

House Bill 932 (AS PASSED HOUSE AND SENATE)

By: Representatives Gaines of the 117th, Cooper of the 43rd, Jones of the 25th, Wiedower of the 119th, and Newton of the 123rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 7 of Title 14 and Chapter 35 of Title 43 of the Official Code of Georgia
2 Annotated, relating to professional corporations and the "Georgia Podiatry Practice Act,"
3 respectively, so as to change certain provisions relating to podiatric medicine and surgery;
4 to provide for Doctors of Podiatric Medicine to join professional corporations with Doctors
5 of Medicine or Doctors of Osteopathy; to revise a definition; to revise provisions relating to
6 eligibility for licensure as a Doctor of Podiatric Medicine; to provide authority for the State
7 Board of Podiatry Examiners to conduct fingerprint based criminal background checks; to
8 provide for procedures, liability, and confidentiality; to provide for related matters; to repeal
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

12 Chapter 7 of Title 14 of the Official Code of Georgia Annotated, relating to professional
13 corporations, is amended by revising subsection (a) of Code Section 14-7-4, relating to
14 professional services, as follows:

15 "(a) A professional corporation may practice only one profession, but for the purpose of
16 this chapter;

17 (1) ~~The the~~ practice of architecture, professional engineering, and land surveying shall
18 be considered the practice of only one profession to the extent that existing laws permit
19 overlapping practices by members of those specific professions not inconsistent with the
20 ethics of the professions involved, ~~and;~~

21 (2) ~~To to~~ the extent not inconsistent with the ethics of the professions involved or
22 otherwise prohibited by law, physicians specializing in ophthalmology ~~that~~ who are
23 practicing within their scope of practice as established by law may organize and jointly
24 own a professional corporation with optometrists ~~that~~ who are practicing within their
25 scope of practice as established by law; provided, however, that nothing in this paragraph

26 shall authorize optometrists to attach the title 'physician' to such optometrists' names or
 27 to the name of the professional corporation; and
 28 (3) To the extent not inconsistent with the ethics of the professions involved or otherwise
 29 prohibited by law, Doctors of Podiatric Medicine who are practicing within their scope
 30 of practice as established by law may organize and jointly own a professional corporation
 31 with any Doctors of Medicine or Doctors of Osteopathy who are practicing within their
 32 own scope of practice as established by law."

33 **SECTION 2.**

34 Chapter 35 of Title 43 of the Official Code of Georgia Annotated, relating to the "Georgia
 35 Podiatry Practice Act," is amended by revising paragraph (5) of Code Section 43-35-3,
 36 relating to definitions, as follows:

37 "(5) 'Podiatric medicine,' which includes chiropody, podiatry, and podiatric medicine and
 38 surgery, means that portion of the practice of medicine identified by the acts described
 39 in any one or more of the following:

40 (A) Charging a fee or other compensation, either directly or indirectly, for any history
 41 or physical examination of a patient in a person's office or in a hospital, clinic, or other
 42 similar facility prior to, incident to, and necessary for the diagnosis and treatment, by
 43 primary medical care, surgical or other means, of diseases, ailments, injuries, cosmetic
 44 conditions, or abnormal conditions of the human foot and leg. As used in this
 45 subparagraph, the term 'cosmetic' means a surgical or medical procedure intended to
 46 enhance the physical appearance or function of the foot, ankle, or leg, including, but not
 47 limited to, skin problems such as blemishes, spider veins, and scar revisions;

48 (B) Holding oneself out to the public, either directly or indirectly, as being engaged in
 49 the practice of podiatric medicine;

50 (C) Displaying or using a title or abbreviation such as 'Doctor of Podiatric Medicine,'
 51 'D.P.M.,' 'Foot Doctor,' 'Foot Specialist,' 'Foot Surgeon,' 'Foot and Ankle Surgeon,' or
 52 other letters, designations, or symbols or signs of any type which expressly or implicitly
 53 indicate to the general public that the user renders treatment to the foot, ankle, and leg
 54 under the provisions of this chapter;

55 (D) Performing surgery on the foot or leg of a patient, except that when such surgery
 56 is performed under general anesthesia it shall be permissible only when said surgery is
 57 performed at a facility permitted and regulated as a hospital or ambulatory surgical
 58 treatment center under Article 1 of Chapter 7 of Title 31 and when said general
 59 anesthesia is administered under the direction of a duly licensed physician;

60 (E) Performing amputations of the toe; or

61 (F) Performing amputations distal to and including the tarsometatarsal joint but only
 62 when performed in a facility permitted and regulated as a hospital or ambulatory
 63 surgical treatment center under Article 1 of Chapter 7 of Title 31 ~~and when performed~~
 64 ~~by a podiatrist who is certified by the board in meeting the requirements which shall be~~
 65 ~~established by regulations of the board which have been jointly approved by the board~~
 66 ~~and the Georgia Composite Medical Board."~~

67 **SECTION 3.**

68 Said chapter is further amended by revising Code Section 43-35-12, relating to eligibility for
 69 license, as follows:

70 "43-35-12.

71 A license to practice podiatric medicine shall be issued to any person who:

- 72 (1) Is a graduate of an accredited college of podiatric medicine approved by the board;
 73 (2) Holds a doctoral degree or its equivalent;
 74 (3) Satisfactorily passes a board approved examination, if an examination is required by
 75 the board;
 76 (4) Successfully completes postdoctoral training of no less than 12 months as a resident
 77 in podiatric medicine and surgery in a program or institution approved by, and in good
 78 standing with, the board;
 79 (5) Has attained the age of 21 years;
 80 (6) Has satisfactory results, as determined by the board, from a criminal background
 81 check conducted by the Georgia Crime Information Center and the Federal Bureau of
 82 Investigation pursuant to Code Section 43-35-12.1;
 83 ~~(6)(7)~~ Is not disqualified to receive a license under the provisions of Code Section
 84 43-35-16; and
 85 ~~(7)(8)~~ Pays the required fee to the board."

86 **SECTION 4.**

87 Said chapter is further amended by adding a new Code section to read as follows:

88 "43-35-12.1.

89 Any applicant for a license or renewal shall have satisfactory results from a fingerprint
 90 records check report conducted by the Georgia Crime Information Center and the Federal
 91 Bureau of Investigation, as determined by the board. Application for a license under this
 92 chapter shall constitute express consent and authorization for the board or its representative
 93 to perform a criminal background check. Each applicant who submits an application to the
 94 board for licensure agrees to provide the board with any and all information necessary to
 95 run a criminal background check, including, but not limited to, classifiable sets of

96 fingerprints. The applicant shall be responsible for all fees associated with the performance
97 of such criminal background check."

98 **SECTION 5.**

99 All laws and parts of laws in conflict with this Act are repealed.