



Alabama Department of Examiners of Public Accounts

Sunset Report **State Board of Podiatry** **Montgomery, Alabama**

October 1, 2019 through September 30, 2023

AUDEMUS JURA NOSTRA DEFENDERE
ALABAMA STATE HOUSE

Rachel Laurie Riddle, Chief Examiner



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October 23, 2024

Representative Margie Wilcox
Chairman, Sunset Committee
Alabama State House
Montgomery, Alabama 36130

Dear Representative Wilcox:

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the State Board of Podiatry in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the State Board of Podiatry in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

Rachel Laurie Riddle
Chief Examiner

Examiner
Gerald Dedon

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PROFILE

Purpose/Authority

The State Board of Podiatry (the “Board”) was created by Act Number 1967-741, Acts of Alabama to be the certifying board for podiatrists. This act gave the Board the exclusive power and authority to certify and to issue, suspend, revoke, limit, and reinstate all licenses or certificates authorizing a licensee to practice podiatry in the State of Alabama. Current statutory authority for the Board can be found in the *Code of Alabama 1975*, Sections 34-24-230 through 34-24-276.

The following legislation was passed since the last Sunset Review and is codified in the current statutory authority.

Act Number 2023-106, Acts of Alabama, relating to podiatry; to amend Section 34-24-230, *Code of Alabama 1975*; to expand the scope of the practice of podiatry to include treatment of disorders of the foot and ankle.

| <u>Characteristics</u> | |
|--------------------------------|--|
| Members and Selection | Seven members appointed by the Governor. <i>Code of Alabama 1975</i> , Section 34-24-250 |
| Term | Members serve five-year staggered terms. Members serve until their successors are appointed and qualified. No member of the board shall be reappointed for a successive term. Previous Board members are eligible for nonsuccessive appointments. <i>Code of Alabama 1975</i> , Section 34-24-250 |
| Qualifications | Each Member shall: <ul style="list-style-type: none">• Be a United States citizen and resident of Alabama.• Be over the age of 25.• Have been engaged in the actual continuous practice of podiatry in the State of Alabama for at least five years preceding his or her appointment. <i>Code of Alabama 1975</i> , Section 34-24-250 |
| Consumer Representation | No statutory requirement. |

| | |
|---------------------------------------|--|
| Racial Representation | At least one black member should be on the Board at all times. Three black members are currently serving. <i>Code of Alabama 1975</i> , Section 34-24-250 |
| Geographical Representation | No statutory requirement. |
| Other Representation | The membership of the Board shall be inclusive and reflect the racial, gender, geographic, urban/rural and economic diversity of the state. <i>Code of Alabama 1975</i> , Section 34-24-250 |
| Compensation | The members of the Board shall each be entitled to receive the same per diem and travel allowance as is paid by law for state employees for each day actually employed in the discharge of their official duties. Additionally, members are entitled to daily compensation, in such an amount as determined by the Board. The Board currently receives \$300.00 per day. <i>Code of Alabama 1975</i> , Section 34-24-253 |
| Attended Board Member Training | Six Board Members Two staff members of Smith Warren Management Services, Inc. |
| <u>Operations</u> | |
| Administrator | The Board has an administrative services contract with Smith Warren Management Services, Inc. to provide administrative services and logistical services. Keith Warren, President of Smith Warren Management Services serves as the Board's executive director. The current contract amount is \$5,000.00 per month (\$60,000.00 annually) for 12 months beginning August 1, 2024. |
| Location | 2777 Zelda Road Montgomery, AL 36106 Office hours: Monday- Friday, 8:30 am – 4:30 pm |
| Real Property | The Board does not own any real property. |

| | |
|-------------------------------|---|
| Employees | The Board has no employees. |
| Legal Counsel | Ben Seiss, Assistant Attorney General, an employee of the Attorney General's Office, provides legal services to the Board. |
| Subpoena Power | The Board may issue subpoenas and compel the attendance of witnesses and the production of all necessary papers, books and records, documentary evidence and materials, or other evidence. <i>Code of Alabama 1975</i> , Section 34-24-276(b) |
| Internet Presence | www.podiatryboard.alabama.gov The website contains the Board's current statutes, administrative rules, licensee search, disciplinary actions, list of Board members, Board staff, calendar, Board meeting minutes, newsletters, forms and public records link. |
| <u>Financial</u> | |
| Source of Funds | Licensing fees, fines and penalties. |
| State Treasury | During the Sunset Review period, the Board operated from a checking account held at Regions Bank. In response to the Governor's Executive Order No. 726, as of October 1, 2024, the Board's funds are held in the State Treasury. <i>Code of Alabama 1975</i> , Section 34-24-258 |
| Required Distributions | Should the funds in the hands of the Board at the end of any fiscal year be more than one hundred thousand dollars, the excess of this amount shall be paid into the General Fund in the State Treasury. <i>Code of Alabama 1975</i> , Section 34-24-253 |
| Unused Funds | Unused funds are retained at fiscal year-end. |
| <u>Licensure</u> | |
| Licensees | As of August 22, 2024, the Board had 162 licensed Podiatrists. <i>Source:</i> Administrator |

| <p>Licensure Qualifications</p> | <p>The applicant:</p> <ul style="list-style-type: none"> • Shall be 19 years of age or over. • Shall be a citizen of the United States or legally present. • Of good moral character. • Shall be a graduate of a college of podiatry recognized by the American Podiatric Medical Association. • Shall have completed a podiatric residency approved by the American Podiatric Medical Association or by the State Board of Podiatry under its rules and regulations. • Shall have successfully passed all parts of the examination given by the National Board of Podiatric Examiners. • Shall be able to pass the standard examination prescribed by the State Board of Podiatry. <p><i>Code of Alabama 1975, Section 34-24-255</i></p> | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|-------------------------------|-----------------|--|--|----------------------|----------------------|-----------------|-----------------|------|---|---|------|------|---|---|------|------|---|---|------|------|---|---|------|
| <p>Examinations</p> | <p>Passing the National Board of Podiatric Medical Examiners' examination is a prerequisite to application for licensure. The examination is administered by Prometric Testing Centers in Birmingham, Dothan, Huntsville, Mobile and Montgomery on dates scheduled by the National Board of Podiatric Medical Examiners.</p> <p>Pass/Fail rates for this examination were not available. According to the Federation of Podiatric Medical Boards, records are not available noting which state an individual taking the exam is from or applying for licensure from since applicants must pass all three parts prior to applying for licensure.</p> <p>Applicants must also pass an examination covering Alabama laws and regulations for the practice of podiatry. The examination is prepared, administered and graded by the Board. The examination is given semi-annually in June and December at the Board's office.</p> <p><i>Administrative Rule 730-X-3-.01</i></p> <table border="1" data-bbox="565 1459 1398 1692"> <thead> <tr> <th colspan="4">Alabama Law - Podiatry</th> </tr> <tr> <th>Calendar Year</th> <th># Exams Given</th> <th># Passed</th> <th>% Passed</th> </tr> </thead> <tbody> <tr> <td>2020</td> <td>6</td> <td>6</td> <td>100%</td> </tr> <tr> <td>2021</td> <td>2</td> <td>2</td> <td>100%</td> </tr> <tr> <td>2022</td> <td>5</td> <td>5</td> <td>100%</td> </tr> <tr> <td>2023</td> <td>7</td> <td>7</td> <td>100%</td> </tr> </tbody> </table> <p><i>Source:</i> Administrator</p> <p>According to the Administrator, the Alabama law exam results for Alabama Educational Institutions were not available.</p> | Alabama Law - Podiatry | | | | Calendar Year | # Exams Given | # Passed | % Passed | 2020 | 6 | 6 | 100% | 2021 | 2 | 2 | 100% | 2022 | 5 | 5 | 100% | 2023 | 7 | 7 | 100% |
| Alabama Law - Podiatry | | | | | | | | | | | | | | | | | | | | | | | | | |
| Calendar Year | # Exams Given | # Passed | % Passed | | | | | | | | | | | | | | | | | | | | | | |
| 2020 | 6 | 6 | 100% | | | | | | | | | | | | | | | | | | | | | | |
| 2021 | 2 | 2 | 100% | | | | | | | | | | | | | | | | | | | | | | |
| 2022 | 5 | 5 | 100% | | | | | | | | | | | | | | | | | | | | | | |
| 2023 | 7 | 7 | 100% | | | | | | | | | | | | | | | | | | | | | | |

| | |
|------------------------------|---|
| Reciprocity | <p>Every applicant who shall pass the standard examination, or whose reciprocity has been accepted by the State Board of Podiatry, shall receive from the board a license entitling him or her to practice podiatry in Alabama. There are no specific reciprocity agreements.</p> <p><i>Code of Alabama 1975</i>, Section 34-24-273</p> |
| Renewals | <p>Annually on or before October 1st Licenses may be renewed within 30 days after October 1 without incurring a late fee.</p> <p>Percentage of online renewals: 98%</p> <p><i>Code of Alabama 1975</i>, Section 34-24-275 Source: Administrator</p> |
| Licensee Demographics | <p>Data not collected by the Board.</p> |
| Continuing Education | <p>No less than 12 hours, which shall be obtained at the annual state meeting of the Alabama Podiatry Association, or any other continuing education program approved by the State Board of Podiatry.</p> <p><i>Code of Alabama 1975</i>, Section 34-24-275</p> |

SIGNIFICANT ISSUES

Significant Issue 2024-001: The Board did not make statutorily required transfers to the General Fund for amounts exceeding \$100,000 at the end of fiscal years 2022 and 2023. The *Code of Alabama 1975*, Section 34-24-253, states in part, "Should the funds in the hands of the board at the end of any fiscal year be more than one hundred thousand dollars (\$100,000), the excess of this amount shall be paid into the General Fund in the State Treasury." The Board should have transferred \$7,646.00 to the General Fund in fiscal year 2023 for fiscal year 2022 and \$17,163.94 in fiscal year 2024 for fiscal year 2023.

Significant Issue 2024-002: The Board did not post vacancy notices forty-five days prior to the expiration of Board members' terms. Vacancy notices were not posted until February 8, 2024 for two Board members whose terms expired July 21, 2023 and one member whose term expired July 22, 2023. As a result, potential candidates may not have received notice of vacancies and may have caused the Board not to receive input from all interested candidates to fill the vacancies.

The *Code of Alabama 1975*, Section 36-14-17(c) states, "The chair of an existing board shall notify the Secretary of State by electronic means of a vacancy as follows: (1) For a vacancy scheduled to occur on the board as a result of the expiration of a term, at least 45 days before the vacancy occurs."

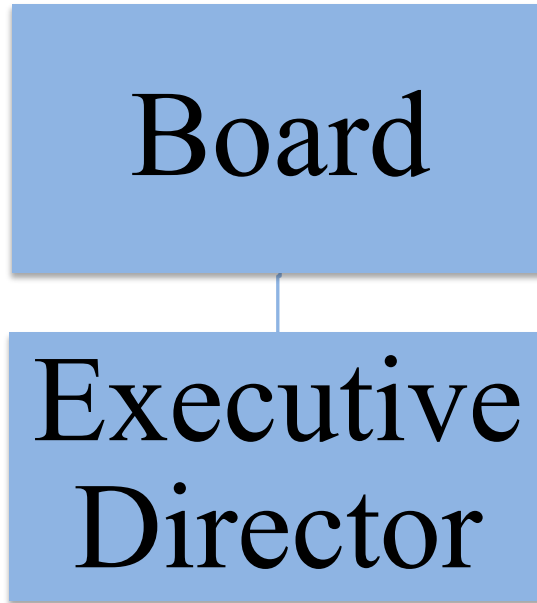
SIGNIFICANT ISSUES FROM QUESTIONNAIRES

There were no significant issues from the questionnaires.

STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES

All prior findings/significant issues have been resolved.

ORGANIZATION



PERSONNEL

The Board contracts with Smith Warren & Company Management Services, Inc. for administrative and logistical services. Keith Warren, President of Smith Warren Management Services Inc. serves as the Board's Executive Director. The current contract compensates Smith Warren Management Services, Inc., \$60,000.00 annually to be paid in monthly installments of \$5,000.00. The current contract is for twelve months and will expire July 31,2025.

Legal Counsel

Ben Seiss, Assistant Attorney General, an employee of the Attorney General's Office to provides legal assistance for the day-to-day issues presented for review. The Board has a two-year agreement with Attorney General's Office effective October 1, 2022. The pay rate is \$150.00 for attorneys and \$50 per hour for time spent providing legal services to or on behalf of the Board. The agreement also stipulates that the Board agrees to compensate the Attorney General's Office for travel at the same rate as state employees.

PERFORMANCE CHARACTERISTICS

Number of Licensees for the Past Four Fiscal Years

| Type of Licenses | Fiscal Year | | | |
|------------------|-------------|------|------|------|
| | 2020 | 2021 | 2022 | 2023 |
| Podiatrist | 164 | 167 | 160 | 159 |

Operating Disbursements per Licensee (FY 2023) - \$507.06

Fines/Penalties as a Percentage of Operating Receipts

| | FY 2020 | FY 2021 | FY 2022 | FY 2023 |
|----------------|--------------|---------------|---------------|--------------|
| Total Receipts | \$ 87,850.00 | \$ 105,700.00 | \$ 115,513.95 | \$ 91,520.46 |
| Fines | | \$ 7,500.00 | \$ 3,000.00 | |
| Percentage | 0.0% | 7.64% | 2.67% | 0.0% |

Notification of Board Decisions to Amend Administrative Rules

The Board complied with notification procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules. Licensees are not specifically notified of proposed changes. Proposed rule changes are posted on the Board's website.

COMPLAINT HANDLING

Administrative Rule 730-X-4-.04 provides the procedures for the Board’s complaint process.

| | |
|---|---|
| Initial Contact/Documentation | Complaints can be brought by anyone including the board and must be in writing. A complaint form is available on the board’s website but is not required. Complaints must be signed but are not required to be notarized. Complaints are accepted by mail, email, or fax. Complainants are notified in writing of receipt of their complaint. |
| Anonymous Complaints Accepted | Anonymous complaints are not accepted. However, the Board will investigate an anonymous complaint only if it is accompanied by sufficient information. |
| Investigative Process / Probable Cause Determination | The investigative committee is comprised of the Board vice-president, legal counsel, and the Executive Director. The Board member on the investigative committee does not vote at the hearing. The executive director and the legal counsel review and determine if probable cause exists. |
| Negotiated Settlements | Unless precluded by statute, informal dispositions may be made of any contested case by stipulation, agreed settlement, consent order or default or by another method agreed upon by the parties in writing. |
| Notification of Resolution to the Complainant | Board records show complainants are notified in writing of the resolution of complaints. |

Source: Staff

Complaint Data

| Schedule of Complaints Resolved Fiscal Years 2020 through 2023 | | | | | | |
|---|-----------------------------|-------------|-------------|-------------|---------------------------|----------------|
| Year/Number of Complaints Received | Year/Number Resolved | | | | | Pending |
| | 2020 | 2021 | 2022 | 2023 | 2024⁽¹⁾ | |
| 2020 / 8 | 4 | 4 | | | | |
| 2021 / 7 | | 3 | 4 | | | |
| 2022 / 6 | | | | 5 | 1 | |
| 2023 / 8 | | | | 4 | 4 | |
| (1) As of August 12, 2024 | | | | | | |
| <i>Source:</i> Legal Assistant | | | | | | |

Average Time to Resolve Complaints – 114 business days

Disposition of Resolved Complaints

| # of Complaints | Resolution |
|------------------------|--|
| 7 | No jurisdiction |
| 5 | Letter of concern |
| 5 | No probable cause |
| 3 | Unfounded |
| 3 | Consent agreement and fine |
| 2 | Administratively closed |
| 1 | Consent Agreement and Continuing Education |
| 1 | Complaint Withdrawn |
| 1 | Letter of Reprimand |
| 1 | Surrender of License |

REGULATION IN CONJUNCTION WITH OTHER ENTITIES

According to the *Code of Alabama 1975*, Section 34-24-233, nothing in the Board's statutes shall be construed as applying to physicians, surgeons, or persons authorized to practice the healing arts as otherwise provided under the laws of the State of Alabama. No person who qualifies for a certificate of license under the Board of Podiatry statutes shall be subject to examination by the State Board of Medical Examiners.

FINANCIAL INFORMATION

Source of Funds – Licensing and regulatory fees.

Account Description

The Board operated from a Regions Bank checking account during the Sunset Review period. The Board retains its remaining balance at fiscal year-end, except that unused funds at the end of any fiscal year exceeding \$100,000 must be transferred to the General Fund. *Code of Alabama 1975*, Section 34-24-253. These transfers were not performed for fiscal years 2022 and 2023. *See Significant Issue 2020-001*.

Schedule of Fees

Fees are set in the Board's *Administrative Rule* 730-X-3-.10

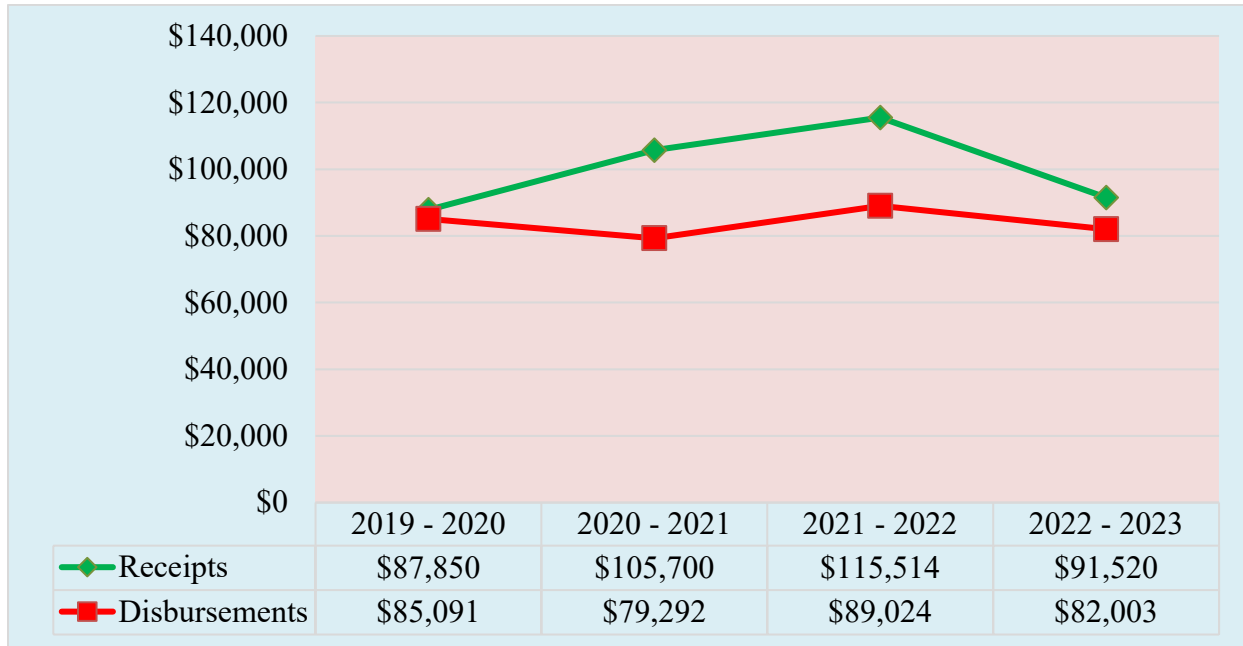
| Fee Type/Purpose | Statutory Authority | Amount Authorized by Statute | Amount Collected |
|--------------------------------------|----------------------------|-------------------------------------|-------------------------|
| Application Fee | 34-24-255 (b) | Set by Board | \$100.00 |
| State Examination/Re-examination Fee | 34-24-255 (b) | Set by Board | \$100.00 |
| License Renewal Fee | 34-24-275 | Set by Board | \$500.00 |
| Late Renewal Fee | 34-24-275 | \$300.00 | \$300.00 |
| Special Certificate Fee | 34-24-272 | \$50.00 | \$50.00 |
| Controlled Substance Fee | 20-2-50 | Set by Board | \$50.00 |

Schedule of Receipts, Disbursements and Balances

October 1, 2019 through September 30, 2023

| | <u>2019 - 2020</u> | <u>2020 - 2021</u> | <u>2021 - 2022</u> | <u>2022 - 2023</u> |
|---|---------------------|---------------------|----------------------|----------------------|
| <u>Receipts</u> | | | | |
| License Fees | \$ 87,850.00 | \$ 98,200.00 | \$ 112,513.95 | \$ 91,200.00 |
| Administrative Fines/Costs | | 7,500.00 | 3,000.00 | |
| Tax Refund | | | | 320.46 |
| Total | <u>87,850.00</u> | <u>105,700.00</u> | <u>115,513.95</u> | <u>91,520.46</u> |
| <u>Disbursements</u> | | | | |
| Board Member Compensation | 5,929.20 | 6,176.25 | 5,205.75 | 4,641.00 |
| Travel In State | 4,098.70 | 1,643.98 | 3,148.92 | 2,673.84 |
| Professional Services | 67,799.71 | 64,324.50 | 74,436.99 | 68,200.00 |
| Supplies, Materials, and Operating Expenses | 5,673.73 | 5,747.63 | 5,271.85 | 5,107.68 |
| Transfer to Public Health | <u>1,590.00</u> | <u>1,400.00</u> | <u>960.00</u> | <u>1,380.00</u> |
| Total | <u>85,091.34</u> | <u>79,292.36</u> | <u>89,023.51</u> | <u>82,002.52</u> |
| Excess of Receipts Over Disbursements | 2,758.66 | 26,407.64 | 26,490.44 | 9,517.94 |
| Cash Balances at Beginning of Year | <u>51,989.26</u> | <u>54,747.92</u> | <u>81,155.56</u> | <u>107,646.00</u> |
| Cash Balances at End of Year | <u>\$ 54,747.92</u> | <u>\$ 81,155.56</u> | <u>\$ 107,646.00</u> | <u>\$ 117,163.94</u> |

Operating Receipts vs. Operating Disbursements

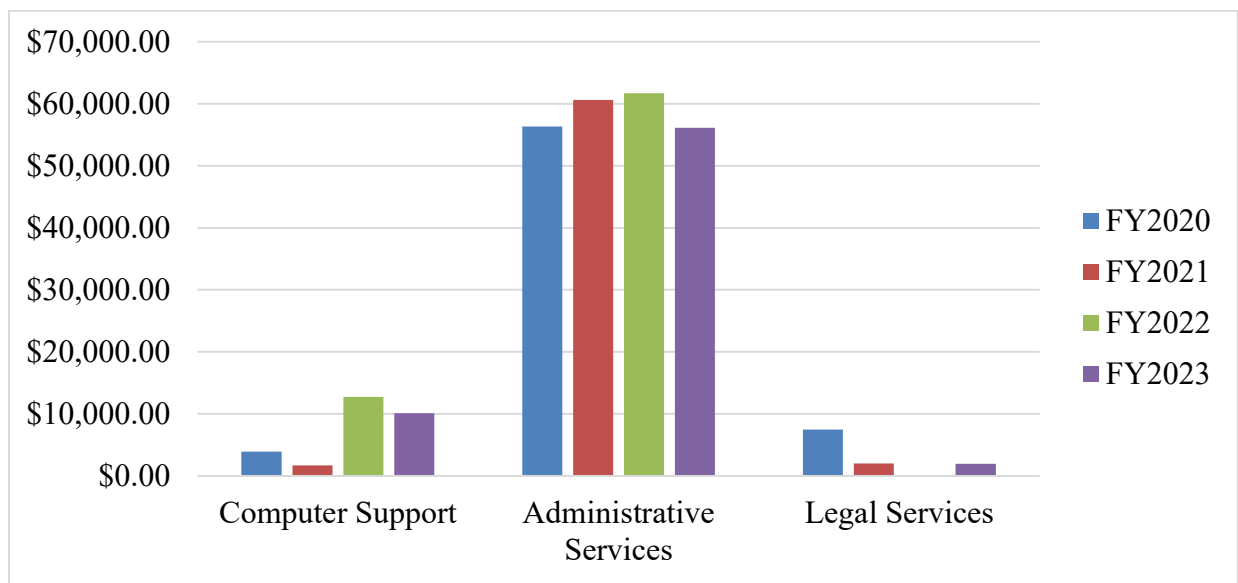


Summary Schedule of Professional Service Disbursements

| As of September 30th | | | | |
|--|---------------------|---------------------|---------------------|---------------------|
| Type of Service | FY 2020 | FY 2021 | FY 2022 | FY 2023 |
| Computer Support | \$ 3,944.71 | \$ 1,724.50 | \$ 12,731.99 | \$ 10,125.00 |
| Administrative Services | 56,355.00 | 60,600.00 | 61,705.00 | 56,125.00 |
| Legal | 7,500.00 | 2,000.00 | | 1,950.00 |
| Total | \$ 67,799.71 | \$ 64,324.50 | \$ 74,436.99 | \$ 68,200.00 |

Detailed information is presented in Appendix II of this report.

Professional Service Disbursements



QUESTIONNAIRES

Board Member Questionnaire

A letter was sent to all seven members of the Board of Podiatry requesting participation in our survey. Three participated in the survey. The percentages shown are based on the number who responded to the question.

1. What do you consider the most significant issue(s) facing the Board of Podiatry and how is the Board addressing these issues?

Board Member #1 – “No issue.”

Board Member #2 – “Currently, from my point of view (Appointment began May 10, 2024) there are no significant issue(s) facing the Board of Podiatry.”

Board Member #3 – “Wide range of experience amongst physicians, that still requires the Board to establish a baseline for licensure.”

2. What, if any, changes to the Board’s laws are needed?

Board Member #1 – “No change.”

Board Member #2 – “None.”

Board Member #3 – “New member - Difficult to answer.”

3. Do you think the Board is adequately funded?

| | | |
|---------|---|-----|
| Yes | 2 | 67% |
| Unknown | 1 | 33% |

4. Do you think the Board is adequately staffed?

| | | |
|-----|---|------|
| Yes | 3 | 100% |
|-----|---|------|

5. Does the Board receive regular reports on the operations from the Executive Director?

| | | |
|-----|---|------|
| Yes | 3 | 100% |
|-----|---|------|

6. Has the Board experienced any significant changes to its operations?

| | | |
|----|---|------|
| No | 3 | 100% |
|----|---|------|

7. Does the Board plan to make any significant changes in its operations?

| | | |
|---------|---|-----|
| Yes | 1 | 33% |
| No | 1 | 33% |
| Unknown | 1 | 33% |

8. Do you have any additional comments you would like to make?

Board Member #1 – “None”

Board Member #2 – “N/A.”

Board Member #3 – “Financials being transferred to the State of AL STAARs system.”

Podiatrist Licensee Questionnaire

A letter was sent to one hundred podiatrist licensees requesting participation in our survey. Twenty-two participated in the survey. The percentages shown are based on the number who responded to the question.

1. What do you consider the most significant issue(s) facing your profession in Alabama?

Respondent #1 – “Scope of practice.”

Respondent #2 – “Hospital privileges.”

Respondent #3 – “.”

Respondent #4 – “Like all medical professionals, I am concerned about unfair, unreasonable, and inappropriately low reimbursement rates set by third part payers, particularly Blue Cross of Alabama.”

Respondent #5 – “Being able to recruit young colleagues.”

Respondent #6 – “Scope of practice.”

Respondent #7 – “Low number of providers compared to increasing need for at risk foot care. Alabama would greatly benefit from a residency program not associated with a VA facility.”

Respondent #8 – “insurance coverage of common podiatric procedures.”

Respondent #9 – “I see no real issues.”

Respondent #10 – “Reimbursement rates.”

Respondent #11 – “Insurance companies denying service.”

Respondent #12 – “The takeover of the board by the state (the consolidated board legislation that has been introduced the last 2 years).”

Respondent #13 – “Mutual respect from the Orthopedists in this state.”

Respondent #14 – “That those that are ankle and rearfoot surgery is not allowed”

Respondent #15 – “Regulations on telehealth”

Respondent #16 – “Insurance Reimbursement”

Respondent #17 – “Advertising”

Respondent #18 – “reimbursement”

Respondent #19 – “physician parity; many in the AMA organization still do not want to recognize podiatrists as physicians.”

Respondent #20 – “- -“

Respondent #21 – “Shortage of podiatrists in the state”

Respondent #22 – “MD discrimination”

2. Do you think regulation of your profession by the Board of Podiatry is necessary to protect the public welfare?

| | | |
|-----|----|-----|
| Yes | 20 | 91% |
| No | 2 | 9% |

3. Do you think any of the Board’s laws, rules, or policies are an unnecessary restriction on the practice of your profession?

| | | |
|-----------|-----------|------------|
| Yes | 3 | 14% |
| No | 17 | 77% |
| Unknown | 2 | 9% |

4. Are you adequately informed by the Board of changes to and interpretations of the Board’s positions, policies, rules, and laws?

| | | |
|------------|-----------|------------|
| Yes | 20 | 90% |
| No | 1 | 5% |
| Unknown | 1 | 5% |

5. Do you consider mandatory continuing education necessary for the competent practice of your profession?

| | | |
|------------|-----------|------------|
| Yes | 19 | 86% |
| No | 3 | 14% |

6. Does the Board respond to your inquiries in a timely manner?

| | | |
|------------|-----------|------------|
| Yes | 19 | 86% |
| Unknown | 3 | 14% |

7. Has the Board performed your licensing and renewal in a timely manner?

| | | |
|------------|-----------|-------------|
| Yes | 22 | 100% |
|------------|-----------|-------------|

8. Do you have any additional comments you would like to make?

Respondent #1 – “CME’s nowadays are unnecessary.”

Respondent #2 – “None”

Respondent #3 – “.”

Respondent #4 – “State Board of Podiatry members and Administrative Staff have done an exemplary job.”

Respondent #5 – “N/A.”

Respondent #6 – “Our board is very competent and I believe it serves a critical role in assisting podiatrists while ensuring public safety.”

Respondent #7 – “No.”

Respondent #8 – “none”

Respondent #9 – “No.”

Respondent #10 – “No.”

Respondent #11 – “None”

Respondent #12 – “no.”

Respondent #13 – “no.”

Respondent #14 – “None”

Respondent #15 – “The renewal fees for my podiatry licenses in Louisiana and Arkansas are \$100 and \$70 respectively.....this puts the much higher \$400 fee for Alabama into question.any options to lower such as aligning with another agency. Both louisiana and arkansas do so yet maintain podiatrists aligned to these agencies for guidance and input. ALSO in printed advertising does alabama still require podiatry ads to include some disclosure statement about guarantee of services and such. At least it used to in yellow pages ads.

Btw...Hope has always done a great job!”

Respondent #16 – “No”

Respondent #17 – “Not at this time.”

Respondent #18 – “no”

Respondent #19 – “I have served on the board in the past and still feel it is vital to regulating our profession in the state of Alabama”

Respondent #20 – “- -”

Respondent #21 – “No”

Respondent #22 – “Lower costs for licensing”

Complainant Questionnaire

A letter was sent to fourteen complainants requesting their participation in our survey. Two participated in the survey. The percentages shown are based on the number who responded to the question.

1. Was receipt of your complaint acknowledged by the Board?

| | | |
|-----|---|-----|
| Yes | 1 | 50% |
| No | 1 | 50% |

2. Approximately how long after filing your complaint did the Board contact you?

| | | |
|-------------------|---|-----|
| More than 60 Days | 1 | 50% |
| Unknown | 1 | 50% |

3. Did the Board communicate the results of its investigation into your complaint to you?

| | | |
|-----|---|-----|
| Yes | 1 | 50% |
| No | 1 | 50% |

4. Do you think the Board did everything it could to resolve your complaint?

| | | |
|----|---|------|
| No | 2 | 100% |
|----|---|------|

5. Do you have any additional comments you would like to make?

Respondent #1: “This complaint was done and sent to protect others. I almost lost my toe... sent graphic pictures and a 3 page letter... This experience was inexcusable. I asked the doctor what happened to the cotton at the end of the long wooden swab. She replied... oh it probably fell in the floor. Well... the cotton with the “killer poison” came off inside my toe! Upon going back... she was going to try to get it out without deadening it and it was sore, swollen, and red. Terrible barbaric conditions and absolutely no empathy whatsoever! Nothing was done and yet I’ve heard other horror stories that happened to others. I have complete trust in The Lord and praise Him for not losing my toe! I also went to another doctor and he was a big help. I’m over this but pray nobody else will die or have such an experience! Disappointed after my graphic pictures for sure!!! The End”

Respondent #2: "I sent my complaint out to Ala. State Board of podiatry and haven't heard from them at all. This is on the one I sent out on 7-05-2024. Heard from my first one. They told me that the Board has determined that there is not sufficient evidence or probable cause to initiate a formal disciplinary proceeding. Therefore, this case is now closed, and no further action will be taken by the board. On 7-17-23 I saw [REDACTED]. [REDACTED] and said I think I broke my foot. He said it wasn't broke. You have a bruise bone! I will give you a shot to help the pain. He gave me a shot and left the room. I never seen him again. On 8-3-23 I had an e-ray at [REDACTED]. [REDACTED]. I got an e-mail saying my foot is broken. They sent the result to [REDACTED]. I was told he got it and will called me. He never called me. I tried to get another [REDACTED]. [REDACTED]. I went to see him and told him what [REDACTED] did to me and he told me why I didn't ask for him I did. He was mad and left the room. I finally got [REDACTED]. [REDACTED] and he help me in checking my foot to see if it was healing. [REDACTED]. [REDACTED] Told me I walked on a broken foot for 7 weeks! He was so sorry. [REDACTED] turned me over to [REDACTED]. [REDACTED]. I got a CT Scan and went back to [REDACTED] with my son to see my result. My bone was open up from left to right . We went back to my room. He told me "TAKE YOUR SHOE OFF!! He grab my foot, look at it than put his thumb on top of my foot and push down as hard as he could. I yelled OUCH! He looked at me and said HURT DIDN'T it? I said yes!! and he ran out of the room. I almost fell out of my chair and I am 76 years old. My son was shock. He couldn't believe what he just did. I went to [REDACTED]. [REDACTED] In Georgia to have my surgery, 5-13-2024. It was very painful. I went back to see him and each time he told me that it's not healing.

I an trying a thing called Exogen bioventus, hopping this will help me. If it don't work It looks like more surgery thanks to [REDACTED]. Because he wouldn't x-ray my foot that he didn't do some one else does it for him. All he had to was wait for the result. I have been going to him over 13 years. The Board was looking out for their Doctor and didn't see that he did nothing wrong. I thought evidence was that he wouldn't x-ray my foot since I told him it was hurting in the same place on my other foot and he x-ray it than and found out it was broken. That was 2 years ago. But he still wouldn't x-ray it. I am the one who is being punished for what HE did. I might have to have another surgery because of him. He knows that I have Osteoporosis too. Hope this is what you need.

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APPENDICES

Appendix I - Applicable Statutes

Section 34-24-230 Definitions.

For purposes of this title, the following terms have the respective meanings ascribed by this section:

(1) ANKLE. Consists of the ankle joint that consists of the distal third of the tibia and fibula and their articulations with the talus and the soft tissue structures surrounding the foot and ankle.

(2) DIAGNOSIS. The process of ascertaining a disease or ailment by its general symptoms.

(3) ELECTRICAL TREATMENT. Any treatment by means and methods supplied by electric current.

(4) FOOT. The terminal appendage of the lower extremity and contains 28 bones and is divided into three parts - the forefoot, the midfoot, and the hindfoot. The forefoot consists of 14 phalanges, five metatarsals, and the tibial and fibular sesamoid bones. The midfoot consists of five tarsal bones and their articulations. The hindfoot consists of two tarsal bones, the calcaneus, and the talus. The foot is defined as including all 28 complete bony structures below the ankle joint.

(5) MANIPULATIVE TREATMENT. The use of the hand or machinery in the operation or working upon the foot or ankle.

(6) MECHANICAL TREATMENT. The application of any mechanical appliance made of steel, leather, felt, or any material to the foot or ankle or in the shoe for the purpose of treating any disease, deformity, or ailment.

(7) MEDICAL TREATMENT. The application to or prescription for the foot or ankle of pads, fiberglass, adhesives, felt, plaster, or any medicinal agency for both external and internal use in connection with treatment of local ailments of the foot or ankle. The term does not include the medical treatment of any systemic disease, but includes treatment for the local manifestations of those systemic diseases in the foot or ankle.

(8) PODIATRY. The diagnosis and treatment of disorders of the human foot and ankle, as described herein.

(9) PRACTICE OF PODIATRY. The diagnosis and medical or surgical or mechanical or manipulative or electrical treatment of any ailment of the human foot or ankle and the surgical treatment of ailments of the human foot or ankle limited anatomically to the foot or ankle. The practice of podiatry shall include the amputation of the toes and other parts of the foot and ankle, but shall not include any amputation above the Chopart joint, total ankle arthroplasty, or the administration of any anesthetic other than local. A podiatrist may prescribe drugs that relate specifically to the scope of practice authorized herein.

(10) SURGICAL TREATMENT. The use of any cutting instrument to treat a disease, ailment, or condition of the foot or ankle.

(Acts 1967, No. 741, p. 1586, §1; Acts 1971, No. 2427, p. 3870, §1; Acts 1975, No. 1199, p. 2376, §1; Acts 1982, No. 82-437, p. 687, §1; Acts 1983, 2nd Ex. Sess., No. 83-131, p. 137, §1; Act 2023-106, §1.)

Section 34-24-231 False or misleading statements in advertisements.

It shall be unlawful for any person engaged in the practice of podiatry in this state to print or cause to be printed, or circulate or cause to be circulated, or publish or cause to be published, by any means whatsoever, any advertisement or circular in which appears any untruthful, impossible, or improbable or misleading statement or statements, or anything calculated or intended to mislead or deceive the public.

(Acts 1967, No. 741, p. 1586, §18.)

Section 34-24-232 Grandfather clause.

Repealed by Act 2009-715, p. 2104, §2, effective August 1, 2009.
(*Acts 1967, No. 741, p. 1586, §20.*)

Section 34-24-233 Exemptions.

Nothing in this article shall be construed as applying to physicians, surgeons, or persons authorized to practice the healing arts as otherwise provided under the laws of the State of Alabama. No person who qualifies for a certificate of license under this article shall be subject to examination by the State Board of Medical Examiners.

(*Acts 1967, No. 741, p. 1586, §17; Acts 1975, No. 1199, p. 2376, §6.*)

Section 34-24-234 Penalties for violations.

Repealed by Act 2009-715, p. 2104, §2, effective August 1, 2009.
(*Acts 1967, No. 741, p. 1586, §19.*)

Section 34-24-235 Surgical Treatment of Osseous Ailments of the Ankle

A podiatrist may not surgically treat osseous ailments of the ankle unless he or she has completed at least 36 months of post-graduate residency training approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association.

(*Act 2023-106, §2.*)

Section 34-24-250 Appointment; composition; qualifications of members; appointment; terms of office.

(a) The Governor of Alabama shall appoint a State Board of Podiatry consisting of seven persons, each of whom shall be a citizen of the United States and of Alabama, over the age of 25, and shall have been engaged in the actual continuous practice of podiatry in the State of Alabama for at least five years next preceding his or her appointment. One member of the board shall be appointed each year, with the exception of three members being appointed every fifth year starting in 1979, for terms of five years and until their successors are appointed and qualified. No member of the board shall be reappointed for a successive term. Previous board members are eligible for nonsuccessive appointments. The Governor may remove from office at any time any member of the board for neglect of duty, incompetency, improper or unprofessional conduct, or when the license or certificate of any member has been suspended or revoked. Vacancies on the board shall be filled by appointment by the Governor in the manner provided in this section. The Governor shall furnish each member of the board at the time of appointment a certificate of appointment, and the appointee shall qualify by taking the usual oath of office before the judge of probate of his or her home county within 15 days from the date of appointment.

(b) After April 6, 1993, each vacant office occurring shall be first offered to each available black licensee until a black member is appointed to the board. When a black member is appointed to the board, thereafter appointments shall be made in such a manner as to ensure at least one black member on the board at all times, and the membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.

(*Acts 1967, No. 741, p. 1586, §3; Acts 1979, No. 79-601, p. 1065, §1; Acts 1993, No. 93-156, p. 233, §3; Act 2009-38, p. 135, §3.*)

Section 34-24-251 Meetings; quorum.

The State Board of Podiatry shall hold meetings at such times and places as the board may designate for the discharge of all business as may legally come before the board, and may hold additional meetings, on call of the president of the board, and the president shall call such meetings on petition of a majority of the members of the board for carrying into effect the provisions of this article. The board may transact any and all business that may legally come before the board at these meetings including, but not limited to, designating times and places for the examination of applicants for licenses or certificates. The secretary-treasurer shall transact all ad interim business for the board unless otherwise specified in this article. A majority of the members of the board shall constitute a quorum for the transaction of business. Should a quorum not be present on the day appointed for any meeting, those present may adjourn from day to day until a quorum is present.

(Acts 1967, No. 741, p. 1586, §4; Acts 1989, No. 89-242, p. 342, §3; Act 2009-715, p. 2104, §1.)

Section 34-24-252 Powers and duties.

The State Board of Podiatry shall be the certifying board for podiatrists and shall have the exclusive power and authority to certify and to issue, suspend, revoke, limit, and reinstate all licenses or certificates authorizing the licensee to practice podiatry in the State of Alabama, and shall have the following authorities and shall perform the following duties:

(1) To promulgate any rules and regulations for its government as it may deem necessary and proper; and for purposes of disciplining its licensees, in addition to any other powers of the board, the board may adopt and collect administrative fines, not to exceed two thousand dollars (\$2,000) per violation, and may institute any legal proceedings necessary to effect compliance with this article.

(2) To provide a standard of efficiency as to the moral, educational, and experience qualifications and fitness for all persons who desire to practice podiatry in this state.

(3) To elect annually one of its members as president, one as vice-president, and one as secretary-treasurer, who shall hold their respective offices for one year and until their successors are elected and qualified. If a vacancy occurs in any of the three offices, a special meeting of the board shall be called for the purpose of filling the vacancy for the unexpired term.

(4) To administer any oaths and take any affidavits as are required by this article, certifying thereto under its hand and the seal of the board.

(5) To assist in the prosecution of violations of this article.

(6) To appoint or employ a legal adviser or counsel, when deemed necessary, whose compensation shall be fixed by the board and paid in the same manner as the per diem and expenses of the board are paid.

(7) To adopt a common seal to be affixed to its official documents.

(8) To keep a record of its proceedings, a register of persons licensed as podiatrists, and a register of licenses and certificates revoked by the board.

(9) To annually, on or before January 1, make a report to the Governor of Alabama of all its official acts during the preceding year, of its receipts and disbursements, a full and complete report of the condition of podiatry and the practice in this state, and to file duplicate copies of the report with the Secretary of State, the State Auditor, and the Alabama Department of Archives and History.

(10) To employ, when deemed necessary and without regard to the state Merit System, and set the salary of, an executive director who shall serve at the pleasure of the board and shall administer board policy.

(Acts 1967, No. 741, p. 1586, §5; Acts 1987, No. 87-588, p. 970, §1; Acts 1989, No. 89-242, p. 342, §3; Acts 1993, No. 93-156, p. 233, §3; Act 2009-715, p. 2104, §1.)

Section 34-24-253 Compensation of members; disposition of funds.

The members of the State Board of Podiatry shall each be entitled to receive the same per diem and travel allowance as is paid by law for state employees for each day actually employed in the discharge of their official duties, in addition to any daily compensation or allowance, if any, as may be provided by the board, in such amount as may be determined by the board out of the funds realized from the fees provided for in this article. Should the funds in the hands of the board at the end of any fiscal year be more than one hundred thousand dollars (\$100,000), the excess of this amount shall be paid into the General Fund in the State Treasury.

(Acts 1967, No. 741, p. 1586, §6; Acts 1985, No. 85-359, p. 300, §3; Acts 1989, No. 89-242, p. 342, §3; Act 2001-253, p. 305, §3; Act 2009-715, p. 2104, §1.)

Section 34-24-254 Salary and bond of secretary-treasurer.

Repealed by Act 2009-715, §2, effective August 1, 2009.

(Acts 1967, No. 741, p. 1586, §7; Acts 1989, No. 89-242, p. 342, §3.)

Section 34-24-255 Examinations - Requirements; issuance of license; fees.

(a) Every person desiring to commence the practice of podiatry shall apply to the board and shall pay an application fee as established by the board. The applicant shall thereafter take and pass the standard examination provided in this article and fulfill the other requirements as herein provided. The applicant shall be 19 years of age or over, or the age as the board may by rule determine, shall be a citizen of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government, of good moral character, shall be a graduate of a college of podiatry recognized by the American Podiatric Medical Association, shall have completed a podiatric residency approved by the American Podiatric Medical Association or by the State Board of Podiatry under its rules and regulations, shall have successfully passed all parts of the examination given by the National Board of Podiatric Examiners and shall be able to pass the standard examination prescribed by the State Board of Podiatry. The standard examination shall consist of tests in practical, theoretical, and physiological podiatry, in the anatomy and physiology of the human foot, and in pathology as applied to podiatry. In addition, the standard examination shall test the knowledge of the applicant of the Podiatry Practice Act and the rules and regulations of the board. The standard examination shall not be out of keeping with established teachings and adopted textbooks of recognized schools of podiatry. If the applicant satisfactorily passes the examination provided for he or she shall be issued a license to practice podiatry.

(b) The board may establish and collect an application fee and an examination fee from applicants for licensure, and a nonrefundable reexamination fee for a second or subsequent examination.

(Acts 1967, No. 741, p. 1586, §8; Acts 1975, No. 1199, p. 2376, §2; Acts 1985, No. 85-359, p. 300, §3; Acts 1987, No. 87-588, p. 970, §1; Acts 1989, No. 89-242, p. 342, §3; Acts 1997, No. 97-159, p. 216, §3; Act 98-366, p. 665, §1; Act 2008-132, p. 191, §3.)

Section 34-24-256 Examinations - Conduct.

Repealed by Act 2009-715, p. 2104, §2, effective August 1, 2009.

(Acts 1967, No. 741, p. 1586, §9; Acts 1989, No. 89-242, p. 342, §3.)

Section 34-24-257 Examinations - Second or subsequent examination.

Repealed by Act 2009-715, p. 2104, §2, effective August 1, 2009.

(Acts 1967, No. 741, p. 1586, §10; Acts 1975, No. 1199, p. 2376, §3; Acts 1985, No. 85-359, p. 300, §3; Acts 1989, No. 89-242, p. 342, §3.)

Section 34-24-258 Deposit and expenditure of funds.

All funds received by the board shall be deposited to the credit of the board in a federally insured bank selected by the board, and the execution and enforcement of this article and the payments of salaries, expenses, and other authorized costs shall be paid by checks drawn by the secretary-treasurer and countersigned by a designated member of the board.

(Acts 1997, No. 97-159, p. 216, §4; Act 2009-715, p. 2104, §1.)

Section 34-24-270 Practicing podiatry without license; penalty.

Any person who shall practice podiatry in this state or hold himself or herself out to the public as a podiatrist, or who shall in any sign or advertisement use the word "podiatrist," "foot specialist," "foot correctionist," "foot expert," or "chiropracist" or any other term or terms or letters indicating that he or she is a podiatrist or that he or she practices or holds himself or herself out as practicing podiatry or foot correction, without having at the time of so doing a valid certificate of qualification as provided in this article, shall be guilty of a misdemeanor and, upon conviction, shall be fined for each offense not less than \$50 nor more than \$500, and may be imprisoned for not less than one month nor more than three months. This article shall not prohibit the fitting, recommending, advertising, adjusting, or the sale of corrective shoes, arch supports, or similar mechanical appliances or patent or proprietary remedies by licensed retail drug or shoe dealers or manufacturers; but this exception shall not apply to the casting, molding, or making of individual molded footgear or devices, unless the same is made upon the prescription of a licensed physician or licensed podiatrist.

(Acts 1967, No. 741, p. 1586, §2.)

Section 34-24-271 License to podiatrist coming to this state; fee.

Repealed by Act 98-366, p. 665, §2, effective July 1, 1998.

(Acts 1967, No. 741, p. 1586, §11; Acts 1975, No. 1199, p. 2376, §4; Acts 1985, No. 85-359, §3.)

Section 34-24-272 Special certificate.

Any person who is a legal, ethical, and competent practitioner of podiatry in this state, who has been duly examined and licensed by the State Board of Podiatry, and of good moral character and known to the board as such, who shall desire to change his or her residence to another state or territory, or foreign country, shall, upon application to the board and the payment of a fee of fifty dollars (\$50), receive a special certificate over the signature of the president and secretary-treasurer of the board and bearing its seal which shall give the date upon which he or she was registered and licensed.

(Acts 1967, No. 741, p. 1586, §12; Acts 1985, No. 85-359, p. 300, §3; Act 98-366, p. 665, §1.)

Section 34-24-273 Issuance; contents; display by holder.

Every applicant who shall pass the standard examination, or whose reciprocity has been accepted by the State Board of Podiatry, shall receive from the board a license entitling him or her to practice podiatry in Alabama, which license shall be signed by the president of the board and countersigned by the secretary-treasurer of the board and have affixed thereto the seal of the board and be duly numbered and registered in the record book kept by the secretary-treasurer of the board, which record book shall be open to public inspection, and a duly certified copy of the record shall be received as evidence in all courts of this state in the trial of any case. Each person to whom a license has been issued shall keep the license conspicuously in his or her office or place of business and shall whenever required exhibit the license to any member or representative of the board.

(Acts 1967, No. 741, p. 1586, §13.)

Section 34-24-275 Renewal; continuing education.

Every licensed podiatrist who desires to continue the practice of podiatry shall annually, on or before the first of October, pay to the secretary-treasurer of the state board a renewal registration fee in a reasonable amount set by the board and comply with such other conditions as may be prescribed by the State Board of Podiatry; provided, however, that the license shall be renewed within 30 days after October first, or the licensee shall pay the renewal registration fee and a penalty of \$300. Among the conditions to be prescribed by the State Board of Podiatry is the requirement that evidence be furnished by the applicant for renewal of completion of a continuing education program. Such program shall consist of no less than 12 hours, which shall be obtained at the annual state meeting of the Alabama Podiatry Association or any other continuing education program approved by the State Board of Podiatry. Any licensed podiatrist who is inactive in the practice of podiatry for a period of two years may have his or her license renewed to practice his profession on such conditions as may be prescribed by the State Board of Podiatry.

(Acts 1967, No. 741, p. 1586, §15; Acts 1975, No. 1199, p. 2376, §5; Acts 1979, No. 79-601, p. 1065, §2; Acts 1985, No. 85-359, p. 300, §3.)

Section 34-24-276 Suspension or revocation; members of board immune from suit.

(a) A license issued to any person may be suspended for a definite period of time, revoked, or limited, or a licensee may be reprimanded, or an application for licensure or renewal of licensure may be denied by the State Board of Podiatry for any of the following reasons:

- (1) Conviction of any offense involving moral turpitude, in which case the record of conviction or a certified copy thereof certified by the clerk of the court or by the judge in which court the conviction is had shall be conclusive evidence of such conviction.
- (2) Unprofessional conduct including any conduct of a character likely to deceive or defraud the public, lending his or her license to any person, the employment of "cappers," or "steerers" to obtain business, "splitting" or dividing a fee with any person or persons, the obtaining of any fee or compensation by fraud or misrepresentation, employing directly or indirectly any suspended or unlicensed podiatrist to do any professional work, fraudulent or misleading advertising, the use of any advertising which does not include a disclaimer required by rules and regulations of the board, carrying the advertising of articles not connected with the profession, the employment of any drugs or medicines in his or her practice unless authorized to do so by the laws covering the practice of medicine of this state.
- (3) Obtaining a license or certificate by fraud, deceit, or misrepresentation, whether knowingly or unknowingly practiced on the board.
- (4) When the holder of a license or certificate is suffering from a contagious or infectious disease.
- (5) Gross incompetency, wilful or wanton negligence, or repeated negligence in the practice of podiatry.
- (6) Intemperance in the use of intoxicating liquors or narcotics to such an extent as to unfit the holder of the license for the proper practice of podiatry.
- (7) Failure to renew his or her license and pay any penalty prescribed in this article.
- (8) Failure to comply with continuing education requirements prescribed in this article.
- (9) Violating any rule or regulation promulgated by the board.
- (10) Disciplinary action taken by another state based upon acts by a licensee similar to acts described in this section which results in suspension or revocation of a license or certificate to practice podiatry in another state. A certified copy of the record of the disciplinary action of the state taking such an action shall be conclusive evidence thereof.

(11) Sexual misconduct including, but not limited to, any or all of the following:

- a. Engaging in or soliciting a consensual or nonconsensual sexual relationship when a podiatrist-patient relationship exists.
- b. Making sexual advances, requesting sexual favors, and engaging in other verbal conduct or physical contact of a sexual nature with a patient.
- c. Intentionally viewing a completely or partially disrobed patient in the course of treatment if the viewing is not related to patient diagnosis or treatment according to current practice standards.

(12) Any other misconduct defined by the board.

(b) Whenever charges are preferred against any holder of a license, the board shall fix a time and place for the hearing of the same, and a copy of the charges, in writing and verified by oath, together with a notice of the time and place of hearing, shall be served upon the accused at least 10 days before the date fixed for the hearing. When personal service cannot be effected, the board shall cause to be published at least 30 days prior to the date set for the hearing, in a newspaper published in the county in which the accused was last known to practice, a notice to the effect that at a definite time and place a hearing will be held by the board on charges preferred against the person. The board may issue subpoenas and compel the attendance of witnesses and the production of all necessary papers, books and records, documentary evidence and materials, or other evidence. The accused shall have the right to be confronted by the person or persons preferring the charges, to cross-examine the witnesses against him or her, to be represented by counsel, and to have the testimony taken down by a stenographer. The expense of counsel and stenographer, either or both, shall be borne by the accused. Witnesses at hearings before the board shall testify under oath and may be sworn by any member of the board. Any person disciplined pursuant to this section may appeal the action to the circuit court, or other court of like jurisdiction, in the county in which the person resides.

(c) Members of the Board of Podiatry or the members of any committee of podiatrists impaneled by the board, making any report, rendering any opinion, supplying any evidence or information, or offering any testimony to the board in connection with a disciplinary investigation or action as authorized in this article shall be immune from suit for any conduct in the course of their official duties with respect to such investigations, actions, or hearings.

(Acts 1967, No. 741, p. 1586, §16; Acts 1987, No. 87-588, p. 970, §1; Act 2009-715, p. 2104, §1.)

Appendix II - Professional Services by Vendor

| | FY2020 | FY2021 | FY2022 | FY2023 |
|--|---------------------|---------------------|---------------------|---------------------|
| Computer Support | | | | |
| <i>Data Processing</i> | | | | |
| Business Systems & Consultants, Inc. | \$ | \$ 8.00 | \$ 1,984.24 | \$ 88.00 |
| KALM Services | | | 9,750.00 | 9,000.00 |
| Office of Information Technology | 2,124.75 | 1,716.50 | 997.75 | 1,037.00 |
| Department of Finance | 1,819.96 | | | |
| Total Computer Support | 3,944.71 | 1,724.50 | 12,731.99 | 10,125.00 |
| Administrative Services | | | | |
| <i>Advertising</i> | | | | |
| Legislative Services Agency | 100.00 | | 200.00 | 320.00 |
| <i>Management Services</i> | | | | |
| Smith Warren Management Services, Inc. | 55,500.00 | 60,000.00 | 60,000.00 | 55,000.00 |
| <i>Tax Preparation</i> | | | | |
| Debra S. Henry, CPA | 755.00 | 600.00 | 1,505.00 | 805.00 |
| Total Administrative Services | 56,355.00 | 60,600.00 | 61,705.00 | 56,125.00 |
| Legal Services | | | | |
| Board of Funeral Services | 7,500.00 | 2,000.00 | | |
| Attorney General's Office | | | | 1,950.00 |
| Total Legal Services | 7,500.00 | 2,000.00 | 0.00 | 1,950.00 |
| Total Professional Services | \$ 67,799.71 | \$ 64,324.50 | \$ 74,436.99 | \$ 68,200.00 |

Appendix III: Board Members



Alabama State Board of Podiatry
2777 Zelda Rd
Montgomery, AL 36106
Phone: 334/420-7237 Fax: 334/263-6115
www.podiatryboard.alabama.gov

September 18, 2024

Mr. Gerald Dedon
Examiners of Public Accounts
Post Office Box 302251
Montgomery, AL 36130-2251

Dear Mr. Dedon:

Please find the following members that currently serve on the Alabama State Board of Podiatry for this audit period.

Please let me know if you have any questions or need any additional information. Thank you for your assistance and cooperation in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to be "Keith E. Warren", with a long horizontal flourish extending to the right.

Keith E. Warren
Executive Director

ALABAMA STATE BOARD OF PODIATRY
Board Member Audit Letter
List of Board Members
Page 2 of 2

| Board Member | Appointment Date | Appointment Expiration | Position |
|--|-------------------------|-------------------------------|-------------------------|
| Dr. Johnnie L. Alston Pike Road, AL 36064 | October 21, 2020 | March 25, 2024 | Chair |
| Dr. Michael Hames Florence, Alabama 35630 | October 21, 2020 | March 25, 2024 | Vice Chair |
| Dr. Theresa Brown Montgomery, AL 36116 | May 10, 2024 | May 8, 2026 | Secretary/ Treasurer |
| Dr. Aiesha Hill Bessemer, AL 35022 | May 10, 2024 | March 24, 2029 | |
| Dr. Rosemarie Caillier Tuscaloosa, AL 35486 | May 10, 2024 | March 25, 2029 | |
| Dr. Tameka Lee Sanders Hoover, AL 35211 | May 10, 2024 | July 22, 2028 | |
| Dr. Tomeko McPhillips Tyler, AL 36785 | May 10, 2024 | July 22, 2028 | |

Appendix IV: Board's Response



Alabama State Board of Podiatry
2777 Zelda Rd
Montgomery, AL 36106
Phone: 334/420-7237 Fax: 334/263-6115
www.podiatryboard.alabama.gov

October 4, 2024

Dixie B. Thomas
Director of Operations
Examiners of Public Accounts
Post Office Box 302251
Montgomery, Alabama 36130

Dear Mrs. Thomas,

Please below responses to the significant issues in the report for the Sunset Committee.

Thank you for all your assistance and do not hesitate to contact me should you need any additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Keith E. Warren", with a long horizontal flourish extending to the right.

Keith E. Warren
Executive Director

KEW

Significant Issues

Significant Issue 2024-001: The Board did not make statutorily required transfer to the General Fund for amounts exceeding \$100,000 at the end of fiscal years 2022 and 2023. The *Code of Alabama 1975*, Section 34-24-253, states in part, “Should the funds in the hands of the board at the end of any fiscal year be more than one hundred thousand dollars (\$100,000), the excess of this amount shall be paid into the General Fund in the State Treasury.” The Board should have transferred \$7,646.00 to the General Fund in fiscal year 2023 for fiscal year 2022, and \$17,163.94 in fiscal year 2024 for fiscal year 2023.

Response:

These transfers were an oversight with reviewing the account balance as of September 30th and we will make these transfers this month. We appreciate the Examiners providing this information to correct and transfer these funds to the general fund. We are also meeting with the Examiners in November to review the reports to ensure we select the correct report to calculate if a transfer is or is not required each fiscal year.

Significant Issue 2024-002:

The Board did not post vacancy notices forty-five days prior to the expiration of Board members’ terms. Vacancy notices were not posted until February 8, 2024 for two Board members whose terms expired July 21, 2023, and one member whose term expired July 22, 2024. As a result, potential candidates may not have received notice of vacancies.

The *Code of Alabama 1975*, Section 36-14-17(c) states, “The Chair of an existing board shall notify the Secretary of State by electronic means of a vacancy as follows: (1) For a vacancy scheduled to occur on the board as a result of the expiration of a term, at least 45 days before the vacancy occurs.”

Response:

We understand this issue and recently met with the Examiners regarding this issue. The Secretary of State’s Office has implemented a new selection when submitting new appointments to the Board. Once you make that selection, the vacancy will post automatically. We will monitor this to ensure this new system works so that vacancies are posted, and we are in compliance with this requirement.