

**GEORGIA STATE BOARD OF PODIATRY EXAMINERS**  
**Board Zoom Meeting Minutes**  
**Friday, October 30, 2020 - 1:00 p.m.**

The Georgia State Board of Podiatry Examiners met via teleconference on Friday, October 30, 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

**Board Members Not Present**

Ms. Judy Sanders, Consumer Board Member

**Administrative Staff Present**

Adrienne Price, Executive Director  
Michelle Hornaday, Board Support Specialist  
Charlotte Mason, Licensing Supervisor  
Meagan Doss, Complaints/Compliance Analyst  
Beth Duffey, Licensing Analyst

**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 1:14 p.m.

**OPEN SESSION**

**1:00 p.m. Public Rules Hearing**

Dr. La Russa called the hearing in the matter of Rule 500-2-.02 Reinstatement of Licensure. Amended. and Rule 500-4-.02. Inactive License. Amended. hearing to order at 1:15 p.m. Members of the Board introduced themselves for the record and Dr. La Russa established that there were members of the general public present.

**Written Comments Received**

No written comments were received.

**Verbal Comments Received**

No verbal comments were received.

**SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA STATE BOARD OF  
PODIATRY EXAMINERS RULES CHAPTERS 500-2,  
REINSTATEMENT OF LICENSURE. AMENDED, RULE 500-2-.02.**

**Purpose/Main Features:** To establish options for providers and adapt to the current directives of the Board, clarify the CME requirements for reinstatement, provide more options for continuing education, and provide 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 requires all licensees to adequately maintain their required CME as well as make the language of the rule less ambiguous.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED  
AMENDMENTS TO THE GEORGIA STATE BOARD OF PODIATRY EXAMINERS  
RULE FOR CHAPTER 500-2, REINSTATEMENT OF LICENSURE. AMENDED,  
RULE 500-2-.02.**

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

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

**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.

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

**SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA STATE BOARD OF  
PODIATRY EXAMINERS RULES CHAPTERS 500-4,  
INACTIVE LICENSE. AMENDED, RULE 500-4-.02.**

**Purpose/Main Features:** To ensure that the language of this rule is consistent with the changes that were made in the Joint Secretary rules.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE  
GEORGIA STATE BOARD OF PODIATRY EXAMINERS RULE FOR CHAPTER 500-4, INACTIVE  
LICENSE. AMENDED, RULE 500-4-.02.**

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

**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 placed 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.

Dr. Giovinco motioned, Dr. Jokhai seconded, and the Board voted unanimously in favor of the motion to adopt the proposed amendments to Rule 500-2-.02 Reinstatement of Licensure. and Rule 500-4-.02. Inactive License and refer the rules along with the memoranda of authority to the Governor's office for oversight.

The Board discussed the economic impact of Board Rule 500-2-.02 Reinstatement of Licensure. and Rule 500-4-.02. Inactive License upon licensees. Dr. Jokhai 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.

Dr. Giovinco motioned, Dr. Jokhai 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. §§ 43-1-4, 43-1-7, 43-1-19, 43-1-19.2, 43-1-25, 43-35-9, 43-35-15, and 43-35-16; 43-1-22, and 43-35-9 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 this rule will impact every licensee in the same manner and each licensee is independently licensed in the field of Podiatric Medicine.

The hearing was adjourned at 1:24 p.m.

**Agenda**            The Board accepts the agenda as presented.

### **Open Session Minutes**

#### **1. July 31, 2020 Board Teleconference Minutes**

Dr. Jokhai motioned, Dr. Giovinco seconded and the Board voted unanimously in favor of the motion to approve the July 31, 2020 open session teleconference minutes as presented.

### **Licenses to Ratify July 3, 2020 – October 23, 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.

### **Discussion – HB 914 – Expedited License by Endorsement Spouses of Service Members or Transitioning Service Members**

Dr. Jokhai motioned, Dr. La Russa seconded and the Board voted unanimously in favor of the motion to refer HB 914 to the Rules Committee to determine if any rule amendments are required to be made in order to align BR 500-3-.01 to the statute, and present findings with potential rule amendments during the next scheduled meeting.

### **Discussion – U.S. Dept of Health & Human Services Enforcement Discretion for Telehealth**

Dr. Giovinco motioned, Dr. La Russa seconded and the Board voted unanimously in favor of the motion to refer the correspondence in reference to the U.S. Dept of Health & Human Services on Enforcement Discretion for Telehealth to the Georgia Podiatric Medical Association (GPMA) for the purpose of dissemination to all practitioner members in Georgia.

**Discussion – Federation of Podiatric Medical Boards (FPMB) – 2020 Q3 Newsletter**

The Board accepts the correspondence provided regarding FPMB, as information.

**Discussion – Rule 500-5-.01 Continuing Education Hours. Amended.**

The Board tabled discussion for Executive Session.

**Discussion – 2021 POD Meeting Dates**

All meetings are teleconferences and scheduled for Fridays.

January 22, 2021	1:00 p.m.
April 23, 2021	1:00 p.m.
July 9, 2021	1:00 p.m.
October 15, 2021	1:00 p.m.

Dr. Giovinco motioned, Dr. Jokhai seconded and the Board voted unanimously in favor of the motion to accept the 2021 Podiatry Examiners Board meeting dates as posted.

**Board Member Elections**

**Board Chairperson**

Dr. Giovinco motioned, Dr. Jokhai seconded and the Board voted unanimously in favor of the motion to re-elect Dr. Leonard La Russa as the Board’s Chairperson.

**Board Vice Chairperson**

Dr. Giovinco motioned, Dr. Jokhai seconded and the Board voted unanimously in favor of the motion to re-elect Dr. Joseph Giovinco as the Board’s Vice Chairperson.

**Applications and Complaints/Disciplinary Cognizant**

Dr. Giovinco motioned, Dr. Jokhai seconded and the Board voted unanimously in favor of the motion to re-elect Dr. Joseph Giovinco as the Board’s Applications and Complaints/Disciplinary Cognizant.

**Rules Committee**

Dr. Giovinco motioned, Dr. Jokhai seconded and the Board voted unanimously in favor of the motion to re-elect Dr. Joseph Giovinco as the Board’s Rules Committee.

**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. In addition, she addressed the following topics with the Board:

- FBI Approval of Fingerprint-based background check legislation

Dr. Giovinco motioned, Dr. La Russa seconded and the Board voted unanimously in favor of the motion to submit a letter to GPMA regarding their concerns about the background check legislation requiring background checks every renewal.

Dr. Giovinco motioned, Dr. La Russa 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.

**Dr. La Russa 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. La Russa, Dr. Giovinco and Dr. Jokhai.**

**At the conclusion of the Executive Session on Friday, October 30, 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. July 31, 2020 Executive Session Teleconference Minutes**

Dr. Jokhai motioned, Dr. Giovinco seconded and the Board voted unanimously in favor of the motion to approve the July 31, 2020 executive session teleconference minutes as presented.

**Attorney General's Report – M. Brannen**

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

**Discussion – Board Rule 500-5-.01 Continuing Education Hours. Amended.**

**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, 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.

(3) A podiatrist who has obtained a Georgia license ~~d~~ 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-c) 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.

~~1.~~ 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.

(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

Dr. La Russa motioned, Dr. Giovinco seconded and the Board voted unanimously in favor of the motion to post Board Rule 500-5-.01 Continuing Education Hours. Amended. for hearing with the recommended amendments from the Attorney General's Memorandum of Authority and to release the Memorandum of Authority from the Attorney General's Office to the Governor's Office on Oversight.

#### **Complaint Status Report – J. Giovinco, DPM**

**POD200002** Close the case.

**POD200004** Close the case.

**POD200009** Close the case.

**POD200010** Close the case.

**POD210005** Close the case.

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

**Miscellaneous Executive Discussion – POD180005**

Dr. Giovinco motioned, Dr. Jokhai seconded and the Board voted unanimously in favor of the motion to refer to the Attorney General's Office for a hearing for revocation or voluntary surrender if Respondent remains non-compliant as of November 5<sup>th</sup>, 2020.

**Adjournment** With no further business to be discussed, the meeting was adjourned at 3:02 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:** January 7, 2021

LEONARD LA RUSSA  
**BOARD CHAIRPERSON**

ADRIENNE PRICE  
**EXECUTIVE DIRECTOR**