



Alabama State Board of Podiatry
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MINUTES
Board Meeting
Friday, January 10, 2014

The Alabama State Board of Podiatry met on Friday, January 10, 2014 at the Board Offices located at 2777 Zelda Road, Montgomery, Alabama, in order to conduct business.

The meeting was called to order at 2:08 p.m. and the following Board members were in attendance Dr. Jay Morgan (Chair), Dr. Danalynn Guasteferro (Vice Chair), Dr. Mark Veres (Secretary/Treasurer), Dr. Ron Agee, Dr. Sanjeev Singh, Dr. David Roberson and Dr. Jamie Cleckler (2:25 p.m.). Also in attendance were Mr. Keith E. Warren (Executive Director), Ms. Hendon Coody (Legal Counsel), Ms. Hope Paulene (Administrative Assistant) and Ms. Renee' Reames (Executive Secretary to Mr. Warren). A quorum was present in order to conduct business.

Public Notice of this regularly scheduled meeting was submitted to the Secretary of State's website at www.sos.alabama.gov, in accordance with the Alabama Open Meetings Act, and published on the Board's website at www.podiatryboard.alabama.gov.

A copy of the minutes from the October 18, 2013 Board meeting was distributed to the Board prior to the meeting. Dr. Guasteferro made a motion to approve the October minutes as presented. The motion was seconded by Dr. Veres and unanimously approved by the Board.

Dr. Veres reported on the recent financial activities of the Board and indicated an account balance of \$110,928.22 as of December 31, 2013. A detailed report of revenue and expenses was distributed to the Board. Dr. Guasteferro made a motion to approve the Financial Report as presented. The motion was seconded by Dr. Roberson and unanimously approved by the Board.

Mr. Warren presented the Executive Director Report to include current number of licensees (#158) compared to the past year (#151). A detailed report on inactive and expired licenses was distributed to the Board. Mr. Warren also reported on the number of complaints received in FY 2013 and FY 2014 and current status of these complaints. Dr. Veres made a motion to approve the Executive Director Report as presented. The motion was seconded by Dr. Roberson and unanimously approved by the Board.

Ms. Coody presented the Legal Counsel report. She presented information regarding a complaint (#2014.001) that involved a medical advertisement that did not include a disclaimer. Ms. Coody recommended that a standard fine of \$500 be approved concerning these matters, along with a cease and desist advertising notice, which would prevent having to await action on these matters until the next Board meeting. She also recommended to assess a greater fine of \$1000 for advertisement violations in an annual publication, such as telephone books. Dr. Veres made a motion to approve a standard fine and cease and desist notice for first offenses for regional advertising violations and a standard fine of \$1000 for annual publications. The motion was seconded by Dr. Roberson and unanimously approved by the Board. Ms. Coody reviewed the Board's rule regarding advertising and disclaimer exemptions and Mr. Warren indicated that he would send a reminder notice to the Board licensees.

Ms. Coody reported on a complaint (#2013.006) received from a licensee who attended a seminar where another licensee was a presenter and advertised performing surgery on the ankle. Ms. Coody recommended a cease and desist notice, probation and fine. It was the consensus of the Board to have additional information on this matter to determine the level of surgery. Ms. Coody indicated that this case would be investigated further and findings presented to the Board.

Ms. Coody recommended proposed changes to the statute regarding penalties for practicing without a license. She recommended the violation be a Class A misdemeanor with a fine of not more than \$1000 and one year in jail. A copy of the proposed legislation which included the treatment on the ankle was distributed to the Board. Also a draft of the penalties in the *Practice without license deemed public nuisance; injunctions* section of the proposed legislation was provided to the Board.

Ms. Coody reported that a complaint had been received where an individual had held himself out to be a DPM at a home health care organization and had treated patients. She reported that this person had been charged with forgery in the 3rd degree (misdemeanor), and the investigator and administrative assistant to the Board had been subpoenaed to testify in this criminal case.

Ms. Coody also reported that the Board had received a couple of bad checks and these licensees will be contacted by telephone and told to present a certified check within 24 hours or otherwise to surrender their license.

Mr. Warren reported that the Alabama Board of Prosthetists and Orthotists had made licensing changes concerning therapeutic shoe fitters and orthotic fitters. He reported that DPM and pharmacists were exempt under these new rules from licensing requirements.

Mr. Warren requested that the Board authorize the reimbursement of travel for the investigator. Dr. Veres made a motion to approve travel reimbursement to the investigator. The motion was seconded by Dr. Guasteferro and unanimously approved by the Board.

Ms. Coody presented the Legislative Committee Report. The Board reviewed the proposed legislation to include treatment of the ankle. The Board discussed the training and qualifications to treat ankles and the documentation process.

Dr. Veres made a motion to approve the proposed legislation to include treatment of the ankle. The motion was seconded by Dr. Roberson and unanimously approved by the Board.

The Board discussed possible modifications to the proposed bill during the legislative process. The Board discussed a proposed version of the legislation that did not include treatment of the ankle. Dr. Veres made a motion to approve the proposed bill without ankle treatment as an alternative to negotiations. The motion was seconded by Dr. Guasteferro and unanimously approved by the Board.

Dr. Veres amended his motion to the proposed legislation with treatment of the ankle, to include a statement in *Definitions* section, item (10) *“who has completed advanced training determined to be sufficient by the board at a program accredited by a nationally recognized accrediting association acceptable by the board and such accreditation shall be designed on the face of the license. Implementation of the provisions of this subparagraph shall be made pursuant to rules promulgated by the board, which are predicated on the education and level of training, or both, or an applicant”* and include a statement in *Practice without license deemed public nuisance; injunctions* section, *“It shall be unlawful for any person to practice podiatry without a license and any person convicted of such violation shall be punished as prescribed for a Class A misdemeanor”* and to authorize the Executive Director, with Dr. Veres, to amend the proposed legislation in negotiations for the passage of the proposed legislation. The motion was seconded by Dr. Guasteferro and unanimously approved by the Board.

Mr. Warren presented for the Board's adoption proposed rules change, *Appendix 1, Forms Associated with These Rules and Regulations*. Mr. Warren stated that this rule change would be published for public comment. Dr. Guasteferro made a motion to approve the proposed rule change as presented. The motion was seconded by Dr. Agee and unanimously approved by the Board.

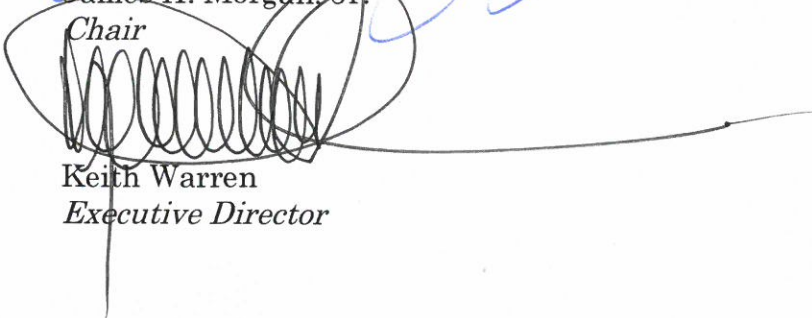
The next regularly scheduled Board meeting is scheduled April 11, 2014.

There being no further business, Dr. Guasteferro made a motion to adjourn the meeting at 3:12 p.m. The motion was seconded by Dr. Veres and unanimously approved by the Board.

Respectfully Submitted,



James H. Morgan, Jr.
Chair



Keith Warren
Executive Director