

GEORGIA STATE BOARD OF PODIATRY EXAMINERS
Zoom Meeting Minutes
Friday, July 31, 2020 - 1:00 p.m.

The Georgia State Board of Podiatry Examiners met via teleconference on Friday, July 31, 2020. The following members were present:

Board Members Present

Dr. Leonard La Russa, DPM, Chair
Dr. Joseph Giovinco, DPM, Vice Chair
Dr. Sarvepalli Jokhai, DPM, Board Member

Administrative Staff Present

Adrienne Price, Executive Director
Michelle Hornaday, Board Support Specialist
Charlotte Mason, Licensing Supervisor

Board Members Not Present

Ms. Judy Sanders, Consumer Board Member

Office of Attorney General

Mary Brannen, Assistant Attorney General

Visitors Present

Marit Sivertson, J.D., Executive Director, Georgia Podiatric Medical Association (GPMA)

Call to Order Dr. La Russa established that a quorum of the Board was present and the meeting was called to order at 1:20 p.m.

OPEN SESSION

Agenda The Board voted to accept the agenda as presented.

Open Session Minutes

1. April 24, 2020 Board Teleconference Minutes

Dr. Jokhai motioned, Dr. Giovinco seconded and the Board voted unanimously in favor of the motion to approve the April 24, 2020 open session teleconference minutes as presented.

2. July 10, 2020 Committee Teleconference Minutes

Dr. Jokhai motioned, Dr. Giovinco seconded and the Board voted unanimously in favor of the motion to approve the July 10, 2020 open session committee teleconference minutes as presented.

Licenses to Ratify April 17, 2020 – July 3, 2020

Dr. Jokhai motioned, Dr. Giovinco 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.

Correspondence – U.S. Department of Education Guidance Document Update 05152020

Dr. Jokhai motioned, Dr. Giovinco seconded and the Board voted unanimously in favor of the motion to accept the correspondence provided regarding USDOE as information.

Correspondence – Notice of Fee Increase for Criminal Background Checks – Marina Fox, Non-Criminal Justice (NCJ) Customer Support & Compliance Supervisor

Dr. La Russa motioned, Dr. Giovinco seconded and the Board voted unanimously in favor of the motion to accept the correspondence provided regarding NCJ as information.

Discussion – Federation of Podiatric Medical Boards (FPMB)

1. **Continuing Education Received Through Non-Live Online or Electronic Methods – 2020-06-18**
2. **2020 Q2 Newsletter**
3. **Podiatric License and APMLE Part II CSPE**

The Board voted in favor of the motion to accept the correspondence regarding FPMB as information.

Discussion – Georgia Podiatric Medical Association (GPMA) – Request for Rule Amendment – Marit Sivertson, J.D., Executive Director

The Board voted in favor of the motion to accept the correspondence in reference to GPMA as information. The correspondence will be forwarded to the Governor's Office upon adoption of the rule by the Board.

Discussion – HB 932 - GA Podiatry Practice Act

The Board voted in favor of the motion to accept the correspondence in reference to HB 932 as information.

Rules Committee – J. Giovinco, DPM

1. Board Rule 500-2-.02 Reinstatement of Licensure. Amended

The Board entered into a discussion regarding Board Rule 500-2-.02 Reinstatement of Licensure. Amended., and concluded the current rule is ambiguous. Dr. Jokhai noted that the rule amendment establishes options for providers and adapts to the current directives of the Board. He continued that the amendment clarifies the CME requirements for reinstatement. He noted that the ambiguity lies that this rule referred to a rule that does not provide for the requirements for reinstatement.

The Board agreed that the policy purpose of the rule amendment is designed to simplify requirements and provide more options for continuing education, and that it provides for minimum standards to be met by those who desire to reinstate. The rule amendment expands access to care and services by allowing more options so licensees have the proper medical education training. And finally, this requires all licensees to adequately maintain their required CME.

The Board concluded that this variation of the rule amendment provides for consistency in the Board Rules and makes reinstatement equitable to licensure by reciprocity or by examination. The amendment is the least restrictive way to accomplish the state's policy and they have considered how other states are handling this issue.

The independent support the Board used in their decision making process is the National Standards for the profession and will affect all podiatrists seeking to reinstatement, as they are required to meet the CME as provided for in the rule.

Rule 500-2-.02. Reinstatement of Licensure. Amended.

- (1) Reinstatement of a revoked or lapsed license is within the discretion of the Board.
- (2) An applicant for reinstatement for a revoked or lapsed license must submit a completed application provided by the Board, payment of the required fee, and the following:
 - (a) A signed letter of explanation from the applicant and supporting documents that explain the reasons the license was lapsed and/or revoked;
 - (b) A certification of licensure from any other state or states in which the applicant is licensed showing the current status of the license and any action taken against the license;
 - (c) A resume showing the applicant's professional experience since the Georgia license expired;

- (d) Payment of all required renewal and delinquency fees; and,
 - (e) Proof of completion of ~~the continuing education requirements as stated in the Board rules~~ [fifty \(50\) hours of continuing education approved by the Council on Podiatric Medical Education \(CPME\) and/or the Georgia Podiatric Medical Educational Foundation \(GPMEF\) as required in Board Rule 500-5-.01\(3\)\(a-c\).](#)
- (3) The Board, in its discretion, may impose any remedial or additional requirements for applicants who have previously engaged in the practice of podiatric medicine and who have not practiced for a period greater than thirty (30) consecutive months as approved by the Board.
 - (4) The Board may deny reinstatement for failure to demonstrate current knowledge, skill and proficiency in the practice of podiatric medicine or for being mentally or physically unable to practice with reasonable skill and safety, or for any ground stated in O.C.G.A. § [43-35-16](#) and any other applicable state or federal law.

Cite as Ga. Comp. R. & Regs. R. 500-2-.02

Authority: O.C.G.A. §§ [43-1-4](#), [43-1-7](#), [43-1-19](#), [43-1-19.2](#), [43-1-25](#), [43-35-9](#), [43-35-15](#), and [43-35-16](#).

History. Original Rule entitled "Photograph to Accompany Application" adopted. F. and eff. June 30, 1965.

Repealed: F. May 15, 1995; eff. June 4, 1995.

Adopted: New Rule entitled "Reinstatement of Licensure." F. Sep. 4, 2015; eff. Sep. 24, 2015.

2. Board Rule 500-4-.02. Inactive Status. Amended.

Dr. Jokhai motioned, Dr. La Russa seconded and the Board voted unanimously in favor of the motion to release the Memorandum of Authority on Board Rule 500-4-.02. Inactive Status. Amended, to the Governor's Office for final review.

Rule 500-4-.02. Inactive License. Amended.

- (1) The ~~Joint Secretary has designated a category of inactive license which the~~ Board has determined [inactive status](#) will be available for those persons meeting the prescribed criteria, which shall remain in full force for life, unless reactivated under Board Rules, ~~500-4-02(B)~~, and which shall incur no fees. To be eligible to be placed in inactive status, a licensee must:
 - (a) ~~Demonstrate an inability to practice podiatry due to age, physical impairment, or infirmity which time is not expected to resolve~~ [Submit their request on the designated form](#);
 - (b) Have a current active license in good standing to practice podiatry in the state of Georgia.
 - (c) Must not be under administrative disciplinary action or court action or probation;
 - (d) ~~Licensees desiring to be place on inactive status must apply in writing to the Board and submit evidence of inability to practice.~~
- (2) [Once placed in inactive status, the license holder thereafter shall not engage in the practice of podiatry in any manner in the State of Georgia.](#)
- (3) ~~The only avenue of reactivation shall be at the discretion of the Board under conditions acceptable to the Board. Licensees seeking reactivation shall be required to pay past license renewal fees based on the current renewal rate for each inactive renewal cycle and submit proof of continuing education for each biennium on inactive status~~ [submit an application and fee in accordance with the fee schedule and fifty \(50\) hours of continuing education in accordance with Board Rules.](#)

Cite as Ga. Comp. R. & Regs. R. 500-4-.02

Authority: O.C.G.A. Sec. [43-1-22](#), [43-35-9](#).

History. Original Rule "Inactive License" was filed on August 11, 1986; effective August 31, 1986.

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

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

The Board entered into a discussion on Board Rule 500-5-.01. Continuing Education Hours. Amended. and were reminded by staff that the current declared public health emergency is preventing licensees for registering for in-person CME. Additionally, it was noted that the rule is not clear which entity will be accepted for CE. The Board reviewed the need to clarify the difference between online webinars and live, interactive CE programs, and to provide direction for those applying to reinstate their license.

The Board discussed that 50 in-person CME is not a reasonable expectation and half of the requirement should come from online sources. All CME hours, including the ones obtained online, are required to be certified by CPME or GPMEF. The Board reviewed several alternatives, and agree the current rule amendment is the most comprehensive noting that other states have similar amendments.

The independent support for the rule amendment is that the National Standards do not prohibit online CE and the rule amendment is in response to stakeholder's feedback. Changes in technology now allow for live, interactive webinars. Technology is now more efficient which affords greater convenience to meet the requirements for licensure.

The rule amendment will enable all licensees to make their own choice between online vs in-person programs.

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) ~~Effective the renewal cycle ending August 31, 2021, A~~ 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 ~~approved by the Council on Podiatric Medical Education (CPME) and/or the Georgia Podiatric Medical Educational Foundation (GPMEF)~~ 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).~~ No more than twenty-five (25) hours of this requirement shall be obtained online.
 - (b) ~~No more than ten (10) hours shall be obtained live (in person) from any healthcare related source.~~ At least twenty-five (25) hours must be completed in person.
 - (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).~~ If the podiatrist maintains an active DEA certificate and prescribes controlled substances, at least three (3) of the fifty (50) hours 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. Any coursework on controlled substance prescribing guidelines that was taken within two years prior to the podiatrist's last renewal application shall be counted towards this requirement.

- (3) A podiatrist who has obtained a Georgia license by reciprocity, [reinstatement](#) 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 [or reinstated](#) 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 [in accordance with paragraph \(2\), subparagraphs \(a-b\) of this rule](#);
 - (b) If the license was issued [or reinstated](#) 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 [as follows](#):
 - 1. [No more than fifteen \(15\) hours of this requirement shall be obtained online.](#)
 - 2. [At least fifteen \(15\) hours must be completed in person.](#)
 - 3. [If the podiatrist maintains an active DEA certificate and prescribes controlled substances, at least three \(3\) of the thirty \(30\) hours 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. Any coursework on controlled substance prescribing guidelines that was taken within two years prior to the podiatrist's last renewal application shall be counted towards this requirement](#)
 - (c) If the license was issued [or reinstated](#) 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.~~

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

4. Board Rule 500-5-0.1-.01. Emergency Rule on Continuing Education Hours

The Board entered into a discussion regarding Board Rule 500-5-0.1-.01. Emergency Rule on Continuing Education Hours. The rule amendment enables a greater number of CME to be obtained online which is necessary for licensees to meet their renewal requirements due to cancellations caused by the COVID 19 pandemic. The Board noted that it is currently impossible for licensees to obtain in-person CME during this declared public health emergency.

The policy purpose enables licensees to obtain required CME without subjecting them to the risk of contracting COVID-19. The rule amendment allows for the objectives of statute to be met via real time attendance and interaction.

The Board considered multiple variations of the rule amendment and explained that the way this is put together, requires that the licensees must be present and allows for interaction, whereby the licensee must be involved with the courses.

The independent support for the rule amendment is that nothing in the national standards prohibits online CE and that the rule amendment is in response to stakeholder's feedback. Changes in technology now allow for live, interactive webinars. Technology is now more efficient and convenient to meet the requirements for licensure.

The rule amendment will enable all licensees to make their own choice between online vs in-person programs.

Rule 500-5-0.1-.01. Emergency Rule on Continuing Education Hours.

Due to the Public Health State of Emergency regarding COVID-19, licensees who apply to renew licenses expiring August 31, 2021, may obtain all 50 hours of continuing education, approved by the Council on Podiatric Medical Education (CPME) and/or the Georgia Podiatric Medical Educational Foundation (GPMEF), online in order to satisfy the continuing education requirements outlined within Rule 500-5-.01. This rule shall remain in effect for the duration of the Public Health State of Emergency and up to 120 days thereafter.

Authority: O.C.G.A. §§ 43-1-4, 43-1-25, 43-35-9, 43-35-15 and 50-13-4.

Dr. Jokhai motioned, Dr. Giovinco seconded and the Board voted unanimously in favor of the motion to refer Board Rule 500-2-.02. Reinstatement of Licensure. Amended., Board Rule 500-5-.01. Continuing Education Hours. Amended., to the Attorney General's Office for a Memorandum of Authority and if no objections, vote to post.

Dr. Jokhai motioned, Dr. Giovinco seconded and the Board voted unanimously in favor of the motion to post Board Rule 500-4-.02. Inactive Status. Amended. for hearing as authority has been granted.

Upon finding that the coronavirus pandemic is of imminent peril to the public health, safety, or welfare; and, upon Governor Kemp's executive order declaring a public health emergency in the state of Georgia; Dr. Jokhai motioned, Dr. Giovinco seconded and the Board voted unanimously in favor of the motion to refer Board Rule 500-5-0.1-.01. Emergency Rule on Continuing Education Hours to the Attorney General's Office for a Memorandum of Authority. If authority is granted, adopt the rule as presented and refer it along with the Memorandum of Authority to the Governor's office for approval.

Dr. La Russa motioned, Dr. Giovinco seconded and the Board voted unanimously in favor of the motion that the economic impact of Board Rule 500-2-.02. Reinstatement of Licensure. Amended., Board Rule 500-5-.01. Continuing Education Hours. Amended., Board Rule 500-4-.02. Inactive Status. Amended., and Board Rule 500-5-0.1-.01. Emergency Rule on Continuing Education Hours, and the cost on any licensee or business to comply, cannot be reduced by a less expensive alternative and ensure public safety.

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, and complaints/compliance matters and. In addition, she addressed the following topics with the Board:

- **Upcoming Session of the Georgia General Assembly**
- **Potential Changes Due to Budget Cuts**

Dr. Giovinco motioned, Dr. Jokhai 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. La Russa, DPM

No report presented.

Miscellaneous Discussion – Visitor comments from Marit Sivertson, J.D., Executive Director, Georgia Podiatric Medical Association (GPMA)

Marit Sivertson addressed the Board regarding CME. She commended the Board for their work today for the rule amendments and continued that the Podiatrists in the state of Georgia will appreciate it as well. Ms. Sivertson expressed gratitude that the CME will be split evenly between online programs and in-person offerings.

Dr. Jokhai motioned, Dr. Giovinco seconded, and the Committee 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 Committee members present: Dr. La Russa, Dr. Giovinco and Dr. Jokhai.

At the conclusion of the Executive Session on Friday, July 31, 2020, Dr. La Russa 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. April 24, 2020 Executive Session Teleconference Minutes

Dr. La Russa motioned, Dr. Jokhai seconded and the Board voted unanimously in favor of the motion to approve the April 24, 2020 executive session teleconference minutes as presented.

2. July 10, 2020 Executive Session Committee Teleconference Minutes

Dr. La Russa motioned, Dr. Jokhai seconded and the Board voted unanimously in favor of the motion to approve the July 10, 2020 executive session committee teleconference minutes as presented.

Attorney General’s Report – M. Brannen

Dr. Giovinco motioned, Dr. La Russa seconded and the Board voted unanimously in favor of the motion to accept the Attorney General’s Report as presented.

Cognizant Report – J. Giovinco, DPM

Dr. Jokhai motioned, Dr. La Russa seconded and the Board voted unanimously in favor of the motion to accept the recommendations within the Cognizant Report as presented.

POD200002 Table pending Cognizant review.

POD200007 Close the case with no action.

POD200005 Close the case with no action.

POD200004 Table pending additional information.

POD200009 Table pending additional information.

POD200010 Table pending additional information.

POD190028 Table pending additional information.

Miscellaneous Executive Discussion – POD190028

Dr. La Russa motioned, Dr. Giovinco seconded and the Board voted unanimously in favor of the motion to grant the petition to terminate probation due to compliance with Board Order.

Application for Board Review

Dr. Giovinco motioned, Dr. Jokhai seconded and the Board voted unanimously in favor of the motion to accept the following recommendation made in Executive Session:

Applicant 2866302 Issue the license and flag for CE audit.

Adjournment With no further business to be discussed, the meeting was adjourned at 2:51 p.m.

Minutes recorded by: Michelle Hornaday, Board Support Specialist
Minutes reviewed and edited by: Charlotte Mason, Licensing Supervisor & Adrienne Price, Executive Director
Minutes approved on: October 30, 2020

LEONARD LA RUSSA
BOARD CHAIRPERSON

ADRIENNE PRICE
EXECUTIVE DIRECTOR