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TITLE 845 BOARD OF PODIATRIC MEDICINE

Proposed Rule LSA Document #03-46

DIGEST

Amends 845 IAC 1-3-1 concerning licensure by endorsement. Amends 845 IAC 1-3-2 concerning licensure by examination. Adds 845 IAC 1-3-3 concerning the definition for progressive graduate podiatric medical training. Amends 845 IAC 1-4.1-1 concerning mandatory renewal. Amends 845 IAC 1-4.1-2 concerning notice for mandatory renewal. Amends 845 IAC 1-4.1-7 concerning inactive status. Amends 845 IAC 1-5-1 concerning continuing education hours required. Amends 845 IAC 1-5-3 concerning approval of continuing education programs. Repeals 845 IAC 1-4.1-4. Effective 30 days after filing with the secretary of state.

845 IAC 1-3-1	845 IAC 1-4.1-4
845 IAC 1-3-2	845 IAC 1-4.1-7
845 IAC 1-3-3	845 IAC 1-5-1
845 IAC 1-4.1-1	845 IAC 1-5-3
845 IAC 1-4.1-2	

SECTION 1. 845 IAC 1-3-1 IS AMENDED TO READ AS FOLLOWS:

845 IAC 1-3-1 Licensure by endorsement

Authority: IC 25-29-2-11

Affected: IC 25-29-4; IC 25-29-5-1

Sec. 1. (a) The board may issue a license by endorsement to an applicant who:

- (1) submits an application upon oath or affirmation in proper form;
- (2) submits the fee specified in 845 IAC 1-6-8;
- (3) presents satisfactory evidence that he or she has not been the subject of a disciplinary action by the licensing or certification agency of another state or jurisdiction on the grounds that the applicant was not able to practice podiatric medicine without endangering the public;
- (4) presents satisfactory evidence that he or she does not have a conviction for a crime that has a direct bearing on the applicant's ability to practice competently;
- (5) is a graduate of a college or school of podiatric medicine approved by the Council on Podiatric Medical Education;
- (6) submits a certified copy of a current license in good standing in any state, territory, or possession of the United States;
- (7) submits examination scores from the state from which the applicant is endorsing, and presents satisfactory evidence that the examination is equivalent to the examination given under IC 25-29-4;
- (8) submits official notice from the National Board of Podiatry Examiners that the applicant has passed all areas of the examination given by the National Board of Podiatry Examiners;
- (9) submits a statement from the board in each state where the applicant is licensed, or has been licensed, certifying whether his or her license has been the subject of any final or pending disciplinary action;
- (10) submits proof of being in the practice of podiatric medicine for five (5) years in another state;
- (11) submits evidence of proper medical malpractice insurance;
- (12) submits proof of **at least twelve (12) months completion of a progressive graduate podiatric medical education training program that is at least twelve (12) months in length and** meets the requirements of the Council on Podiatric Medical Education; and
- (13) meets all other minimum requirements specified in IC 25-29-5.

(b) According to IC 25-29-5-1(b)(2), if ten (10) years have elapsed since passing a medical licensing examination, the board may

require an applicant to submit to the examination approved by the board. (*Board of Podiatric Medicine; 845 IAC 1-3-1; filed Apr 12, 1984, 8:28 a.m.: 7 IR 1530; filed Aug 5, 1987, 4:30 p.m.: 10 IR 2724; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1281; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823*) NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 8-3-1) to the Board of Podiatric Medicine (845 IAC 1-3-1) by P.L.33-1993, SECTION 76, effective July 1, 1993.

SECTION 2. 845 IAC 1-3-2 IS AMENDED TO READ AS FOLLOWS:

845 IAC 1-3-2 Licensure by examination

Authority: IC 25-29-2-11

Affected: IC 25-29-3; IC 25-29-4

Sec. 2. (a) The board may issue a license by examination to an applicant who:

- (1) submits an application upon oath or affirmation in proper form;
- (2) submits the fee specified in 845 IAC 1-6-8;
- (3) presents satisfactory evidence that he or she has not been the subject of a disciplinary action by the licensing or certification agency of another state or jurisdiction on the grounds that the applicant was not able to practice podiatric medicine without endangering the public;
- (4) presents satisfactory evidence that the applicant does not have a conviction for a crime that has a direct bearing on the applicant's ability to practice competently;
- (5) is a graduate of a college or school of podiatric medicine approved by the Council on Podiatric Medical Education;
- (6) submits official transcripts from the National Board of Podiatry Examiners certifying applicant's passing scores in all areas of the National Board of Podiatry Examiners examination;
- (7) successfully completes, under IC 25-29-4, an examination provided by the board;
- (8) submits proof of proper medical malpractice insurance within thirty (30) days of licensure;
- (9) submits proof of completion of ~~at least twelve (12) months of~~ a progressive graduate podiatric medical **education** training **program that is at least twelve (12) months in length and** meets the requirements of the Council on Podiatric Medical Education; and
- (10) meets all other minimum requirements specified in IC 25-29-3.

(b) An applicant who fails the examination given by the committee may be reexamined at least once within six (6) months of any such failure or denial. A candidate who has not passed every section of the examination may retake the examination on a regularly scheduled examination date. If a candidate has failed more than one (1) section of the examination or if a candidate fails any section three (3) times, the committee shall reexamine the candidate on all sections of the examination. If a candidate has failed only one (1) section of the examination but retakes the remaining failed section(s) of the examination on its next regularly scheduled date, the committee shall give the candidate credit for the section(s) which the candidate previously passed. Otherwise, the committee may not give credit to a candidate who passes less than all of the sections of the examination.

(c) An applicant who has failed the examination provided by the committee three (3) times shall not be allowed to retake the examination until such time as the applicant provides evidence of an additional one (1) year of postgraduate training in a program approved by the committee.

(d) The deadline for making any application for the examination provided by the committee shall be sixty (60) days prior to the examination date, except that where such dates are Saturday, Sunday, or a legal holiday, the deadline shall be the next business day immediately following such date. (*Board of Podiatric Medicine; 845 IAC 1-3-2; filed Apr 12, 1984, 8:28 a.m.: 7 IR 1530; filed Aug 5, 1987, 4:30 p.m.: 10 IR 2725; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1282; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823*) NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 8-3-2) to the Board of Podiatric Medicine (845 IAC 1-3-2) by P.L.33-1993, SECTION 76, effective July 1, 1993.

SECTION 3. 845 IAC 1-3-3 IS ADDED TO READ AS FOLLOWS:

845 IAC 1-3-3 Progressive graduate podiatric medical training defined

Authority: IC 25-29-2-11

Affected: IC 25-29-3-1; IC 25-29-3-2

Sec. 3. (a) As used in IC 25-29-3-1(4), “satisfactorily completed at least twelve (12) months of progressive graduate podiatric medical training” means completion of an established residency program that is no less than twelve (12) months in duration.

(b) An applicant who has enrolled in a twenty-four (24) month residency program must complete the entire residency program before becoming eligible for licensure under IC 25-29-3-1 and IC 25-29-3-2. (Board of Podiatric Medicine; 845 IAC 1-3-3)

SECTION 4. 845 IAC 1-4.1-1 IS AMENDED TO READ AS FOLLOWS:

845 IAC 1-4.1-1 Mandatory renewal; time

Authority: IC 25-29-2-11

Affected: IC 25-29-6

Sec. 1. Every podiatrist holding a license issued by the board shall renew such license with the board every ~~four (4)~~ **two (2)** years. (Board of Podiatric Medicine; 845 IAC 1-4.1-1; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1283; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823)

SECTION 5. 845 IAC 1-4.1-2 IS AMENDED TO READ AS FOLLOWS:

845 IAC 1-4.1-2 Mandatory renewal; notice

Authority: IC 25-29-2-11

Affected: IC 25-29-6

Sec. 2. On or before April 30 every ~~four (4)~~ **two (2)** years, the board, or its duly authorized agent, shall notify each licensee that the licensee is required to renew with the board. The board, or its agent, shall furnish a licensee a form to be completed for renewal. (Board of Podiatric Medicine; 845 IAC 1-4.1-2; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1283; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823)

SECTION 6. 845 IAC 1-4.1-7 IS AMENDED TO READ AS FOLLOWS:

845 IAC 1-4.1-7 Inactive status

Authority: IC 25-29-2-11

Affected: IC 25-29-6

Sec. 7. Any podiatrist who has retired from practice and wants to retain his or her license may do so for half of the usual renewal fee as required by ~~845 IAC 1-6-8~~, **845 IAC 1-6-9**, provided that he or she does not maintain an office for the practice of podiatric medicine and does not charge for any podiatric medical services that he or she might render. A podiatrist whose license is inactive may submit a written request to the board of podiatric medicine to reinstate his or her license by paying the full renewal fee. (Board of Podiatric Medicine; 845 IAC 1-4.1-7; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1283; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823)

SECTION 7. 845 IAC 1-5-1 IS AMENDED TO READ AS FOLLOWS:

845 IAC 1-5-1 Credit hours required

Authority: IC 25-29-2-11

Affected: IC 25-29-6-4

Sec. 1. (a) ~~Participation in an annual average of fifteen (15)~~ **A licensee who renews a license as a podiatrist shall complete no less than thirty (30) hours of continuing podiatric medical education in courses or programs approved by the board are required for licensure any of the approved sponsors found in 845 IAC 1-5-3 in each two (2) year renewal period.**

(b) A podiatrist is not required to complete continuing education requirements for the year in which the initial license is issued.

(c) Continuing podiatric medical education acquired in any area other than podiatric medicine will not be accepted.

(d) Continuing education credit units or clock hours must be obtained within the renewal period and may not be carried over from one (1) licensure period to another.

(e) The continuing education requirement shall not be increased or decreased until this section is duly amended and all licensees are notified in writing at the date of their license renewal that the subsequent renewal will require an increased or decreased number of hours. *(Board of Podiatric Medicine; 845 IAC 1-5-1; filed Apr 12, 1984, 8:28 a.m.: 7 IR 1531; filed Aug 5, 1987, 4:30 p.m.: 10 IR 2725; filed Dec 8, 1994, 5:08 p.m.: 18 IR 1283; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823) NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 8-5-1) to the Board of Podiatric Medicine (845 IAC 1-5-1) by P.L.33-1993, SECTION 76, effective July 1, 1993.*

SECTION 8. 845 IAC 1-5-3 IS AMENDED TO READ AS FOLLOWS:

845 IAC 1-5-3 Approval of continuing education programs

Authority: IC 25-29-2-11

Affected: IC 25-29-6-4

Sec. 3. (a) The following criteria shall be used in evaluation of approval of continuing podiatric medical education:

(1) The continuing education program shall have a statement of objectives which the program should achieve for its participants.

(2) The sponsor of continuing education programs shall provide adequate administration, including a responsible person to coordinate and administer the program, and shall provide for the maintenance of proper records.

(3) Sponsors of continuing education programs shall provide adequate funding for the educational programs undertaken.

(4) The curriculum of a continuing education program shall be thoughtfully planned and designed to explore in considerable depth one (1) subject or a closely related group of subjects.

(5) The continuing education program shall have qualified faculty members who have demonstrated competence in the subject areas.

(6) The continuing education program shall be held in adequate facilities that allow for an effective program.

(7) Continuing education programs shall employ a variety of educational methods and teaching aids that enhance the learning opportunities.

(8) Appropriate methods of evaluation shall be devised and used to measure the program's effectiveness.

(9) The sponsor of the continuing education program shall provide to the participants a meaningful record of attendance stating the continuing education units involved.

(b) Programs for continuing podiatric medical education may be approved by the board provided the sponsoring organization, or the licensee who attended, has submitted the proper form no later than thirty (30) days after presentation of the program and submits the fee for evaluation as provided in 845 IAC 1-6-8.

(c) The sponsor of the program is responsible for monitoring attendance in such manner that verification of attendance throughout the entire lecture can be reliably assured.

To receive credit for continuing education programs, the program must be sponsored, accredited, or approved by any of the following organizations:

(1) American Association of Podiatric Physicians and Surgeons.

(2) American Medical Association (programs related to podiatric medicine).

(3) American Society of Podiatric Dermatology.

(4) American Society of Podiatric Medicine.

(5) Council on Podiatric Medical Education.

(6) A national, regional, state, district, or local organization that operates as an affiliated entity under the approval of any organizations listed in subdivisions (1) through (5).

(7) Any of the colleges of podiatric medicine accredited by the Council on Podiatric Medical Education.

(8) A federal, state, or local government agency that coordinates or presents continuing education programs related to podiatric medicine.

(Board of Podiatric Medicine; 845 IAC 1-5-3; filed Apr 12, 1984, 8:28 a.m.: 7 IR 1531; filed Aug 5, 1987, 4:30 p.m.: 10 IR 2726;

filed Dec 8, 1994, 5:08 p.m.: 18 IR 1284; readopted filed Jun 13, 2001, 11:45 a.m.: 24 IR 3823) NOTE: Transferred from the Medical Licensing Board of Indiana (844 IAC 8-5-3) to the Board of Podiatric Medicine (845 IAC 1-5-3) by P.L.33-1993, SECTION 76, effective July 1, 1993.

SECTION 9. 845 IAC 1-4.1-4 IS REPEALED.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on June 13, 2003 at 9:15 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 3, Indianapolis, Indiana the Board of Podiatric Medicine will hold a public hearing on proposed amendments concerning fees. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W041 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Lisa R. Hayes
Executive Director
Health Professions Bureau