

GEORGIA STATE BOARD OF PODIATRY EXAMINERS
Board Meeting Teleconference Minutes
Friday, June 28, 2019 - 1:00 p.m.

The Georgia State Board of Podiatry Examiners met via teleconference on Friday, June 28, 2019. The following members were present:

Board Members Present

Dr. Leonard LaRussa, DPM, Chair
Dr. Joseph Giovinco, DPM, Board Member
Ms. Judy Sanders, Consumer Board Member

Administrative Staff Present

Adrienne Price, Executive Director
Michelle Hornaday, Board Support Specialist

Board Members Not Present

All members present.

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 and the meeting was called to order at 1:01 p.m.

OPEN SESSION

Agenda The Board accepts the agenda as presented.

Open Session Minutes

1. February 6, 2019 Board Teleconference Minutes

Dr. LaRussa motioned, Ms. Sanders seconded and the Board voted unanimously in favor of the motion to approve the February 6, 2019 open session teleconference minutes as presented.

Licenses to Ratify January 9, 2019 – June 22, 2019

Dr. LaRussa motioned, Ms. Sanders 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 – Georgia Prescription Drug Monitoring Program (GA PDMP) Quarterly Prescriber Reports

The Board accepts the correspondence provided regarding GA PDMP Quarterly Prescriber Reports as information.

Correspondence – Federation of Podiatric Medical Boards (FPMB)

- 1. Now Reporting National Board of Podiatric Medical Examiners (NBPME) Part I & II Score Reports**
- 2. NEW Request for Information – HBO and N2O Use by Podiatrists**
- 3. Annual Meeting Invite for Board President**

Dr. Larussa announced he was part of the FPMB Annual Meeting webinar and stated over a dozen were in attendance.

4. Reporting of APMLE Part 3 Results

The Board accepts the correspondence provided regarding FPMB as information.

Discussion – Board Rules – J. Giovinco, DPM

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

The Board entered into a discussion regarding BR 500-5-.01 Continuing Education Hours. The purpose for amending the existing rule is to include a requirement that licensees receive training to address the opioid epidemic

and pain management. The new requirement will help to ensure that practitioners are competent and may serve to prevent unsafe practices as it relates to prescribing and monitoring of patients who require pain management.

The continuing education course credits were examined and the consensus of the Board was that the requirements should remain consistent with the Georgia Composite Medical Board requirements. Independent support was gathered from the Georgia Opioid Strategic Plan & Drug Overdose Surveillance and the Substance Use Response Plan from the Georgia Department of Public Health. National Standards were also reviewed and considered when defining the requirements. The total number of CME required for renewal of licensure does not change. Current requirements were reallocated to include a minimum of three (3) hours of AMA/AOA PRA Category 1 continuing education that is designed specifically to address controlled substance prescribing practices. The update will affect all licensees equally.

Dr. LaRussa motioned, Ms. Sanders seconded and the Board voted unanimously in favor of the motion to refer Board Rule 500-5-.01 Continuing Education Hours to the Attorney General's Office for a Memorandum of Authority, and if no objections, vote to post.

Dr. Giovinco motioned, Dr. LaRussa seconded and the Board voted unanimously in favor of the motion to release the Memorandum of Authority from the Attorney General's Office to the Governor's Office.

The Board discussed the economic impact of Board Rule 500-5-.01 Continuing Education Hours upon licensees. Dr. Giovinco motioned, Dr. LaRussa 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.

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

- (1) The purpose of continuing education hours 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.
 - (a) No more than ten (10) hours shall be obtained from online courses/correspondence courses/webinar, and such courses must be approved by the Council of Podiatric Medical Education (CPME).
 - (b) No more than ten (10) hours shall be obtained live (in person) from any healthcare related source.
 - (c) At least thirty (30) continuing medical education hours must be approved by the Council of Podiatric Medical Education (CPME) and/or the 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 was issued during the first six (6) months of the biennial renewal period, from September of the odd numbered year to the end of the following February, the full fifty (50) hours of continuing education shall be required for renewal;
 - (b) If the license was issued during the following twelve (12) months of the biennial renewal period, from March of the even numbered year to February of the odd numbered year of the licensure period, thirty (30) hours of continuing education shall be required for the license renewal;
 - (c) If the license was issued during the last six (6) months of the biennial renewal period, from March of the odd numbered year to August of the odd numbered year, the licensee shall be exempt from the continuing education requirements for that biennial licensing cycle and no continuing education hours shall be required to renew the license.

- (4) ~~This rule shall become effective with the 2013–2015 renewal cycle.~~ A Podiatrist who maintains an active DEA certificate and prescribes controlled substances, except those holding a residency training permit, shall complete a minimum of three (3) hours of AMA/AOA PRA Category 1 continuing education that is designed specifically to address controlled substance prescribing practices.
- (a) The course shall include instruction on controlled substance prescribing guidelines, recognizing signs of the abuse or misuse of controlled substances, and controlled substance prescribing for chronic pain management.
- (b) A certificate of completion for the required course must be provided to the Board on or before August 31, 2021 or the first renewal following initial licensure in the state of Georgia. Any course that was taken after August 31, 2017 and included instruction that meets the criteria of subparagraph (4)(a) will count toward meeting this requirement.
- (c) Completion of this requirement may count as three hours toward meeting the continuing medical education requirement for license renewal for the biennium in which it was taken.

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

Authority: O.C.G.A. §§ 43-1-4, 43-1-25, 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

Amended: F. Mar. 1, 2017; eff. Mar. 21, 2017

2. BR 500-8-.01 Unprofessional Conduct. Amended

The Board entered into a discussion regarding Board Rule 500-8-.01 Unprofessional Conduct. The purpose for amending the existing rule is to ensure the Board receives requested information from licensees in a timely manner when investigating complaints and compliance issues which has the potential to directly affect the health, safety and welfare of the public. The amendments will assist the Board in receiving enough information to make informed decisions regarding any case. Additionally the amendment will assist in carrying out Board objectives as expressed in statute.

The amendment will provide for a means for licensees to become aware of their professional responsibility as it relates to providing adequate information that is necessary to evaluate alleged incidences of unsafe practices and/or fraud. Multiple variations of the rule amendment were considered and this change is no more or less restrictive or expensive on licensees and will affect all licensees equally.

Dr. LaRussa motioned, Dr. Giovinco seconded and the Board voted unanimously in favor of the motion to refer Board Rule 500-8-.01 Unprofessional Conduct to the Attorney General's Office for a Memorandum of Authority, and if no objections, vote to post.

Dr. Giovinco motioned, Ms. Sanders seconded and the Board voted unanimously in favor of the motion to release the Memorandum of Authority from the Attorney General's Office to the Governor's Office.

The Board discussed the economic impact of Board Rule 500-8-.01 Unprofessional Conduct upon licensees. Dr. LaRussa motioned, Dr. Giovinco 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.

Rule 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 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);
 - 6. The Rules and Regulations of the Georgia State Board of Podiatry Examiners;
 - 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.
 - 8. The Code of Federal Regulation Relating to Controlled Substances (21 C.F.R. Par. 1306); and
 - 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 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;
- (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 pediatric purpose;
- (k) Any departure from, or the failure to conform to, the minimal standards of acceptable and prevailing podiatric practice;
- (l) Committing any act of nonconsensual sexual intimacies, abuse, misconduct or exploitation related to the licensee's practice of podiatry;
- (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.)
- [\(n\) Failing to respond to an investigative subpoena or a request for information issued by the Board.](#)
- [\(o\) Failing to update the Board with change of address and contact information, to include a current email address and phone number, within 30 days of a change.](#)

Cite as Ga. Comp. R. & Regs. R. 500-8-.01

Authority: O.C.G.A. §§ 43-35-9(10), 43-35-16(a)(13), 43-35-16(a)(14), 43-1-19, 43-1-25, 43-1-33(f).

History. Original Rule entitled "Unprofessional Conduct" adopted. F. May 15, 1995; eff. Jun 4, 1995.

Amended: New title "Unprofessional Conduct. Amended." F. Apr. 15, 2016; eff. May 5, 2016.

3. Proposed Board Policy

The Board rescinded the proposed Board Policy entitled "Guidelines Regarding Penalties for Failing to Provide Requested Information to the Board."

Discussion – HB 330 – Podiatry Practice Act Lines 35-164

The Board accepts the correspondence provided regarding HB 330 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. In addition, she addressed the following topics with the Board:

PDMP Registrations

Ethics Commission Annual Affidavit and Personal Financial Disclosure

Dr. Giovinco motioned, Dr. LaRussa 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, DPM

1. GPMA – APMA Educational Foundation Donation in Honor of Dr. William Barry Turner, DPM

The members expressed that they miss previous Board Member, Dr. Turner and feel this is a wonderful gesture by GPMA to honor his legacy by making a donation on his behalf.

2. NBPME Clinical Skills Examination (Tabled from 01-16-19 meeting)

Dr. LaRussa provided information on the National Board of Podiatric Medical Examiners (NBPME) Clinical Skills Examination stating this is part of the American Medical Association (AMA) plan for parity. The exam allows for the same credibility for podiatrists as MDs. He indicated the test is valid as well as rigorous, and the topics are broad. Dr. LaRussa further noted that the exam flushes out poor communication issues which could cause the test

taker to fail, and as such, making them incapable of meeting the requirements for licensure. The exam ultimately provides for the promotion of competent clinicians. He further clarified that the Clinical Skills Examination is incorporated into Part II of the examination.

The Board accepts the Board President's Report as presented.

Miscellaneous Discussion

Dr. LaRussa motioned, Dr. Giovinco seconded and the Board voted unanimously in favor of the motion to change the July 12, 2019 Board meeting to a teleconference to begin at 1:00 p.m.

Dr. LaRussa motioned, Dr. Giovinco seconded, and the Board voted to enter into Executive Session in accordance with O.C.G.A. §§ 43-1-2 (k); 43-1-19 (h) and 50-14-2 (1) to receive and review information pertaining to applications, pending cases, investigative reports and enforcement matters and to receive the Assistant Attorney General's report. Voting in favor of the motion were those Board members present: Dr. LaRussa, Dr. Giovinco and Ms. Sanders.

At the conclusion of the Executive Session on Friday, June 28, 2019, 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. February 6, 2019 Executive Session Teleconference Minutes

Ms. Sanders motioned, Dr. LaRussa seconded and the Board voted unanimously in favor of the motion to approve the February 6, 2019 executive session teleconference minutes as presented.

Attorney General's Report – B. Cohen

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

Miscellaneous Executive Discussion

1. PDMP Registration Compliance Report Case Numbers

Dr. LaRussa motioned, Dr. Giovinco seconded and the Board voted unanimously in favor of the motion to notify renewal applicants of requirement to register with PDMP within 60 days of notification. If proof of registration not received, refer to Legal Services to issue an order with a fine of \$500 which must be paid within 90 days. If proof of registration is received, close the case with a Letter of Concern regarding failure to register with PDMP by the deadline required by O.C.G.A. §16-13-57(c) and release information to the Georgia Department of Public Health.

2. POD190031 Table for discussion during the July 12, 2019 teleconference.

3. POD180019 Dr. Giovinco motioned, Ms. Sanders seconded and the Board voted unanimously in favor of the motion to notify the Respondent that the provider must submit a letter directly to the Board confirming program attendance then the Respondent may apply to renew the license any time prior to the end of the lapsed-late renewal period.

4. POD190012 / POD190024 Dr. Giovinco motioned, Ms. Sanders seconded and the Board voted unanimously in favor of the motion to refer to the Attorney General's Office for a Hearing for Revocation of Licensure or will accept Voluntary Surrender based on a felony conviction which was directly related to the practice of podiatric medicine.

5. POD180017, POD180016, POD180014

Ms. Sanders motioned, Dr. Giovinco seconded and the Board voted unanimously in favor of the motion to close the case and renew the license with a Letter of Concern regarding compliance with renewal requirements. Notify the Georgia Board of Pharmacy that the licensees indicated their intent to dispense drugs on their application for renewal of licensure, but have not submitted their DEA number or address from which they intend to dispense.

6. POD160007

Dr. LaRussa motioned, Dr. Giovinco seconded and the Board voted unanimously in favor of the motion to accept the consent order as received with the amendment to allow the course to be taken within six (6) months of Order docket date instead of within 90 days of docketing based on the availability of the course offering.

7. Notice of Investment Disclosure Form

Ms. Sanders motioned, Dr. Giovinco seconded and the Board voted unanimously in favor of the motion to accept the Notice of Investment Disclosure Form as amended.

Applications

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

Applicant 1250519 Renew the license.

Applicant 2763688 Refer to Attorney General’s Office for a Private Consent Agreement for Licensure to include monitoring through random monthly urine drug and alcohol testing for a minimum of 12 months through Affinity or a similar Board approved drug monitoring program. The results of the drug screens must be provided to the Board each month. May petition to terminate monitoring after 12 months of documented sobriety.

Applicant 2725839 Renew the license.

Adjournment With no further business to be discussed, the meeting was adjourned at 3:20 p.m.

Minutes recorded by: Michelle Hornaday, Board Support Specialist
Minutes reviewed and edited by: Adrienne Price, Executive Director
Minutes approved on:

LEONARD LARUSSA
BOARD CHAIRPERSON

ADRIENNE PRICE
EXECUTIVE DIRECTOR