

**GEORGIA STATE BOARD OF PODIATRY EXAMINERS**  
**Board WebEx Meeting Minutes**  
**Friday, August 4, 2023 – 1:00 p.m.**

The Georgia State Board of Podiatry Examiners met via WebEx on Friday, August 4, 2023. 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  
Meagan Doss, Licensing Supervisor  
Michelle Hornaday, Board Support Specialist

**Board Members Absent**

No members absent.

**Office of Attorney General**

Mary Brannen, Assistant Attorney General

**Visitors Present**

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

**Call to Order**

Dr. La Russa established that a quorum of the Board was present and called the Board meeting to order at 1:04 p.m.

**OPEN SESSION**

**Agenda**

The Board accepted the agenda as presented.

**Open Session Minutes – April 28, 2023 Board Zoom Meeting Minutes**

Dr. Giovinco motioned, Dr. Jokhai seconded, and the Board voted unanimously in favor of the motion to approve the April 28, 2023 Open Session Board Zoom Meeting minutes as presented.

**Licenses to Ratify: April 21, 2023 – July 28, 2023**

Dr. Giovinco motioned, Dr. Jokhai 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 – Federation of Podiatric Medical Boards (FPMB)**

**1. APMA Requests Board Accept ACCME Hours for DEA MATE Requirements\_2023-04-21**

The Board entered into a discussion as to whether Board Rule 500-5-.01 should be amended to include the acceptance of hours offered by ACCME Hours for DEA MATE Requirements. Ms. Sivertson expressed concerns about amending rule for one federal requirement. She reported that GPMA does offer a course which includes the DEA MATE Requirement, and those hours may be applied towards license renewal continuing medical education requirements. As a result, GPMA's position is that the rule should not be amended. Dr. LaRussa Dr. Jokhai seconded, and the Board voted unanimously in favor of the motion to notify APMA of current rule requirements as it relates to acceptance of their CE hours.

**2. Results of FPMB & APMA Survey on CECH Requirements and DEA MATE Act**

**3. RFI - Podiatrists Wishing to Regain a Lapsed License - 2023-06-26**

**4. CPME Listening Session RE\_CPME 220 and 230 Revisions**

The Board accepts the correspondence in regard to FPMB, as information.

### **Discussion – Re-entry Requirements for Podiatrists**

- 1. Board Rule 500-4-.03. Reinstatement**
- 2. Board Rule 500-4-.02. Inactive License. Amended**
- 3. Board Rule 500-4-.01. Renewal of License**

The Board entered into a discussion concerning what is currently required of individuals who desire to reinstate their podiatry licenses after being out of practice for an extended period of time. Upon review of the current rules identified above as well as that which is required of the licenses regulated by the Georgia Composite Medical Board, it was the consensus of the Board to maintain the requirements as currently written.

### **Discussion – Board Rule Amendments Based on New Statutes Signed into Law**

- 1. HB 155 – Amendments to O.C.G.A. 43-1-35 – Military Service Members & Spouses;  
Board Rule 500-2-.03. Endorsement Applications for Spouses of Service Members**

Dr. La Russa motioned, Dr. Giovinco seconded, and the Board voted unanimously in favor of the motion to refer Board Rule 500-2-.03. Endorsement Applications for Spouses of Service Members as amended to the Attorney General's Office or a Memorandum of Authority as each amendment is being made to carry out the policy objectives for amendments to O.C.G.A. § 43-1-35. And if no objections, vote to post.

#### **Rule 500-2-.03. Endorsement Applications for Spouses of Service Members**

**A spouse of a service member or transitioning service member who is stationed within the State of Georgia, shall be issued an expedited license by endorsement if the applicant has attained the age of 21 years and:**

- (a) Has submitted a complete application and fee as required by the Board.**
- (b) Holds a current podiatry license issued by another state or jurisdiction which requires:**
  - 1. Graduation from an accredited college of podiatric medicine approved by the Board;**
  - 2. A doctoral degree or its equivalent;**
  - 3. Proof of completion of a minimum one year's residency in podiatric medicine and surgery in a program based at a hospital approved by the Council of Podiatric Medical Education (CPME) and the Board or a letter dated within 90 days of the expected date of completion of residency from the Director of Training, Registrar; or Head of the Department on official letterhead documenting the date on which the applicant is expected to complete the one year's residency. License will not be issued until Certificate of Residency is received and exams passed; and,**
  - 4. Proof of having successfully passed the American Podiatric Medical Licensing Examinations (APMLE) administered by the National Board of Podiatric Medical Examiners with a passing score determined by the Board.**
- (c) The current podiatry license is in good standing and is not the subject of an investigation or a disciplinary proceeding being conducted by a professional licensing board or other board in such other state.**
- (d) If the application, fee, and supporting documentation necessary to verify the applicant meets the requirements is received, the license will be issued no later than 90 days from the date of receipt.**

Cite as Ga. Comp. R. & Regs. R. 500-2-.03

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

History. Original Rule entitled "Diploma" adopted. F. and eff. June 30, 1965.

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

- 2. SB 197 – Amendments to O.C.G.A. 43-1-33 – Health Care Practitioners Truth and Transparency Act;  
Board Rule 500-8-.01. Unprofessional Conduct. Amended.**

Dr. Jokhai motioned, Dr. La Russa seconded, and the Board voted unanimously in favor of the motion to refer Board Rule 500-8-.01. Unprofessional Conduct. Amended. As amended to the Attorney General's Office or a

Memorandum of Authority as each amendment is being made to carry out the policy objectives for amendments to O.C.G.A. § 43-1-33. And if no objections, vote to post.

**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 Health Care Practitioners Truth and Transparency 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, license renewal or advertisements;

- (h) Knowingly making misleading, deceptive, untrue, or fraudulent representations in connection with the filing of any insurance claim or advertisements;
  - (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.);
- Failing to include the podiatrist's name and the type of license, to include but not limited to "Doctor of Podiatric Medicine," "D.P.M.," "Foot Doctor," "Foot Specialist," "Foot Surgeon," "Foot and Ankle Surgeon," within advertisements; and,
- (m) Including or referencing medical or medical specialty titles in advertisements.

### **Discussion – Proposed Administrative Licensing Policy**

Dr. Jokhai motioned, Dr. Giovinco seconded, and the Board voted unanimously in favor of the motion, and with a friendly amendment, to refer the Proposed Administrative Licensing Policy as amended to the Attorney General's Office for a Memorandum of Authority for the purpose of carrying out policy objectives and expediting the licensure process while maintaining the public health, safety, and welfare. And if no objections, vote to post.

### **Administrative Licensing Policy**

The Board policy below applies administrative authority to reviewing applications and issuing licenses when applicant(s) disclose the existence of criminal conviction(s). This policy by the Board enables staff to administratively process applications per the conditions herein and enables the PLB Legal Services Division to make determinations as to the classification of crimes.

#### **1. Initial Applicants**

##### **a. Sexual Offenses**

- i. If an applicant has been convicted of a misdemeanor sex crime, the application shall be referred to legal services for presentation before the board.
- ii. If an applicant has been convicted of a felony sex crime, the application shall be referred to legal services for presentation before the board.

### **b. Violent Felonies**

- i. Probation, parole or supervised release completed. If an applicant has been convicted of one violent felony and is not on probation, parole or supervised release, the license can be administratively issued.
- ii. Probation, parole, or supervised release ongoing. If an applicant has been convicted of one violent felony and is still on probation, parole or supervised release, the license can be administratively issued under a consent agreement that puts the license on probation, parole, or supervised release to run concurrently with criminal probation, parole, or supervised release. These applications should be sent to legal services for drafting after all other necessary licensing requirements have been met.
- iii. If an applicant has more than one violent felony conviction, the application shall be referred to legal services for presentation before the board.

### **c. Non-violent Felonies**

- i. Probation, parole or supervised release completed. If an applicant has been convicted of two or less non-violent felonies and is not on probation, parole or supervised release, the license can be administratively issued.
- ii. Probation, parole, or supervised release ongoing. If an applicant has been convicted of two or less non-violent felonies and is currently on probation, parole or supervised release, the license can be administratively issued under a consent agreement that puts the license on probation, parole, or supervised release to run concurrently with criminal probation, parole, or supervised release. These applications should be sent to legal services for drafting after all other necessary licensing requirements have been met.
- iii. Initial applications with more than two non-violent felony convictions, regardless of age of conviction, shall be referred to legal services for presentation before the board. This applies regardless of whether or not probation, parole or supervised release has been completed.
- iv. For convictions occurring more than 10 years ago, no court or case closed documents will be required, and the license can be administratively issued.

**d. Mixed Felony Convictions.** Initial applications with two or more felony convictions (with a combination of both non-violent and violent) shall be referred to legal services for presentation before the board. This applies regardless of whether or not probation, parole or supervised release has been completed.

### **e. Misdemeanor Convictions and DUI**

- i. Probation, parole or supervised release completed or ongoing. If an initial applicant has been convicted of one or more DUI or misdemeanors the license can be administratively issued.
- ii. For DUI or misdemeanor convictions occurring more than 10 years ago, no court or case closed documents will be required, and the license can be administratively issued.
- iii. For DUI convictions and convictions of possession of marijuana less than 1 oz. in which the appropriate time has passed for the sentencing or probation to be completed, no status or case closed documents will be required, and the license can be administratively issued.

## **2. Renewing or Reinstating Applicants.**

- a. Applicants for license renewals and reinstatements are subject to the policies for initial applicants as described herein.
- b. Board staff may administratively reinstate or renew a license when the applicant submits convictions if (1) the applicant previously submitted the same convictions to the Board, (2) the board previously reviewed those convictions, and (3) the applicant has not received any additional convictions since the last board review.
- c. Additionally, if an applicant for renewal or reinstatement discloses a misdemeanor or felony conviction involving drugs which occurred while the applicant was licensed, then the application shall be referred to legal services for presentation before the board.

## **3. Criminal Documentation.** Board staff will continue to request final disposition, sentence

documentation, and/or official letterhead from probation, parole, or supervising officers for applicants with convictions and send this information to legal services.

4. Failure to Disclose. When an applicant fails to disclose an arrest or conviction, staff may administratively issue the license in accordance with the policies set forth herein. However, in such cases, a Letter of Concern shall also be sent as a reminder to applicants that they shall disclose all convictions and failure to do so in the future may result in the board exercising its right to sanction the license.

5. Conviction Information. If necessary, information concerning convictions is not readily apparent on the court documents received by staff, staff shall refer the application to legal services. Legal services will determine the appropriate course of action. Additionally, any applications not falling within the parameters indicated above shall be referred to legal services for review.

6. Incarcerated Applicants. When an applicant is incarcerated, the application shall be referred to legal services for presentation before the board.

7. Fraudulent Documentation. When an application is submitted with documentation that is determined to be fraudulent by Board Staff, the application may be administratively denied, and such denial shall be presented before the Board reported by Application number to be ratified at the next Board Meeting.

Adopted 08/04/2023

#### 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. Other relevant topics included:

- Vacant Board Seat
- Annual Public Officer Affidavit

Dr. Jokhai motioned, Dr. Giovinco 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. Jokhai seconded, and the Board voted unanimously in favor of the motion 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, August 4, 2023, 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 Session Minutes – April 28, 2023 Executive Session Board Zoom Meeting Minutes

Dr. Jokhai motioned, Dr. Giovinco seconded, and the Board voted unanimously in favor of the motion to approve the April 28, 2023 Executive Session Board Zoom Meeting 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.

### **Cognizant Report – J. Giovinco**

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

- POD210008** Close the case with a Letter of Concern regarding documentation and record keeping. Recommend respondent take Michael Warshaw or Case Western Reserve medical record keeping course online or in-person.
- POD220007** Close the case due to mitigating circumstances beyond the control of the Respondent.
- POD230005** Deny renewal of the license until compliance is achieved and refer to Investigations to conduct a hand-service of the notice.
- POD230006** Upon receipt of proof of course completion, rescind the previous motion, close the case, and renew the license.
- POD230007** Rescind the previous motion, close the case, and renew the license.
- POD230008** Deny renewal of the license until compliance achieved and refer to Investigations to conduct a hand-service of the notice.
- POD230009** Close the case, insufficient information to launch an investigation. If additional information is received, reopen case.

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

- POD220001** Close the case with a Letter of Concern regarding advertisements citing new statute. Dr. Giovinco recused himself from the vote.

### **Miscellaneous Executive Discussion**

#### **1. Case Closures (< 2010)**

Dr. La Russa motioned, Dr. Giovinco seconded, and the Board voted unanimously in favor of the motion to close all complaint cases dated December 31, 2010 and earlier.

#### **2. POD180005**

Dr. Jokhai motioned, Dr. Giovinco seconded, and the Board voted unanimously in favor of the motion to terminate monitoring agreement.

### **Applications for Board Review**

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

- Applicant 1795181** Grant request for Inactive Status.
- Applicant 2286117** Close the case and renew the license.
- Applicant 247505** Close the case and renew the license.

**Adjournment** With no further business to be discussed, the meeting was adjourned at 3:42 p.m.

**Minutes recorded by:** Michelle Hornaday, Board Support Specialist

**Minutes reviewed and edited by:** Meagan Doss, Licensing Supervisor & Adrienne Price, Executive Director

**Minutes approved on:**

December 8, 2023

LEONARD LA RUSSA, DPM  
**BOARD CHAIRPERSON**

ADRIENNE PRICE  
**EXECUTIVE DIRECTOR**