

GEORGIA STATE BOARD OF PODIATRY EXAMINERS
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
January 22, 2016 - 1:00PM

The Georgia State Board of Podiatry Examiners met on Friday, January 22, 2016. The following members were present:

Board Members Present

Dr. Leonard LaRussa-President
Dr. William B. Turner-Vice President (via teleconference)
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
(via teleconference)

Visitors Present

No Visitors Present

Call to Order Dr. LaRussa established that a quorum was present and called the meeting to order at 1:00 p.m.

OPEN SESSION

Agenda The Board accepted the agenda as presented.

Open Session Minutes:

1) October 2, 2015 Teleconference Minutes

Ms. Sanders motioned, Dr. Turner seconded and the Board voted unanimously in favor of the motion to approve the October 2, 2015 open session minutes as amended to correct grammatical errors.

Licenses to Ratify September 26, 2015 – January 15, 2016

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

Discussion – FTC Active Supervision of State Boards – FARB Response

The Board accepted the correspondence in reference to FTC Active Supervision of State Boards as information.

Discussion – PM News – Advertising “custom-fit orthotics”

The Board accepted the correspondence in reference to advertising “custom-fit orthotics” as information.

Policy Recommendations – Dr. Turner

Dr. Turner presented the Board with Policy amendment recommendations regarding continuing education for renewals. The Board discussed the recommendations and tabled for further discussion at the next scheduled Board Meeting. Dr. Turner motioned, Dr. LaRussa seconded and the Board voted unanimously in favor of the motion to implement a new policy which states in addition to the audit during the renewal application process that the Board will begin conducting a post-renewal continuing medical education audit thirty (30) days after the license expiration date.

Board Rule Hearing(s)

Board Rule 500-8-.01 Hearing was called to order at 1:49pm.

**SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA STATE BOARD OF PODIATRY EXAMINERS
RULE FOR CHAPTER 500-8, UNPROFESSIONAL CONDUCT, RULE 500-8-.01, UNPROFESSIONAL
CONDUCT.**

Purpose: The purpose of this rule amendment is to add language regarding the Consumer Information and Protection Act.

Main Features: The rule will further clarify unprofessional conduct.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE
GEORGIA STATE BOARD OF PODIATRY EXAMINERS RULE FOR CHAPTER 500-8,
UNPROFESSIONAL CONDUCT, RULE 500-8-.01, UNPROFESSIONAL CONDUCT.**

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

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);
 - 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~~ not 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)~~ Prescribing for habitual drug users in the absence of substantial podiatric 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) Committing any act of nonconsensual sexual intimacies, abuse, misconduct or exploitation related to the licensee's practice of podiatry;

(n) 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.

Written Comments Received

No written comments were received.

Public Comments Received

No Public comments were received or offered during the hearing.

Dr. Turner motioned, Ms. Sanders seconded and the Board voted unanimously in favor of the motion to adopt the 500-8-.01 proposed amendment as presented.

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.

The hearing adjourned at 1:57 p.m.

Executive Director's Report – A. Price

Executive Director's report presented the Board with statistical data relevant to the processing of applications, the number of licensees, complaints/compliance matters and the status of renewal applications, to include the number of licenses that were lapsed. Ms. Price provided the Board with an update on the new toll free number for the Professional Licensing Boards Division. She also presented the Board with an update on the status of the telemedicine bills proposed in US Congress, the revision of Joint Secretary Rule 295-15-.01 to include inactive status for podiatrists and a reminder that each Board Member is to meet the Annual Affidavit and Personal Financial Disclosure requirements by January 31, 2016. The Board accepted the report as presented.

Board President's Report – L. LaRussa

Dr. LaRussa informed the Board that he notified the Executive Director of the Georgia Podiatric Medical Association (GPMA) to ask him to contact Georgia Podiatrists and make them aware of the changes to the Board rule regarding CME and shared with him information about the extremely high number of renewal applicants who had not met the CME requirements. Dr. LaRussa suggested adding information regarding the CME that one might obtain through the GPMA on the homepage of the Georgia State Board of Podiatry Examiners website. Ms. Price indicated that the Board may not wish to promote one particular source of CME on the website but may want to consider adding a statement referring licensees to the various professional associations and organizations that offer acceptable CME courses. If there is a major event occurring with those organizations whereby a licensee could obtain a large number of CME hours the Board may direct staff to add that date information on the website if it so chooses. It was the consensus of the Board to add such a statement to the Board website. Dr. LaRussa indicated that he will provide Ms. Price with the information for the GPMA.

2016 Board Elections

Ms. Sanders motioned, Dr. Turner seconded and the Board voted unanimously in favor of the motion to maintain the Board Officers as is.

Miscellaneous Discussions

Repost Board Rule 500-5-.01

Dr. Turner motioned, Dr. LaRussa seconded and the Board voted unanimously in favor of the motion to repost BR 500-5-.01 Notice of Intent proposed amendment as was adopted at the July 31, 2015 Board Meeting due to an error in the rule promulgation process.

500-5-.01 Continuing Education Hours. Amended.

(1) The purpose of continuing education for podiatrists is to maintain and enhance the professional competence of podiatrists licensed to practice in Georgia for the protection of the health and welfare of the people of the State of Georgia.

(2) As a requirement for the biennial renewal of his/her license, a podiatrist must certify to the Georgia State Board of Podiatry Examiners the completion of not less than fifty (50) hours of approved continuing education in the preceding two (2) years prior to the license expiration date. ~~In the event a podiatrist fails to certify completion of continuing education hours at the time of renewal of his/her license, the Georgia State Board of Podiatry Examiners will not process his/her request to renew his/her license until continuing education requirements are met.~~

(a) No more than ten (10) hours shall be obtained from online courses/correspondence courses/webinar, and ~~said~~ online such courses must be approved by ~~CPME~~ (Council of Podiatric Medical Education (CPME)).

(b) No more than ten (10) hours shall be obtained live (in person) from any healthcare related source, ~~from the AOA (American Osteopathic Association) and/or the AMA (American Medical Association) approved continuing medical education providers.~~

(c) At least thirty (30) continuing medical education hours must be approved by the ~~CPME~~ (Council of Podiatric Medical Education (CPME)) and/or ~~GPMA~~ (Georgia Podiatric Medical Association (GPMA)) and must be obtained live (in person).

(3) A podiatrist who has obtained a Georgia license by reciprocity or by examination, and who must renew his or her Georgia license for the first time, shall obtain the following number of continuing education hours prior to renewal of the license:

(a) If the licensed ~~was issued~~ during the first six (6) months of the biennial renewal period, from ~~(September of every the odd numbered year to the end of the following February, of every even numbered year) of the biennium renewal cycle shall be required to obtain~~ the full fifty (50) hours of continuing education shall be required for renewal;

(b) If the licensed ~~was issued~~ during the following twelve (12) months of the biennial renewal period, from ~~(March of every the even numbered year to February of every the odd numbered year) of the licensure period, biennium renewal cycle, he/she shall be required to obtain~~ thirty (30) hours of continuing education shall be required for license renewal;

(c) if the licensed ~~was issued~~ during the last six (6) months of the biennial renewal period, from ~~(March of every the odd numbered year to August of every the odd numbered year, of the biennium renewal cycle, he/she licensee~~ shall be exempt from the continuing education requirements for that biennial ~~um renewal period only~~ licensing cycle and no continuing education hours shall be required to renew the license.

(4) This rule willshall become effective withduring the 2013 -2015 renewal cycle.

Cite as Ga. Comp. R. & Regs. R. 500-5-.01

Authority: O.C.G.A. Sec. §§ 43-35-4, 43-35-5(b), 43-35-9, 43-35-15.

History. Original Rule entitled "General Requirements" adopted. F. Sept. 7, 1989; eff. Sept. 27, 1989.

Repealed: New Rule of same title adopted. F. May 15, 1995; eff. Jun. 4, 1995.

Repealed: New Rule entitled "Continuing Education Hours" adopted. F. May 7, 2012; eff. May 27, 2012.

Amended: F. Sep. 4, 2015; eff. Sep. 24, 2015.

Ms. Sanders motioned, Dr. Turner 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, and Ms. Sanders.

At the conclusion of the Executive Session on Friday, January 22, 2016, 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 Minutes

1) October 2, 2015 Teleconference Minutes

Ms. Sanders motioned, Dr. LaRussa seconded and the Board voted unanimously in favor of the motion to approve the October 2, 2015 executive session minutes as amended to correct discussion language and grammatical errors.

Attorney General's Report- J. Jackson

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

Cognizant's Report – Dr. Rudy 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) POD160007 Refer to investigations to hand serve a subpoena for medical records on both respondents requiring that they must respond within thirty (30) days.
- 2) POD140016 Close the case.

Executive Discussions

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) W.H. Lapse the license for failure to comply with CE requirements for renewal.
- 2) T.G. Accept and issue the notice of the intent to dispense as requested to the Georgia Board of Pharmacy.

Application Discussions

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

- 1) M.W.S. Refer to Attorney General's office for a Public Reprimand to include a fine of \$2500 to be paid within (30) thirty days of docket order, must respond within (7) seven days of receipt of the order and CMEs submitted for this renewal cannot be credited towards the current biennium. Flag for CE audit.
- 2) A.P.S. Refer to Attorney General's for a Public Reprimand to include a fine of \$1800 to be paid within (30) thirty days of docket order, must respond within (7) seven days of receipt of the order and CMEs submitted for this renewal cannot be credited towards the current biennium. Flag for CE audit.

Miscellaneous Discussions

Ms. Sanders motioned, Dr. Turner seconded and the Board voted unanimously in favor of the motion to adopt a new policy #2 *Guidelines Regarding Notice of Intent to Dispense* as follows:

2. Guidelines Regarding Notice of Intent to Dispense

It is the policy of the Board to allow staff to administratively submit written notification regarding receipt of a Podiatrist's intent to dispense drugs to the Georgia State Board of Pharmacy in accordance with BR 500-8-.01 and Georgia State Board of Pharmacy Rule 480-28-.03 under the following conditions:

- a. the Podiatrist's license is active and in good standing;
- b. the Podiatrist has not been disciplined by this or any other licensing or regulatory board; and,
- c. the Podiatrist is not currently under investigation by the Board.

[If the Podiatrist does not meet the criteria noted above, the letter of intent to become a dispensing podiatrist must be presented to the Board for consideration.](#)

Adjournment With no further business to be discussed, the meeting was adjourned at 3:19 p.m.

Minutes recorded by:

Tamara Elliott, Board Support Specialist

Minutes reviewed and edited by:

Kathy Osier, Licensing Supervisor & Adrienne Price, Executive Director

Minutes approved on:

LEONARD LARUSSA
BOARD PRESIDENT

ADRIENNE PRICE
EXECUTIVE DIRECTOR