

GEORGIA STATE BOARD OF PODIATRY EXAMINERS
Board Teleconference Minutes
January 27, 2017 - 1:00 p.m.

The Georgia State Board of Podiatry Examiners met via teleconference on Friday, January 27, 2017. The following members were present:

Board Members Present

Dr. Leonard LaRussa, Chairperson
Dr. Rudy Cisco, Board Member
Ms. Judy Sanders, Consumer Member

Administrative Staff Present

Adrienne Price, Executive Director
Kathy Osier, Licensing Supervisor
Michelle Foster, Board Support Specialist

Board Members Not Present

Dr. William B. Turner, Vice Chair

Office of Attorney General

Betsy Cohen, Assistant Attorney General

Visitors Present

No Visitors Present

Call to Order

Dr. LaRussa established that a quorum of the Board was present called the meeting to order at 1:02 p.m.

OPEN SESSION

Agenda

The Board accepts the agenda as presented.

Open Session Minutes:

1. December 2, 2016 Teleconference Minutes

Dr. LaRussa motioned, Dr. Cisco seconded and the Board voted unanimously in favor of the motion to approve the December 12, 2016 open session teleconference minutes as presented.

2. January 20, 2017 Teleconference Minutes

Ms. Sanders motioned, Dr. Cisco seconded and the Board voted unanimously in favor of the motion to approve the January 20, 2017 open session teleconference minutes as presented.

Licenses to Ratify - November 25, 2016 – January 31, 2017

Dr. LaRussa 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 – Duration of Maintenance of Medical Records – Dr. Turner

The Board entered into a discussion regarding the required duration for maintaining medical records, as there has recently been a change in the recommended timeframe through different insurance providers such as the Medicare Advantage plan. Ms. Price reported and Assistant Attorney General, Betsy Cohen confirmed that O.C.G.A. § 31-33-.02 requires health care professionals to keep medical records for a period of 10 years. Ms. Cohen further indicated that the Medical Association of Georgia requires not less than 10 years retention.

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. A reminder was given to Board members to file their Annual Ethics Commission Affidavit before January 31, 2017. She further updated the Board on the status of the Board's request to begin sharing licensure and disciplinary data with FPMB as is allowed by the Board. Ms. Price indicated she is awaiting a response from FPMB concerning an agreement and that she hopes to present additional information to the Board during the next scheduled meeting.

Dr. Cisco motioned, Ms. Sanders seconded and the Board voted unanimously in favor of the motion to accept the Executive Director's Report as presented.

Board President's Report – L. LaRussa

No report presented.

Miscellaneous Discussions

1. Podiatric Medical Board Volunteers Nationwide Not Immune to Lawsuit – With Responses

Ms. Price informed the Board that Dr. Turner requested that this item be placed on the agenda an article relevant to this topic gave him pause. She shared that the Governor’s Office has tried to give the Board some additional protection from antitrust claims by enacting the Georgia Professional Regulation Reform Act, which became law as of July 1, 2016. Now when the Board makes decisions that affect a licensee’s ability to practice, that individual can not only appeal the decision to the Board, but can also appeal it to Superior Court in Bibb County and/or to the Governor’s Office. Ms. Price stated that additional safeguards have been put into place when the Board amends its rules or policies. After going through the whole rule promulgation process to include a hearing and a vote to adopt the rule or policy, staff has to send a copy of that rule along with any comments from the public and the Board’s rationale for wanting to change or amend the rule, to the Governor’s office for his Oversight Committee to review. That Committee may allow the adoption of the rule to proceed or send it back to the Board for another revision. The Committee also has the option of completely rejecting the rule or policy change or revision.

Dr. LaRussa apprised the Board that the Governor’s Office does not indemnify nor provide D &O Insurance (Directors and Officers Insurance) for its Board members. Without those two things, he feels there is still liability.

Ms. Price noted that should it be determined that the Board has acted within the confines of the law and authority, the state will provide counsel for the Board in any legal matter should the Board be sued. The key is, and it is crucial, that the Board Members listen to their Assistant Attorney Generals. She stated that she does not know if there is any separate D&O Insurance and suggested that the Board may want to consider asking the Attorney General’s Office to research the issue.

Dr. LaRussa motioned, Ms. Sanders seconded and the Board voted unanimously in favor of the motion to request a memorandum of advice from the Attorney General’s Office regarding the levels of protections the Board has under Georgia Law for individuals who serve as Board Members to include whether or not there are any specific indemnifications or the existence of Directors and Officers Insurance.

Dr. LaRussa 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. Leonard LaRussa, Dr. Rudy Cisco, and Judy Sanders.

At the conclusion of the Executive Session on Friday, January 27, 2017, 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. December 2, 2016 Executive Session Teleconference Minutes

Dr. LaRussa motioned, Dr. Cisco seconded and the Board voted unanimously in favor of the motion to approve the December 2, 2016 executive session teleconference minutes as presented.

2. January 20, 2017 Executive Session Teleconference Minutes

Dr. LaRussa motioned, Dr. Cisco seconded and the Board voted unanimously in favor of the motion to approve the January 20, 2017 executive session teleconference minutes as presented

Attorney General’s Report

Dr. LaRussa 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

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

POD160013 Dr. LaRussa motioned, Ms. Sanders seconded and the Board voted unanimously in favor of the motion to refer to Attorney General’s Office for an Interim Order for Indefinite Suspension or Voluntary Surrender to remain in place until the criminal case is resolved.

POD170001 Dr. LaRussa motioned, Ms. Sanders seconded and the Board voted unanimously in favor of the motion to close the case with no action.

Miscellaneous Discussion – Direction and Outcome of Case Decisions

Dr. LaRussa queried the staff concerning who is ultimately responsible for executing the Board decisions regarding the Cognizant’s Report.

Ms. Price indicated that Kim Candler, Complaints and Compliance Analyst for Health Care 2, processes all of the referrals made to investigations, Legal Services and to the Attorney General’s Office. Ms. Candler also processes complaints that are received by the Board. Ms. Price then clarified that if there is a memorandum of advice, typically she will prepare the referral and forward it to the Attorney General’s Office. Ms. Price further stated that Kathy Osier, Licensing Analyst for the Board, processes any referrals regarding application or renewal issues.

Ms. Price further reported that based on the discussion at the last scheduled board meeting, the staff will begin providing an update on the status of open complaint cases for the Cognizant Board Member to share with the Board during the board meetings.

Adjournment With no further business to be discussed, the meeting was adjourned at 1:38 p.m.

Minutes recorded by:	Michelle Foster, Board Support Specialist
Minutes reviewed and edited by:	Kathy Osier, Licensing Supervisor & Adrienne Price, Executive Director
Minutes approved on:	April 14, 2017

LEONARD LARUSSA
BOARD CHAIRPERSON

ADRIENNE PRICE
EXECUTIVE DIRECTOR