kimberlee Hobizal (Des Moines 2010), and Dr. Richard Bellacosa at the 24th Annual Podiatric Medical Legislative Conference held March 23-25 in Washington, D.C.. Bailey is from Marshall and Kimberlee hails from Port LaVaca. Both students are Baylor graduates.



TEXAS PODIATRIC MEDICAL FOUNDATION UPDATES

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TPMA Annual Meeting

Do not miss the Foundation Surf & Turf Events at the TPMA Annual Meeting in South Padre, June 25-27, 2009. Golf, Fish, Poker and Auction - all is benefiting the TPMA Foundation! The Auction will highlight items for online bidding - watch for posting June 8-22 for bids!

** Please forward all Auction donations by June 15 or contact krista@txpma.org.

Next Mission Trip to San Miguel

The next TPF Mission trip will be July 11-18 to San Miguel de Allende, Mexico. If you have not been - take advantage of seeing a great area and helping many people in need. The trip is subject to tax deductibility and is open to family, students, assistants - all are welcome. Passport required. Contact krista@txpma.org to sign up or for more information!

Mission Package Trip Available: 10 CME Hours Offered – Save the Date!

- \$1480 (includes DPM & guest. Air not included)
- 7 nights Villa Rivera Hotel in the Old Town with Continental Breakfast
- Transports to and from Leon airport
- Trip to Leon Leather market
- Group Dinner in Old Town San Miguel
- 10 CME Contact Hours (final agenda, objectives & speakers available at txpmf.org)
- Volunteer at the clinic, villages or orphanages (Spanish cheat sheet provided)
- Optional: Spanish Courses, jewelry making, horseback riding, 4 wheeling, or trips to woodworkers, glass factory, rug weavers or ceramic factory.

Volunteers Needed For New Foundation Projects

In addition to the medical mission, shoe drives and resident grants, the TPF is adding some exciting outreach programs within the next 2 months. These include:

Indigent Patient Program: The TPF is setting up partnerships with indigent programs in Houston and Dallas. These services will provide screening services and resources to caretakers of indigent patients in Texas. The Foundation will also raise grants to reimburse for base supplies utilized for indigent care to participating DPMs. In rural areas where screening services are not existent, we are forming a program that will provide a similar service for our DPM offices. If you are interested in helping with this effort in your city, please contact krista@txpma.org

Emergency Team Response: The TPF is coordinating with the State Emergency Network to be a link in the emergency response network as disasters arise. Local contacts in each region will be needed to serve as point person. If you can serve as contact person and relay information for your area for disaster response, please email krista@txpma.org.