

GEORGIA STATE BOARD OF PODIATRY EXAMINERS
Teleconference Meeting Minutes
October 2, 2015 - 1:00PM

The Georgia State Board of Podiatry Examiners met on Friday, October 2, 2015 via telephone conference call. The following members were present:

Board Members Present

Dr. Leonard LaRussa-President
Dr. William B. Turner-Vice President
Dr. Rudolf Cisco-Board Member
Ms. Judy Sanders-Consumer Member

Administrative Staff Present

Adrienne Price, Executive Director
Kathy Osier, Licensing Supervisor
Tamara Elliott, Board Support Specialist

Office of Attorney General

Janet Jackson, Assistant Attorney General

Visitors Present

No Visitors Present

Call to Order Dr. LaRussa established that a quorum was present and called the meeting to order at 1:01 p.m.

OPEN SESSION

Agenda The Board accepted the agenda as presented.

Open Session Minutes

1) July 31, 2015 Board Meeting Minutes

Ms. Sanders motioned, Dr. Cisco seconded and the Board voted unanimously in favor of the motion to approve the July 31, 2015 open session minutes as amended to include the economic impact discussion statement.

Licenses to Ratify July 24, 2015 – September 25, 2015

Dr. Turner motioned, Dr. Cisco seconded and the Board voted unanimously in favor of the motion to ratify the list of licenses issued between meetings as presented.

Discussion – Alabama Medical Board Repeals Telehealth Rule

It was the consensus of the Board that the Alabama Medical Board's actions were likely taken in light of outcome of the North Carolina Dental Board vs. The Federal Trade Commission. Dr. Turner remarked that the Alabama Board repealed the requirement that first-time visits between a patient and a physician be in-person when he is very much in favor of this requirement and inquired as to whether or not this Board should be making decisions now as it relates to telehealth.

Ms. Jackson suggested that since there are a number of new pieces of legislation being proposed as it relates to telehealth, the Board may want to consider gathering more information about what is occurring legally in this and other states before acting. It as the consensus of the Board that no actions be taken at this time. The Board accepted the correspondence in reference to telehealth rule in Alabama as information.

Notifications to the Board The Board accepted the notifications that the following list of newly adopted Board Rules have been posted to the Board as information.

- 1) BR 500-2-.02
- 2) BR 500-3-.01
- 3) BR 500-4-.01
- 4) BR 500-5-.01
- 5) BR 500-5-.02

Board President's Report – L. LaRussa

No report presented

Executive Director's Report – A. Price

Executive Director's report provided the Board with statistical data relevant to the processing of applications, renewals and complaints/compliance as well as the statistics for FY 2015. Ms. Price informed Board Members that the request to the to make an amendment to the Joint Secretary Rule 295-15-.01 to include Podiatry as one of the professions that may grant an inactive status has been submitted to the Division Director and the Legal Services Department. It is reported that the department is awaiting a final revision form another healthcare section before it can submit the final draft to the

Secretary of State and his counsel consideration and approval. Ms. Price also provided an update on the US Congress' Telehealth Bill and reminded the Board that based on their discussions during the July 2015 meeting, the discussion regarding policy revisions were tabled and assigned to Dr. Cisco to update. The Board accepts the report as presented.

Miscellaneous

1) 2016 Board Meeting Dates

Ms. Sanders motioned, Dr. Cisco seconded and the Board voted unanimously in favor of the motion to accept the following 2016 Board Meeting dates as presented:

Podiatry 2016 Meeting Dates

Macon, GA	Friday, January 22, 2016	1:00pm
Teleconference	Friday, April 15, 2016	1:00pm
Macon, GA	Friday, July 15, 2016	1:00pm
Teleconference	Friday, October 14, 2016	1:00pm

2) Georgia Podiatric Medical Association (GPMA)

Dr. Turner inquired as to whether or not the Board should forward copies of the newly adopted rules to be placed within the next GPMA newsletter. Dr. LaRussa indicated that he did not feel it was necessary to provide them to GPMA but it would be fine to notify them that the rules have been updated and refer them to the website to review the new amendments. Dr. LaRussa specified that he will make contact with GPMA about the new rules and also suggest to them to mention the continuing medical education requirements and what could potentially occur if someone fails the audit.

Dr. Turner motioned, Dr. Cisco seconded, and the Board voted to enter into Executive Session in accordance with O.C.G.A. § 43-1-2(k) (1) (2), O.C.G.A. § 50-14-2(1), O.C.G.A. § 43-1-2-(k) (4), O.C.G.A. § 43-1-19 (h) (2) & (4) to receive and review information pertaining to Applications, receive the Attorney General's, Cognizant, and Enforcement Reports. Voting in favor of the motion were those Board members present: Dr. LaRussa, Dr. Turner, Dr. Cisco and Ms. Sanders.

At the conclusion of the Executive Session on Friday, October 2, 2015, Dr. LaRussa declared the meeting to be "open" pursuant to the Open and Public Meeting Act O.C.G.A. § 50-14-1 et seq. No votes were taken during executive session.

OPEN SESSION

Executive Session Minutes

1) July 31, 2015 Board Meeting Executive Minutes

Dr. Turner motioned, Dr. Cisco seconded and the Board voted unanimously in favor of the motion to approve the July 31, 2015 executive session minutes as presented.

Attorney General's Report- J. Jackson

Dr. Turner motioned, Dr. Cisco seconded and the Board voted unanimously in favor of the motion to accept the Attorney General's report as presented.

Board Rule 500-8-.01

Dr. Turner motioned, Dr. Cisco seconded and the Board voted unanimously in favor of the motion to accept Board Rule 500-8-.01 with the suggested amendments and vote to post.

500-8-.01 Unprofessional Conduct. Amended.

The Georgia State Board of Podiatry Examiners has the authority to refuse to grant or to grant a license to an applicant, or to discipline a podiatrist licensed in the State of Georgia if that individual has engaged in unprofessional conduct. For the purpose of the enforcement and implementation of this rule, unprofessional conduct is defined as, but not limited to, practicing or aiding in the following:

- (a) Violating any order of the Georgia State Board of Podiatry Examiners;
- (b) Violating a statute, law, or any rule or regulation of this state, any other state, the United States, or any other lawful authority, without regard to whether the violation is criminally punishable, which statute, law or rule or regulation relates to or in part regulates the practice of podiatry, when the licensee or applicant knows or should know that such action is ~~violative~~ a violation of such statute, law, or rule.
- (c) Violating any Consent Order entered into with the Georgia State Board of Podiatry Examiners or any other licensing board.
- (d) Violating any statutes and/or rules relating to or regulating the practice of podiatry including, but

not limited to, the following:

1. The Georgia Podiatry Act (O.C.G.A. T. 43, Ch. 34);
2. The Georgia Controlled Substances Act (O.C.G.A. T. 17, Ch. 13, Art. 2);
3. The Georgia Dangerous Drug Act (O.C.G.A. T. 16 Ch. 13, Art. 3); 4. The Federal Controlled Substances Act (21 USCA, Ch. 13);
- ~~4.~~ 5. The Consumer Information and Awareness Act (O.C.G.A. T. 43, Ch. 1, Art. 33);
- ~~5.~~ 6. The Rules and Regulations of the Georgia State Board of Podiatry Examiners;
- ~~6.~~ 7. The Rules and Regulations of the Georgia Board of Pharmacy, Ch. 480, Rules and Regulation of the State of Georgia, particularly those relating to the prescribing and dispensing of prescription drugs, Chapter 480-28.
- ~~7.~~ 8. The Code of Federal Regulation Relating to Controlled Substances (21 C.F.R. Par. 1306); and
- ~~8.~~ 9. O.C.G.A. 31-33 Health Records.

(e) Been convicted of any felony or of any crime involving moral turpitude in the courts of this state or any other state, territory or country or in the courts of the United States. As used in this paragraph, the term "felony" shall ~~include~~ include any offense which, if committed in this state, would be deemed a felony, without regard to its designation elsewhere; and as used in this paragraph, the term "conviction" shall be deemed to include a finding or verdict of guilty or a plea of guilty, or plea of nolo contendere, regardless of whether an appeal of the conviction has been sought;

(f) Knowingly performing any act which in any way aids, assists, procures, advises, or encourages any unlicensed person or any licensee whose license has been suspended or revoked by the board to practice podiatry or to practice outside the scope of any disciplinary limitation placed upon the licensee by the board;

(g) Practicing fraud, forgery, deception or conspiracy in connection with an examination for licensure, an application or a license renewal;

(h) Knowingly making misleading, deceptive, untrue, or fraudulent representations in connection with the filing of any insurance claim;

~~(d)~~ (i) Failing to maintain appropriate records whenever controlled drugs are prescribed. Appropriate records, at a minimum, shall contain the following:

1. The patient's name and address;

2. The date, drug name, drug quantity, and diagnosis for all controlled drugs; and

3. Record concerning the patient's history.

~~(j)~~ (j) Prescribing for habitual drug users in the absence of substantial pediatric purpose;

• ~~(k) Prescribing drugs for other than a legitimate pediatric purpose;~~

~~(k)~~ Any departure from, or the failure to conform to, the minimal standards of acceptable and prevailing podiatric practice;

~~(m)~~ (l) Committing any act of nonconsensual sexual intimacies, abuse, misconduct or exploitation related to the licensee's practice of podiatry;

~~(n)~~ (m) Failing to conform to current recommendations of the Centers for Disease Control (C.D.C.) for the transmission of Immunodeficiency Virus and Hepatitis B. Virus to patients. It is the responsibility of all currently licensed podiatrists to maintain familiarity with these recommendations, which are considered by the Board to be minimum standards of acceptable and prevailing pediatric practice. (Copies of the guidelines may be obtained from the Centers for Disease Control, the Department of Human resources, or from the Board.)

Authority O.C.G.A. Sec. 43-35-9. **History.** Original Rule entitled "Unprofessional Conduct" adopted. F. May 15, 1995; eff. Jun 4, 1995.

The Board discussed the economic impact of Board Rule 500-8-.01 upon the licensee. Ms. Sanders motioned, Dr. Turner seconded and the Board voted unanimously in favor of the motion that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

Ms. Sanders motioned, Dr. Turner seconded, and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-24A-19(2), and 43-24A-3(4) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Podiatry.

Cognizant's Report – R. Cisco

Dr. Turner motioned, Ms. Sanders seconded and the Board voted unanimously in favor of the motion to accept the following recommendations made in Executive Session:

- 1) POD160001 Close the case with no action.
- 2) POD160002 Close the case with no action.
- 3) POD160003 Close the case with no action.
- 4) POD160005 Close the case with a letter of concern regarding informed consent and suggest that the respondent include additional markings on the toes to further alert clients of where the procedures will take place.

Discussion Cases

- 1) K.L. If the licensee attempts to renew prior to November 30, 2015, refer to the Attorney General's office for a Private Consent Order for Renewal of Licensure with a \$500 fine for failure to obtain C.M.E. in accordance with Board Rule 500-5-.01, flag for C.M.E. audit during the next cycle, and indicate that any future violations will incur harsher penalties and additional audits.

Applications for Board Review

There were no applications for the Board to review.

Miscellaneous

- 1) Dr. Turner motioned, Ms. Sanders seconded and the Board voted unanimously in favor of the motion to place a hold for C.M.E. audit on the 72 licensees who have not applied for license renewal as of this meeting date.
- 2) Ms. Sanders motioned, Dr. LaRussa seconded and the Board voted unanimously in favor of the motion to nominate Dr. Turner to develop guidelines for the penalties that will ensue for violation of C.M.E requirements.

Adjournment With no further business to be discussed, the meeting was adjourned at 2:56 p.m.

Minutes recorded by:

Minutes reviewed and edited by:

Minutes approved on:

Tamara Elliott, Board Support Specialist

Kathy Osier, Licensing Supervisor & Adrienne Price, Executive Director

January 22, 2016

LEONARD LARUSSA

BOARD PRESIDENT

ADRIENNE PRICE

EXECUTIVE DIRECTOR