Senator Fred S. Martin

From: Kylin Kovac <kylinkovac@gmail.com>
Sent: Friday, January 14, 2022 8:36 AM
To: Senator Fred S. Martin; fredsmartin@hotmail.com
Subject: Letter from Idaho Podiatric Medical Association
Attachments: IPMA letter to Senator Martin.docx

Dear Senator Martin,

I write to you in my capacity as President of the Idaho Podiatric Medical Association. I represent all of the Podiatric Physicians in the state of Idaho. We recently discovered a significant issue with an IDAPA regulation that directly and significantly impacts each of the Podiatric Physicians in the state of Idaho. We would appreciate your consideration of this matter during the current Legislative session. Please see the attached letter that outlines our concerns.

Respectfully,

Kylin Kovac DPM, FACFAS
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IPMA
Idaho Podiatric Medical Association

Senator Fred S. Martin
3672 Tumbleweed Pl.
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Dear Senator Martin:

My name is Kylin Kovac, DPM, and I currently serve as the President of the Idaho Podiatric Medical Association (IPMA). The IPMA is the major professional association for podiatric physicians in the state of Idaho and represents the interests of all podiatrists in the state. The following IDAPA regulation has come to the attention of our organization, which reads as follows:

> (c) All prosthetic and orthotic devices that require fitting must be provided by an individual who is certified or registered by the American Board for Certification in Orthotics or Prosthetics, or both.

IDAPA 16.03.09.772.01(c). This regulation was adopted in 2007, but, to my knowledge, has never been enforced against any podiatric physician until just recently. Indeed, a poll of our organization did not reveal a single podiatrist who was aware of the regulation or against whom the regulation had ever been enforced, save for one recent incident.

At the IPMA's recent annual meeting in Sun Valley on January 6-8, 2022, our organization discussed this IDAPA provision in detail. Following that, our organization voted to oppose this regulation and authorized me to correspond with you to express that opposition. I am aware that attorney Kevin West has corresponded with you recently and provided you a letter addressed to Dave Jeppesen, Director of the Idaho Department of Health and Welfare, dated November 16, 2021. That letter sets forth the basis for the IPMA's opposition to the IDAPA regulation in question. Simply put, Idaho's regulation conflicts with federal law and would disrupt the common practice of podiatrists for many decades in prescribing and supplying custom fitted orthotics and prosthetics to their Medicaid patients. Unlike any other medical specialty, podiatrists are uniquely trained and qualified to provide custom fitted orthotic and prosthetic devices to their patients for lower extremity conditions. Their training is part of the standard podiatry school education as well as most common podiatric residency programs in the United States. The certification required in the IDAPA regulation would be from a body which does not allow certification of any physician, including podiatrists. Rather, the certification is only for mid-level professionals such as orthotists and prosthetists. Thus, because podiatrists cannot obtain the certification required by the IDAPA, they would not be able to ever supply custom-fitted prosthetics or orthotics to their patients, despite the fact that this has been done in podiatry for decades. Based upon the above, the IPMA respectfully requests that IDAPA 16.03.09.772.01(c) be either (1) deleted entirely, or (2) that foot and ankle specialists (orthopedic surgeons and podiatrists) be exempted from the regulation because they already have the expertise and do not need the certification required by the subsection.

I would be happy to discuss this matter with you further or appear at any hearing as needed to discuss this matter.

Very truly yours,

Kylin Kovac, DPM
President, Idaho Podiatric Medical Association