

**GEORGIA STATE BOARD OF PODIATRY EXAMINERS**  
**Board Meeting Minutes**  
**Professional Licensing Boards**  
**237 Coliseum Drive, Macon, GA**  
**July 15, 2016 - 1:00 p.m.**

The Georgia State Board of Podiatry Examiners met on Friday, July 15, 2016. The following members were present:

**Board Members Present**

Dr. Leonard LaRussa-Chairperson (via teleconference)  
Dr. William B. Turner-Vice Chair  
Dr. Rudy Cisco-Board Member (via teleconference)

**Administrative Staff Present**

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

**Board Members Not Present**

Ms. Judy Sanders-Consumer Member

**Office of Attorney General**

Janet Jackson, Senior Assistant Attorney General  
Betsy Cohen, Assistant Attorney General (via teleconference)

**Visitors Present**

No Visitors Present

**Call to Order**

Dr. LaRussa established that a quorum of the Board was not present and as a result the members present proceeded with the agenda as a Committee of the Board. The Committee Meeting was called to order at 1:02 p.m.

**OPEN SESSION**

**Agenda**

The Committee recommended accepting the agenda as presented.

**Open Session Minutes:**

**1) April 15, 2016 Teleconference Minutes**

The Committee recommended accepting the April 15, 2016 open session teleconference minutes as presented.

**Licenses to Ratify April 8, 2016 – July 8, 2016**

The Committee recommended ratifying the licenses by application and by reinstatement that were issued in accordance with Board Rules and Policies between board meetings.

**Discussion – BR 500-3-.01 Limited Temporary License to Practice**

The Committee recommended referring Board Rule 500-3-.01 as amended to the Attorney General's Office for a memorandum of authority and if no objections noted, vote to post.

**Rule 500-3-.01 Limited Temporary License to Practice. Amended**

- (1) A limited temporary- license may be issued to a podiatrist from another state or country upon approval by the Georgia State Board of Podiatry Examiners ("Board").
- (2) A limited temporary license will only be issued to a podiatrist for the purpose of advancing medical education and enhancing the individual's training [in this state](#) provided that the following conditions are met:
  - (a) The podiatrist holds a license which is in good standing in any state or country where he or she holds a license.
  - (b) [The podiatrist is a military spouse or transitioning service member who holds a license from another state which the training, experience and testing substantially meet or exceed the requirements under this state to obtain a license; and, has obtained a specialty, certification, training or experience in the military while a service member which substantially meets or exceeds the requirements to obtain a license in this state in compliance with O.C.G.A. § 43-1-34.](#)
  - (bc) The podiatrist who is issued the limited temporary license [agrees to practice](#)s under the direct supervision of a podiatric physician currently licensed to practice in Georgia in a facility acceptable to the Board.
- (3) For the purposes of this Rule, "direct supervision" means that the supervising podiatrist is on the premises and is quickly and easily available to perform any acts, duties, or functions of a licensed podiatrist in this state.

- (4) The podiatric physician providing the direct supervision must provide the Board with the following:
  - (a) A license in good standing in the state of Georgia; and
  - (b) Proof of malpractice insurance.
- (5) The applicant for a limited temporary license must provide the Board with the following:
  - (a) A verification of licensure in good standing in any state or country where the applicant is licensed;
  - (b) Proof of graduation or diploma from a podiatric medical school or its equivalent acceptable to the Board; and
  - (c) Proof of the applicant's malpractice insurance.
- (6) Limited temporary license holders practicing under the direct supervision of a licensed podiatrist in this state may perform any acts, duties, or functions which are otherwise permitted by law as a podiatrist in this state.
- (7) The limited temporary license must be surrendered to the Board upon completion of the education program, ~~or~~ expiration, or upon issuance of an initial license by the Board, whichever occurs first.
- (8) The limited temporary license will be valid for a period not to exceed one year. Within one month of the expiration date, temporary limited license holders submit an application to renew the license. Renewal is at the discretion of the Board.
- (9) Limited temporary license holders may apply for a permanent license to practice podiatric medicine in Georgia provided that the applicant meets all licensure requirements as codified with the Practice Act and Board Rules.

The Committee discussed the economic impact of Board Rule 500-3-.01 upon the licensee. The Committee recommended 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.

The Committee recommended 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.

**Discussion – Delegation of Nail Care by Podiatrists**

The Board discussed the delegation of nail care by a podiatrist in Georgia. Ms. Price asked if the Board would like to make a position statement regarding this issue. Dr. Turner stated he liked the idea of establishing a blog or submitting an article to the GPMA newsletter to educate the public about this issue. The Committee recommended having Dr. LaRussa contact GPMA about putting a statement in their newsletter reminding podiatrists that nail care is considered a surgical procedure by Medicare; therefore, Medicare expects those services to be performed by a doctor and to table the discussion regarding the delegation of nail care by podiatrists for further research.

Dr. Cisco joined the meeting at 1:41 p.m. via teleconference.

Dr. LaRussa established that a quorum of the Board is present.

**Board Rule Hearing(s)**

Dr. LaRussa called Board Rule 500-5-.01 Continuing Education Hours. Amended hearing to order at 1:43 p.m.

**SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA STATE BOARD OF PODIATRY EXAMINERS  
RULE FOR CHAPTER 500-5, CONTINUING PODIATRIC MEDICAL EDUCATION, RULE 500-5-.01,  
CONTINUING EDUCATION HOURS**

**Purpose:** The purpose of this rule amendment is to further define requirements for continuing education hours.

**Main Features:** Further clarify 500-5-.01

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE  
GEORGIA STATE BOARD OF PODIATRY EXAMINERS RULE FOR CHAPTER 500-5, CONTINUING  
PODIATRIC MEDICAL EDUCATION, RULE 500-5-.01, CONTINUING EDUCATION HOURS**

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

**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 license~~d 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 license~~d 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 license~~d 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 biennium renewal period only licensing cycle and no continuing education hours shall be required to renew the license.~~

(4) This rule ~~will~~shall become effective ~~with~~during the 2013 -2015 renewal cycle.

Authority O.C.G.A. §§ 43-1-4, 43-1-25, 43-35-9, and 43-35-15.

~~Authority O.C.G.A. Sec.s 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.~~

**Written Comments Received**

No written comments were received.

**Public Comments Received**

No Public comments were received or offered during the hearing.

Dr. Turner motioned, Dr. Cisco seconded and the Board voted unanimously in favor of the motion to adopt the 500-5-.01 proposed amendment as presented.

The Board discussed the economic impact of Board Rule 500-8-.01 upon the licensee. Dr. Cisco 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.

Dr. Cisco 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 1:46 p.m.

### **Open Session Minutes:**

#### **1) April 15, 2016 Teleconference Minutes**

Dr. Cisco motioned, Dr. Turner seconded and the Board voted unanimously in favor of the motion to approve the April 15, 2016 open session teleconference minutes as presented.

### **Licenses to Ratify April 8, 2016 – July 8, 2016**

Dr. Turner motioned, Dr. Cisco seconded and the Board voted unanimously in favor of the motion to ratify the licenses by application and by reinstatement that were issued in accordance with Board Rules and Policies between board meetings.

### **Discussion – BR 500-3-.01 Limited Temporary License to Practice**

Dr. Turner motioned, Dr. Cisco seconded and the Board voted unanimously in favor of the motion to refer Board Rule 500-3-.01 as amended to the Attorney General's Office for a memorandum of authority and if no objections noted, vote to post.

### **Rule 500-3-.01 Limited Temporary License to Practice. Amended**

- (1) A limited temporary- license may be issued to a podiatrist from another state or country upon approval by the Georgia State Board of Podiatry Examiners ("Board").
- (2) A limited temporary license will only be issued to a podiatrist for the purpose of advancing medical education and enhancing the individual's training [in this state](#) provided that the following conditions are met:
  - (a) The podiatrist holds a license which is in good standing in any state or country where he or she holds a license.
  - (b) [The podiatrist is a military spouse or transitioning service member who holds a license from another state which the training, experience and testing substantially meet or exceed the requirements under this state to obtain a license; and, has obtained a specialty, certification, training or experience in the military while a service member which substantially meets or exceeds the requirements to obtain a license in this state in compliance with O.C.G.A. § 43-1-34.](#)
- (bc) The podiatrist who is issued the limited temporary license [agrees to practice](#)s under the direct supervision of a podiatric physician currently licensed to practice in Georgia in a facility acceptable to the Board.
- (3) For the purposes of this Rule, "direct supervision" means that the supervising podiatrist is on the premises and is quickly and easily available to perform any acts, duties, or functions of a licensed podiatrist in this state.
- (4) The podiatric physician providing the direct supervision must provide the Board with the following:
  - (a) A license in good standing in the state of Georgia; and
  - (b) Proof of malpractice insurance.
- (5) The applicant for a limited temporary license must provide the Board with the following:
  - (a) A verification of licensure in good standing in any state or country where the applicant is licensed;

- (b) Proof of graduation or diploma from a podiatric medical school or its equivalent acceptable to the Board; and
- (c) Proof of the applicant's malpractice insurance.
- (6) Limited temporary license holders practicing under the direct supervision of a licensed podiatrist in this state may perform any acts, duties, or functions which are otherwise permitted by law as a podiatrist in this state.
- (7) The limited temporary license must be surrendered to the Board upon completion of the education program, ~~or~~ expiration, or upon issuance of an initial license by the Board, whichever occurs first.
- (8) The limited temporary license will be valid for a period not to exceed one year. Within one month of the expiration date, temporary limited license holders submit an application to renew the license. Renewal is at the discretion of the Board.
- (9) Limited temporary license holders may apply for a permanent license to practice podiatric medicine in Georgia provided that the applicant meets all licensure requirements as codified with the Practice Act and Board Rules.

The Board discussed the economic impact of Board Rule 500-3-.01 upon the licensee. Dr. Cisco 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.

Dr. Cisco 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.

#### **Discussion – Senate Bill 367**

The Board held a discussion regarding Senate Bill 367 which will require the Board to ensure that it has considered all information relevant and surrounding the criminal history of an applicant before rendering a decision on licensure to include the type of offense(s), the age the individual was when the offense(s) occurred, the number of offenses, the circumstances surrounding the offense and if the offense or conviction is related to or will impact the profession for which they seek licensure. Ms Price encouraged the Board to review the statute and to become familiar with the changes. The Board accepted the correspondence regarding Senate Bill 367 as information.

#### **Discussion – South Carolina Scope of Practice Advocacy Efforts**

Dr. LaRussa thanked Ms. Price for quickly responding to the APMA in their request for information regarding the number of recently licensed DPMs in Georgia for the past few years. Dr. LaRussa explained that this information was being obtained because of the fact that there are people in South Carolina who are trying to show that the licensing process for Podiatrist is so restricted. Dr. LaRussa shared that the scope of practice is so bad there for Podiatrists that South Carolina is unable to attract any talented, highly educated Podiatrists so they are trying to expand the scope of practice to match other states. Ms. Price presented a question to the Board for clarification. The question was whether or not the Board had any anecdotal evidence or anything to support that Podiatrists have decided to practice in Georgia instead of practicing in South Carolina because of this issue? The Board accepted the correspondence regarding South Carolina scope of practice advocacy efforts information.

#### **Notification(s)**

Board Rule 500-8-.01 posted on website

The Board accepted the correspondence regarding the notification to BR 500-8-.01 as information.

#### **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 informed the Board that HB 952 went into effect on July 1, 2016. HB 952 provides for executive oversight of the licensing board(s). This new bill could possibly delay the process of the posting and adoption of Board Rules and Board Policies for up to 90 days. All information regarding posting and adoption of Board Rules and Board Policies are to be forwarded to the Governor or his designee for further review. The Board accepted the report as presented.

#### **Correspondence - Paul Hayre - DPM Scope of Service**

Dr. Cisco motioned, Dr. Turner seconded and the Board voted unanimously in favor of the motion to refer the writer to O.C.G.A. § 43-35-3 Definition of Podiatric Medicine.

**Board President’s Report – L. LaRussa**

No report presented.

**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, and Dr. Cisco.**

**At the conclusion of the Executive Session on Friday, July 15, 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**

**Investigative Interview**

A.P.S. Dr. Turner motioned, Dr. Cisco seconded and the Board voted unanimously in favor of the motion to rescind the previous motion and accept the 32 C.E. hours submitted as fulfilling the Board’s requirements from the original disposition and close the case with a letter of concern regarding C.E. requirements.

**Executive Minutes**

**1) April 15, 2016 Teleconference Minutes**

Dr. Turner motioned, Dr. Cisco seconded and the Board voted unanimously in favor of the motion to approve the April 15, 2016 executive session minutes as presented.

**Attorney General’s Report**

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.

**Cognizant’s Report – Dr. Rudy Cisco**

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

- 1) POD160009 Close the case with no further action.

**Applications for Board Review**

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

- 1) Applicant #2622832 Issue the license.

**Miscellaneous Discussion**

The Board expressed their sympathy regarding the passing of Ms. Judy Sander’s husband.

**Adjournment** With no further business to be discussed, the meeting was adjourned at 3:12 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:** December 2, 2016

**LEONARD LARUSSA**  
**BOARD CHAIRPERSON**

**ADRIENNE PRICE**  
**EXECUTIVE DIRECTOR**