

***OKLAHOMA ADMINISTRATIVE CODE
TITLE 545. STATE BOARD OF PODIATRIC MEDICAL EXAMINERS**

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CHAPTER 1. BOARD AND ADMINISTRATION

Subchapter

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[**Authority:** Title 59 O.S., Section 141, 75 O.S., Sections 302, 305, 307]

[**Source:** Codified 6-27-91]

SUBCHAPTER 1. MEMBERS

Section

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545:1-1-1. Purpose

The rules of this Chapter have been adopted to establish the organization and framework of the Board and the administration.

[**Source:** Amended at 12 Ok Reg 575, eff 11-28-94 (emergency); Amended at 12 Ok Reg 1239, eff 5-11-95]

545:1-1-2. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"**Act**" means the Oklahoma Podiatric Medicine Act, 59 O.S. 1991, §§ 135.1 **et seq.**, as amended.

"**Board**" means the Oklahoma Board of Podiatric Medical Examiners.

"**D.P.M.,**" "**podiatric physician,**" "**doctor of podiatric medicine,**" "**doctor of surgical chiropody,**" "**D.S.C.**" and "**podiatrist**" are synonymous and mean a person licensed to practice

podiatric medicine in this state.

"Rules and regulations" means the rules of the Board promulgated pursuant to the Administrative Procedures Act.

545:1-1-3. Number of members

The Board is comprised of six (6) members appointed by the Governor of the State of Oklahoma, one of whom is a lay member.

[Source: Amended at 12 Ok Reg 575, eff 11-28-94 (emergency); Amended at 12 Ok Reg 1239, eff 5-11-95]

545:1-1-4. Membership and appointment [REVOKED]

[Source: Revoked at 12 Ok Reg 575, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1239, eff 5-11-95]

545:1-1-5. Tenure [REVOKED]

[Source: Revoked at 12 Ok Reg 575, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1239, eff 5-11-95]

545:1-1-6. Qualifications for appointment to Board [REVOKED]

[Source: Revoked at 12 Ok Reg 575, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1239, eff 5-11-95]

545:1-1-7. Oath of office [REVOKED]

[Source: Revoked at 12 Ok Reg 575, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1239, 5-11-95]

545:1-1-8. Meetings

(a) Meetings of the Oklahoma State Board of Podiatry shall comply with the Oklahoma Open Meetings Act, Title 25, Oklahoma Statutes, §§ 301 **et seq.**

(b) The Board shall hold a regular annual meeting each year for transacting such business as properly comes before it. In addition, other meetings, including special meetings, may be held upon request of any two of its members.

[Source: Amended at 12 Ok Reg 575, eff 11-28-94 (emergency); Amended at 12 Ok Reg 1239, eff 5-11-95]

545:1-1-9. Election of officers

(a) The Board shall organize annually by electing a President, a Vice-President, and a Secretary-Treasurer.

(b) These officers shall be nominated and elected by the members of the Board.

545:1-1-10. Duties of Board members

- (a) **President.** The following are duties of the President:
- (1) To open the meeting at the appointed time by taking the chair and calling the meeting to order, having ascertained that a quorum is present.
 - (2) To preside over the meeting in an orderly fashion, recognizing the order of business, members or guests who are entitled to the floor.
 - (3) To authenticate by his signature, when necessary, all acts, orders, and proceedings of the Board.
 - (4) To function as chief administrative officer of the Board, but without final authority except as agreed upon by a majority of the Board.
- (b) **Vice-President.** The following are duties of the Vice-President:
- (1) To preside over the meeting in the absence of the President.
 - (2) To maintain and keep current copies of examination for yearly administration to candidates for licensure.
- (c) **Secretary-Treasurer.** The following are duties of the Secretary-Treasurer:
- (1) To record the minutes of the proceedings and maintain a record of same.
 - (2) To maintain a file of all committee reports.
 - (3) To maintain a current role of licensed practitioners in the State of Oklahoma with their license number, current addresses, and number of malpractice claims or felony charges against them.
 - (4) To make the minutes and records of the Board available to practitioners, other governmental agencies and the public.
 - (5) To notify the membership of the Board, licensed practitioners and the Secretary of State of the date, time and place of each meeting.
 - (6) To notify the candidates for examination of the time and place of examination; and to maintain adequate record of examination scores; and to notify the candidate of his or her success or failure to pass the examination.
 - (7) To issue new licenses with the appropriate signatures.
 - (8) To issue statements for renewal of license at least thirty (30) days prior to expiration date each year.
 - (9) To collect all moneys due the Board and make timely deposits to the Treasurer of the State of Oklahoma.
 - (10) To issue checks for payment of services rendered or necessary expenses for operation of the Board.
 - (11) To file adequate forms with State agencies on a monthly and yearly basis according to rules and regulations established by the State Budget Office and Treasurer.

[Source: Amended at 12 Ok Reg 575, eff 11-28-94 (emergency); Amended at 12 Ok Reg 1239, eff 5-11-95]

545:1-1-11. Term of office [REVOKED]

[Source: Revoked at 12 Ok Reg 575, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1239, eff 5-11-95]

545:1-1-12. Quorum [REVOKED]

[Source: Revoked at 12 Ok Reg 575, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1239, eff 5-11-95]

545:1-1-13. Forms

- (a) The Board shall cause to be created appropriate forms and instructions related to podiatric medicine licensure, renewal, continuing education requirements and such other matters deemed necessary by the Board.
- (b) Forms and instructions shall be maintained at the offices of the Board and shall be available to any person upon request.

[Source: Added at 12 Ok Reg, eff 11-28-94 (emergency); Added at 12 Ok Reg 1239, eff 5-11-95]

545:1-1-14. Requests for information

- (a) The Board shall act at all times in accordance with the provisions of the Oklahoma Open Records Act, 51 O.S. 1991, §§ 24A.1, **et seq.**, as amended.
- (b) The public may obtain information relative to the operation of the Board by submitting written, telephonic, facsimile or other forms of requests to the offices of the Board. All public records shall be available for inspection and copying during normal business hours. A member of the Board's staff shall be available during normal business hours to receive and, where appropriate, act upon requests for record review and copying.
- (c) All records of the Board shall be public unless protected by a mandatory or permissive privilege of confidentiality. In the event a request is made for the release of records subject to a permissive privilege of confidentiality, the Executive Director of the Board shall determine whether or not disclosure is made.

[Source: Added at 12 Ok Reg 575, eff 11-28-94 (emergency); Added at 12 Ok Reg 1239, eff 5-11-95]

545:1-1-15. Petitions for rule-making

- (a) Any interested person may petition the Board in writing to promulgate, amend or repeal a rule.
- (b) The Board shall maintain a permanent docket concerning petitions for the promulgation, amendment or repeal of a rule. At the time such a petition is filed, it shall be numbered, and the number of the petition, the date of filing, the designation of the action sought, and the name and address of the person who filed the petition shall be shown. The address shall include the city, state, street number or post office box and zip code.
- (c) The petition must be filed with the Board in duplicate and shall be typewritten, except as may be waived by the Board upon written request.
- (d) The petition shall contain the following information as applicable and except as may be waived by the Board:
 - (1) A statement of the legal authority and jurisdiction under which the petition is filed;
 - (2) The exact language of the proposed rule, amendment, or repeal requested;

- (3) A statement and legal references which show that the requested rule, amendment or repeal is not in conflict with any existing rule, ruling, order or opinion of the Board or any policy or provision of the Act or Administrative Procedures Act, or that any earlier rule, ruling, order or opinion should be set aside or modified;
 - (4) A statement of the purpose of the requested rule, amendment or repeal and at least one example or fact situation to which the rule, amendment or repeal will apply; and
 - (5) The name and address of the person who requested the rule, amendment or repeal. In the event the request is made by an association, the request shall also include the name and address of a contact person at said association who is able to provide meaningful information related to the request.
- (e) The petition shall be submitted for study for a maximum period of ninety (90) days.
 - (f) The Board, on its own motion or upon the request of any other interested party, may require any petitioner to provide additional information, as may be specified by the Board, for use in the Board's consideration and disposition of a petition. The failure of a petitioner to provide additional requested information shall constitute grounds for the Board to take no action on a petition.
 - (g) Upon completion of the study period, the Board, during a regular or special meeting shall meet to consider the merits and proper disposition of the petition. Not less than ten (10) days prior to such meeting, the Secretary-Treasurer shall notify the petitioner in writing of the date, time, and place such petition shall be considered, and the Board may request petitioner's presence for purposes of argument or submission of other information related to the petition.
 - (h) At the time and place designated for the public hearing, proponents and opponents of the proposed rule, amendment or repeal of a rule may be heard in the manner and order set forth by the Board at that time.
 - (i) At the conclusion of the public hearing, the Board shall render its decision on the petition. In the event the Board concurs with the action indicated in the petition, it shall take immediate steps as provided under 140:1-5-2 through 140:1-5-4 to adopt, amend, or revoke the subject rule. In the event the Board does not concur with the requested action, it shall within five (5) days of its consideration notify the petitioner of its nonconcurrence in writing, specifying the reasons for nonconcurrence.
 - (j) Dissatisfied parties may request a rehearing, reopening or reconsideration within ten (10) days from the date action by the Board in the manner allowed by the Administrative Procedures Act at 75 O.S. 1991, §317, or its successor statute.

[Source: Added at 12 Ok Reg 575, eff 11-28-94 (emergency); Added at 12 Ok Reg 1239, eff 5-11-95]

545:1-1-16. Petitions for declaratory rulings

- (a) Any person who desires a ruling as to the application of any rule or order of the Board may file a petition with the Executive Secretary, in writing, to request such ruling.
- (b) Unless the Board requests a formal or informal opinion of the Attorney General, the Board shall, within sixty (60) days after receipt of the petition and during its next regular or special meeting, issue its declaratory ruling on the matter. The declaratory ruling shall consist of:
 - (1) a restatement of the question posed in the petition;
 - (2) an answer to the question posed in the petition; and

- (3) the reason or reasons for the answer given.
- (c) A copy of the declaratory ruling shall be mailed to the person who requested the declaratory ruling immediately after its issuance by the Board.
- (d) Copies of all declaratory rulings shall be placed in a permanent file at the offices of the Board for public inspection, copying and/or mechanical reproduction during regular business hours.

[Source: Added at 12 Ok Reg 575, eff 11-28-94 (emergency); Added at 23 Ok Reg 1239, eff 5-11-95]

SUBCHAPTER 3. EMPLOYEES/SUPPLIES

Section

- 545:1-3-1. Employees of the Board (Revoked)
- 545:1-3-2. Prosecutions (Revoked)
- 545:1-3-3. Discharge of employees (Revoked)
- 545:1-3-4. Materials and supplies (Revoked)
- 545:1-3-5. Compensation (Revoked)
- 545:1-3-6. Bonds (Revoked)
- 545:1-3-7. Seals

545:1-3-1. through 545:1-3-6 [REVOKED]

545:1-3-7. Seals

The adopted seal of the Board, as authorized by the Act, shall be maintained at the Board's offices for use as required and authorized by the Act. No person shall affix the seal of the Board except as authorized by the Act and approved by the Board.

[Source: Amended at 12 Ok Reg 575, eff 11-28-94 (emergency); Amended at 12 Ok Reg 1239, eff 5-11-95]

SUBCHAPTER 5. POWERS AND DUTIES OF THE BOARD

Section

- 545:1-5-1. Regulation of the practice of podiatry
- 545:1-5-2. Promulgate rules and regulations (Revoked)
- 545:1-5-3. License and examination fee (Revoked)
- 545:1-5-4. Receipt and deposit of fees (Revoked)
- 545:1-5-5. Funds (Revoked)
- 545:1-5-6. Issue, revoke, deny, and suspend license (Revoked)
- 545:1-5-7. Examination of applicants (Revoked)
- 545:1-5-8. Investigations and hearings (Revoked)
- 545:1-5-9. Rules of professional conduct
- 545:1-5-10. Minimum standards of training (Revoked)
- 545:1-5-11. Educational requirements for licensure (Revoked)
- 545:1-5-12. Records (Revoked)

545:1-5-13. Annual report
545:1-5-14. Other duties (Revoked)

545:1-5-1. Regulation of the practice of podiatry

It is the duty of the Board to regulate the practice of Podiatry according to the Laws of the State of Oklahoma as set forth in the Podiatry Practice Act, 59 O.S. Section 135.1 et seq., and other applicable laws pertaining thereto.

[Source: Amended at 12 Ok Reg 575, eff 11-28-94 (emergency); Amended at 12 Ok Reg 1239, eff 5-11-95]

545:1-5-2. Promulgate rules and regulations [REVOKED]

[Source: Revoked at 12 Ok Reg 575, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1239, eff 5-11-95]

545:1-5-3. License and examination fees [REVOKED]

[Source: Revoked at 12 Ok Reg 575, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1239, eff 5-11-95]

545:1-5-4. Receipt and deposit of fees [REVOKED]

[Source: Revoked at 12 Ok Reg 575, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1239, eff 5-11-95]

545:1-5-5. Funds [REVOKED]

[Source: Revoked at 12 Ok Reg 575, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1239, eff 5-11-95]

545:1-5-6. Issue, revoke, deny, and suspend license [REVOKED]

[Source: Revoked at 12 Ok Reg 575, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1239, eff 5-11-95]

545:1-5-7. Examination of applicants [REVOKED]

[Source: Revoked at 12 Ok Reg 575, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1239, eff 5-11-95]

545:1-5-8. Investigations and hearings [REVOKED]

[Source: Revoked at 12 Ok Reg 575, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1239, eff 5-11-95]

545:1-5-9. Rules of professional conduct

The Board hereby adopts a Code of Ethics, as follows:

- (1) A podiatrist, licensed as such under the laws of the State of Oklahoma, shall never willfully be guilty of conduct openly and grossly discreditable to the profession of podiatry.
- (2) In the presence of a patient, he shall not at any time, knowingly and directly, criticize a fellow licensed podiatrist as to his professional education, training, experience, sincerity,

ability, methods, or the results of his professional work, knowing at the time said criticism to be untrue; and in no event shall he ever maliciously criticize a fellow licensed podiatrist.

(3) He shall not offer, by means of gross untruths or gross exaggerations, to a patient of a fellow licensed podiatrist, more speedy work or results, better methods of work, or more lasting benefits, or substantially the same professional service.

(4) He shall not maintain or keep nor attempt to maintain or keep any office, clinic, place of business, or establishment, for the practice of podiatry, as defined by the laws of the State of Oklahoma, in the same location, place of business, address or quarters used or occupied by any other person, who, at the time of such maintaining or keeping or attempt, is guilty of any act or omission, to the knowledge or reasonable belief of such licensed podiatrist, which at the time is made unlawful by the laws of said state, whether or not such person had been convicted of violating such laws, or who at the time of such maintaining or keeping or attempt does anything which as a licensed podiatrist he could not do without violating the spirit of this Code of Ethics.

(5) When he accepts free professional treatment from a fellow licensed podiatrist, upon demand, he shall reimburse such fellow podiatrist for all actual expenses occasioned by said treatment.

(6) No licensed podiatrist shall, directly or indirectly, publish, convey, or distribute, or cause the publishing, conveying, or distributing, of any statements or advertisements which may be deemed as untrue, deceptive, or misleading to the statements or advertisements, not be guilty of any act or omission constituting grossly dishonorable conduct upon his part.

(7) He shall not divide, or permit or cause a division of, either directly or indirectly, with any person or partnership, association, trust, corporation, or firm, in any proportion, any fee, gift, compensation or other reward for his services as a podiatrist, except with another licensed podiatrist who actually has shared in the service or in the responsibility of tending the service or is, at the time of the service, an active associate in the practice of podiatry with him.

(8) He shall not be guilty of any act or omission prompted by or constituting insincerity, rivalry, or envy in consulting professionally.

(9) He shall strive to keep the respect of other legalized professions. He shall further strive to uphold the honor and maintain the dignity of the profession of podiatry; shall not unjustly stir up strife or litigation or ill will among or between members of the profession; shall not dishonorably seek to avoid performance or observance of agreements lawfully binding upon him; shall be prompt, conscientious, and fair in all professional matters, and shall endeavor to uphold and observe the law.

(10) He shall not administer, prescribe, dispense, or otherwise furnish narcotic drugs to any person, or permit the same by anyone under his supervision, except upon his own prescription or order, and upon reasonable grounds to believe the same is properly indicated.

(11) He shall neither employ or use in any way any capers, steerers, runners, or agents of any kind, to obtain patronage for him or for any other licensed podiatrist, nor offer or give commissions or compensation otherwise, directly or indirectly, to any person for attempting to secure or for securing any such patronage, other than in a manner expressly provided for and allowed herein.

(12) Acceptance or claim of membership in this association shall be deemed subscribing to this association shall be deemed subscribing to this Code of Ethics; but whether a licensed

podiatrist subscribes hereto, directly, or indirectly, he shall at all times be guilty of no act or omission in derogation of or contrary to this Code of Ethics.

(13) Within the purview of this Code of Ethics, it shall be deemed to be unethical conduct for any licensed podiatrist to perform any act, either of omission or commission, contrary to the true intendments and spirit expressed in this Code of Ethics.

(14) Any references to the masculine gender in this section, shall likewise apply to the feminine.

(15) Any reference in this section to a licensed podiatrist or to podiatry shall be synonymous with the terms chiropodist or chiropody.

(16) The Oklahoma Podiatric Medical Association, Inc. referred to in this section is the former Oklahoma Podiatry Association, Inc., and the Oklahoma Chiropody Association, Inc., an Oklahoma non-profit corporation.

[Source: Amended at 12 Ok Reg 575, eff 11-28-94 (emergency); Amended at 12 Ok Reg 1239, eff 5-11-95]

545:1-5-10. Minimum standards of training [REVOKED]

[Source: Revoked at 12 Ok Reg 575, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1239, eff 5-11-95]

545:1-5-11. Educational requirements for licensure [REVOKED]

[Source: Revoked at 12 Ok Reg 575, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1239, eff 5-11-95]

545:1-5-12. Records [REVOKED]

[Source: Revoked at 12 Ok Reg 575, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1239, eff 5-11-95]

545:1-5-13. Annual report

The Board shall make an annual report to the Governor of the State of Oklahoma no later than the fifteenth day of November of each year. The report shall contain the following information:

- (1) Account of all monies received.
- (2) Licenses issued.
- (3) Licenses suspended or revoked.
- (4) All expenditures made by the Board the preceding twelve (12) months.
- (5) Any litigation that has been taken in a professional capacity against any licensed podiatrist in the State of Oklahoma.

[Source: Amended at 12 Ok Reg 575, eff 11-28-94 (emergency); Amended at 12 Ok Reg 1239, eff 5-11-95]

545:1-5-14. Other duties [REVOKED]

[Source: Revoked at 12 Ok Reg 575, eff 11-18-94 (emergency); Revoked at 12 Ok Reg 1239, eff 5-11-95]

CHAPTER 10. THE PRACTICE OF PODIATRY

Section

- 545:10-1-1. Purpose (Revoked)
- 545:10-1-2. Acts constituting the practice of podiatry (Revoked)
- 545:10-1-3. Exceptions (Revoked)
- 545:10-1-4. Unlawful practice (Revoked)
- 545:10-1-5. Penalty (Revoked)
- 545:10-1-6. Direct supervision (Revoked)

[**Authority:** Title 59 O.S., Section 141]

[**Source:** Codified 6-27-91; Revoked at 12 Ok Reg, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1247, eff 5-11-95]

545:10-1-1. through 545:10-1-6. [REVOKED]

[**Source:** Revoked at 12 Ok Reg 583, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1247, eff 5-11-95]

CHAPTER 15. EXAMINATION/ LICENSURE

Section

- 545:15-1-1. Purpose
- 545:15-1-2. Examination
- 545:15-1-3. Requirements for application
 - 545:15-1-3.1 Direct supervision of an applicant [REVOKED]
- 545:15-1-4. Decision of the Board concerning reciprocity
- 545:15-1-5. License
- 545:15-1-6. Qualifications for a preceptee [REVOKED]
- 545:15-1-7. Qualifications for a preceptor [REVOKED]
- 545:15-1-8. Course of study for preceptee [REVOKED]
- 545:15-1-9. Progress review of preceptee [REVOKED]

[**Authority:** Title 59 O.S., Section 141]

[**Source:** Codified 6-27-91]

545:15-1-1. Purpose

The rules of this Chapter govern examination and licensure to practice podiatry in the State of Oklahoma.

[**Source:** Amended at 19 Ok Reg 2780, eff 11-1-02 (emergency); Amended at 20 Ok Reg 1336, eff 6-5-03]

545:15-1-1.1 Definitions

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"**APMLE**" means the American Podiatric Medical Licensing Examinations.

"**National Board examination**" means the AMPLE, formerly known as the Podiatric

Medical Licensing Examination for States or PMLexis.

"**NBPME**" means the National Board of Podiatric Medical Examiners.

"**Podiatric resident**" means an individual enrolled in a podiatric medicine and surgery residency accredited by the Council on Podiatric Medical Education.

[Source: Added at Ok Reg , eff 1-29-14 (emergency); Added at 31 Ok Reg 2157, eff 9-12-14]

545:15-1-2. Examination

(a) Upon submission and approval of a completed application for licensure by examination, and the payment of all fees, an applicant may sit for an examination approved by the Board. The Board has adopted the APMLE Part III as the written portion of the licensure examination. The applicant also must pass a jurisprudence exam and an oral exam as authorized in 59 O.S. Section 144 as administered by the Board.

(b) Applicants shall file a written application for examination as set out in OAC 435:15-1-3 of this Subchapter and pay, in advance, the fee for examination.

(1) The application must be received at least 30 days prior to the date the exam is to be administered.

(2) The application fee must be submitted in the form of a cashier's check or certified check with the completed application form.

(3) If the application for examination is unacceptable, the fee shall be returned to the candidate along with the application.

(4) If the application is deemed acceptable, the candidate shall be notified of same in writing and scheduled for examination. The application fee shall be deposited with the office of the State Treasurer of the State of Oklahoma and shall at that point become non-refundable.

(c) Any person who is otherwise qualified for licensure shall receive a license to practice podiatry in this State who meets the requirements set out in Title 59 O.S. § 144.

(d) The examination shall cover areas in anatomy, podiatric medicine and surgery, pathology, dermatology, pharmacology, biomechanics, anesthesia, radiology, Oklahoma law relating to podiatry and any other areas deemed relevant by the Board.

(e) The Board hereby authorizes examination papers to be graded by one or more of its own members or by any one or more licensed podiatrist it shall select at a meeting of the Board.

[Source: Amended at 12 Ok Reg 439, eff 11-17-94 (emergency); Amended at 12 Ok Reg 1249, eff 5-11-95; Amended at 16 Ok Reg, eff 11-18-98 (emergency); Amended at 16 Ok Reg 2550, eff 6-28-99; Amended at 19 Ok Reg 2780, eff 11-1-02 (emergency); Amended at 20 Ok Reg 1336, eff 6-5-03; Amended at 27 Ok Reg 2270, eff 7-11-10; Amended at Ok Reg , eff 1-29-14 (emergency); Amended at 31 Ok Reg 2157, eff 9-12-14]

545:15-1-3. Requirements for application

(a) The applicant shall file written application and examination fee with the Board office.

(b) The applicant must have attained the age of twenty-one (21) years.

(c) The applicant must be of good moral character.

(d) The applicant must not have been convicted of any crime involving moral turpitude, or of any felony. The Board may require a criminal background check on all applicants. Fee shall be paid by the applicant.

- (e) The applicant must be free of contagious disease, except as this rule is limited by federal or state law.
- (f) The applicant must be a graduate of a college of podiatric medicine which confers the degree of Doctor of Podiatric Medicine (D.P.M.) or its equivalent; and meeting all the requirements for accreditation by the Council on Education of the American Podiatric Medical Association and by the Oklahoma State Board of Podiatry.
- (g) The applicant must have complied with all the rules of the Board.
- (h) The applicant must have taken each part of the National Board of Podiatry Examination and received a passing score on each, and submit proof thereof of score obtained with the application.

[Source: Amended at 12 Ok Reg 439, eff 11-17-94 (emergency); Amended at 12 Ok Reg 1249, eff 5-11-95; Amended at 23 Ok Reg 1108, eff 5-11-06]

545:15-1-3.1. Direct supervision of an applicant (Revoked)

[Source: Added at 12 Ok Reg 439, eff 11-17-94 (emergency); Added at 12 Ok Reg 1249, eff 5-11-95; Revoked at 19 Ok Reg 2780, eff 11-1-02 (emergency); Revoked at 20 Ok Reg 1336, eff 6-5-03]

545:15-1-4. Decision of the Board concerning reciprocity

Insofar as the language of the statute regarding reciprocity is permissive and not mandatory, it is the decision of the Board that licensure by reciprocity shall not be granted for the following reasons:

- (1) The Board bears the responsibility of insuring the health, safety and public welfare of the citizens of the State of Oklahoma.
- (2) This responsibility can only be carried out through the examination of each individual candidate for licensure.
- (3) This decision in no way prevents a qualified candidate from becoming licensed to practice podiatry in the State of Oklahoma.
- (4) No candidate has heretofore been licensed in this State through the process of reciprocity.

[Source: Amended at 16 Ok Reg 2081, eff 5-17-99 (emergency); Amended at 17 Ok Reg 1367, eff 5-11-00]

545:15-1-5. License

- (a) Each license issued by the Board shall be signed by each member of the Board, shall bear the Seal of the Board, and shall designate the licensee as a licensed podiatrist.
- (b) Licenses, to remain effective, must be renewed biennially or reinstated as provided by the Act.

[Source: Amended at 12 Ok Reg 439, eff 11-17-94 (emergency); Amended at 12 Ok Reg 1249, eff 5-11-95; Amended at Ok Reg , eff 1-29-14 (emergency); Amended at 31 Ok Reg 2157, eff 9-12-14]

545:15-1-5.1. Training License

- (a) The Secretary of the Board is authorized to issue a training license to podiatric residents.

Unless otherwise renewed, amended, suspended or revoked by the Board, a training license issued under this section may be extended without renewal by the Secretary for a period not to exceed ninety (90) days until scores from the first-year resident's final licensing examination are received and application for full licensure is acted on by the Board.

(b) No person granted a training license to practice podiatric medicine within a post-graduate training program within this state shall practice outside the scope of the training license. Any practice outside the scope of a training license shall be deemed to be the unlicensed practice of podiatric medicine. The Secretary is authorized to seek injunctive action to prevent any person from violating terms or limitations of a training license granted by the Board.

(c) Upon application for renewal, the Secretary shall review all training licenses granted on an annual basis to determine if such license should be renewed by the Board or amended as to its terms or limitations.

(d) No special license for post-graduate training may be issued unless the applicant has passed all sections of Part I and Part II of the America Podiatric Medical Licensing Examination (APMLE).

[Source: Added at Ok Reg , eff 1-29-14 (emergency) ; Amended at 31 Ok Reg 2157, eff 9-12-14]

545:15-1-6. Qualifications for a preceptee (Revoked)

[Source: Amended at 12 Ok Reg 439, eff 11-17-94 (emergency); Amended at 12 Ok Reg 1249, eff 5-11-95; Revoked at 19 Ok Reg 2780, eff 11-1-02 (emergency); Revoked at 20 Ok Reg 1336, eff 6-5-03]

545:15-1-7. Qualifications for preceptor (Revoked)

[Source: Revoked at 19 Ok Reg 2780, eff 11-1-02 (emergency); Revoked at 20 Ok Reg 1336, eff 6-5-03]

545:15-1-8. Course of study for preceptee (Revoked)

[Source: Revoked at 19 Ok Reg 2780, eff 11-1-02 (emergency); Revoked at 20 Ok Reg 1336, eff 6-5-03]

545:15-1-9. Progress review of preceptee (Revoked)

[Source: Revoked at 19 Ok Reg 2780, eff 11-1-02 (emergency); Revoked at 20 Ok Reg 1336, eff 6-5-03]

CHAPTER 20. MAINTAINING LICENSURE

Subchapter	Section
1. Renewal of Licensure	545:20-1-1
3. Continuing Education	545:20-3-1

[Authority: Title 59 O.S., Section 141]

[Source: Codified 6-27-91]

SUBCHAPTER 1. RENEWAL OF LICENSURE

Section

- 545:20-1-1. Purpose
- 545:20-1-2. Qualifications
- 545:20-1-3. Fees
- 545:20-1-4. Suspension on non-payment of fees/non-fulfillment of requirements
- 545:20-1-5. Reinstatement
- 545:20-1-6. Record of licenses issued

545:20-1-1. Purpose

The rules of this Chapter govern the renewal process and continuing education requirements to maintain licensure in the State of Oklahoma.

545:20-1-1.1. Definitions

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Renewal period" means the two year period from July 1 of an even-numbered year to the following June 30 of the next even-numbered year.

[Source: Added at Ok Reg , eff 1-29-14 (emergency) ; Amended at 31 Ok Reg 2158, eff 9-12-14]

545:20-1-2. Qualifications

- (a) Each license to practice podiatry heretofore issued which remains effective under the provisions of the Act and each license issued hereafter under the Act shall entitle the licensee to practice podiatry in this State and to hold himself or herself out as a licensed podiatric physician from the date of issuance thereof until June 30 of the following even-numbered year and as long as lawfully renewed, unless suspended or revoked.
- (b) Qualifications for renewal of licenses are as follows:
 - (1) The applicant for renewal must not have violated the Act or the Rules of the Board.
 - (2) The applicant for renewal must have fulfilled the biennial requirement for continuing education as set forth in 59 O.S., Section 145.1. Licensees licensed in the second half of the biennial period will be required to obtain 30 hours of continuing education. Proof of continuing education shall be submitted to the Board prior to renewing the license.
 - (3) The applicant for renewal must submit completed application with appropriate fee to the Board office.
- (c) A licensed podiatrist shall be entitled to have his or her license renewed on or before June 30 of the renewal year, following completion of the above requirements.
- (d) A licensed podiatrist who does not so satisfy the Board of the above requirements in the time and manner required shall cease to be entitled to have such license renewed.
- (e) A licensed podiatrist in good standing who seeks retirement status may, at the discretion of the Board, be issued from the Board a license designated as "Licensed Podiatrist - Retired" with a one time application processing fee as stated in 545:35-1-2(b)(1)(A). The issue of such license

waives the requirement of continuing education and restricts the privileges of said licensee to the following:

- (1) The licensee may use the designation Doctor of Podiatric Medicine - Retired.
- (2) The licensee shall not engage in the practice of podiatric medicine.
- (3) The licensee shall not possess a narcotic license or have prescription writing privileges.
- (4) The licensee may be reinstated to active status upon fulfilling the requirements set forth by the Board in Paragraphs (a), (b), (c), and (d) heretofore set forth in this Section and Section 545:20-3-2(c).

[Source: Amended at 12 Ok Reg 585, eff 11-28-94 (emergency); Amended at 12 Ok Reg 1253, eff 5-11-95; Amended at 16 Ok Reg, eff 11-18-98 (emergency); Amended at 16 Ok Reg 2552, eff 6-28-99; Amended at Ok Reg , eff 1-29-14 (emergency) ; Amended at 31 Ok Reg 2158, eff 9-12-14]

545:20-1-3. Fees

The biennial renewal fee as set by the Oklahoma State Board of Podiatry is one-hundred-fifty dollars (\$150.00).

[Source: Amended at 12 Ok Reg 585, eff 11-28-94 (emergency); Amended at 12 Ok Reg 1253, eff 5-11-95; Amended at Ok Reg , eff 1-29-14 (emergency); Amended at 31 Ok Reg 2158 , eff 9-12-14]

545:20-1-4. Suspension on non-payment of fees/non-fulfillment of requirements

- (a) If applicable fees, continuing education, and rules of the Board under the Act are not complied with on or before the 30th day of September immediately following the 1st day of July, of the year in which renewal is due, the licensee shall become delinquent and the license shall be automatically suspended and not entitled to renewal thereafter.
- (b) Upon suspension, all the rights of the licensee by virtue of the license shall be suspended and cease and shall remain suspended unless or until the license is reinstated as authorized.
- (c) Any individual who continues to practice podiatric medicine or who holds himself or herself out as a licensed podiatrist during such period of suspension shall be guilty of violation of the Act and upon conviction, subject to the penalties thereof.

[Source: Amended at 12 Ok Reg 585, eff 11-28-94 (emergency); Amended at 12 Ok Reg 1253, eff 5-11-95]

545:20-1-5. Reinstatement

- (a) A license shall be renewed by the Board upon the payment of the delinquent biennial renewal fee and completed application form without penalty between the 1st day of July and the 30th day of September, of the year in which renewal is due, if and only if the licensee first satisfies the Board that he or she has not violated the Act or rules of the Board since the last renewal or initial licensure, whichever is most recent.
- (b) A license which has not been renewed by the 30th day of September of the year in which renewal is due shall be entitled to reinstatement thereof on or before the next 30th day of June of the next even-numbered year, upon such application therefore, and upon meeting the requirements for renewal and satisfying the Board that the Act and rules of the Board have not been violated, and upon payment of the reinstatement fee as stated in OAC 545:35-1-2. (b)(2)(B).
- (c) A license not so reinstated in such time as outlined in this section becomes void.

(d) An individual whose license becomes void may be reinstated only by application for a license as stated in OAC 545:15-1-3.

[Source: Amended at 12 Ok Reg 585, eff 11-28-94 (emergency); Amended at 12 Ok Reg 1253, eff 5-11-95; Amended at Ok Reg , eff 1-29-14 (emergency) ; Amended at 31 Ok Reg 2158, eff 9-12-14]

545:20-1-6. Record of licenses issued

(a) The secretary-treasurer, or his designate, shall keep a record of all licenses issued. Such record shall include the following:

- (1) Name of licensee.
- (2) License number.
- (3) Last address furnished by licensee.
- (4) Date of issue.
- (5) Whether licensed by examination or otherwise.
- (6) Date of renewal.
- (7) Date of suspension or revocation and reason therefore.
- (8) Accurate minutes of disciplinary hearings.
- (9) Date of reinstatement
- (10) Current status of license.

(b) Such record as to any license, or a copy thereof certified to by the said Secretary-Treasurer of the Board as complete and true to the license in question, shall constitute prima facia evidence of the recitals therein, and the fact described thereby as to whether the license described is in force, suspended, revoked, or void.

SUBCHAPTER 3. CONTINUING EDUCATION

Section

- 545:20-3-1. Continuing education requirements
- 545:20-3-2. Provisions for continuing education
- 545:20-3-3. Approved continuing education programs
- 545:20-3-4. Method of reporting

545:20-3-1. Continuing education requirements

- (a) Each podiatric physician licensed in this state shall complete and provide the Board proof of attendance of sixty (60) hours of continuing education every two years for renewal of his or her license to practice podiatric medicine in the State of Oklahoma.
- (b) These hours of continuing education must be obtained in the twenty-four (24) month period immediately preceding the renewal deadline. That is, from July 1 of even-numbered years to the following June 30 of an even-numbered year.
- (c) At least thirty (30) hours of the required sixty (60) hours of continuing education must be obtained in the State of Oklahoma, save and except those podiatrist practicing only in states outside of Oklahoma who hold an Oklahoma license, may substitute hours of continuing education in the state which they practice.
- (d) The Board may, upon showing of good cause and in their absolute discretion, waive hours of

continuing education for any two-year renewal period providing that all hours of continuing education be completed at the end of the following two-year renewal period pursuant to Section 545:20-3-2(b).

[Source: Amended at 12 Ok Reg 585, eff 11-28-94 (emergency); Amended at 12 Ok Reg 1253, eff 5-11-95; Amended at 16 Ok Reg, eff 11-18-98 (emergency); Amended at 16 Ok Reg 2552, eff 6-28-99; Amended at Ok Reg , eff 1-29-14 (emergency); Amended at 31 Ok Reg 2158, eff 9-12-14]

545:20-3-2. Provisions for continuing education

- (a) Excess hours of continuing education obtained in the last one-half of the preceding renewal period may be carried forward to the following renewal period, providing they do not exceed ten (10) hours in number.
- (b) Delinquency for continuing education hours may only be allowed in cases of hardship as determined on an individual basis by the Board. In all instances, hours of delinquency must be current at the end of the four year period following a period of delinquency.
- (c) Any practitioner fully retired from the practice of podiatric medicine shall be exempt from compliance of these requirements; however upon resuming the practice of podiatry, the individual shall fulfill such requirements of continuing education hours which have accrued from the effective date of retirement to the time of resumption of practice.
- (d) Non-resident podiatrist, who hold an Oklahoma license, but who do not actively practice in the State of Oklahoma, may substitute approved hours of continuing education from the state in which they practice as long as the qualifications are equal to or greater than the State of Oklahoma.

[Source: Amended at 12 Ok Reg 585, eff 11-28-94 (emergency); Amended at 12 Ok Reg 1253, eff 5-11-95; Amended at Ok Reg , eff 1-29-14 (emergency); Amended at 31 Ok Reg 2158, eff 9-12-14]

545:20-3-3. Approved continuing education programs

- (a) Any program approved by the Council on Continuing Education of the American Podiatric Medical Association will be approved by the Board for the hours actually attended by the candidate.
- (b) One (1) hour of continuing education credit may be granted an applicant by attending a meeting or hearing of the Board; not to exceed six (6) hours per renewal period.
- (c) Hospital programs of continuing education consisting of lecture, audio-visual, talk-back and grand rounds as well as clinico-pathological conferences shall be granted as per the hours of actual attendance, whether these hours be of a medical or podiatric nature. These programs and attendance must be verified by the continuing education director of that institution. No more than ten (10) hours of continuing education credit may be given.
- (d) National, state and local society sponsored programs will be approved as per the guidelines established by the Council of Continuing Education of the American Podiatric Medical Association and the Board.
- (e) Hours of continuing education submitted to the Board for approval, by any licensee, from any source, must be certified by the continuing education director of the institution or organization from which the hours were obtained, that he or she was in actual attendance for the specified period.

(f) Applicants may be granted six (6) hours of continuing education credit for obtaining hospital-sponsored Cardio-Pulmonary Resuscitation Certification during the current renewal period or twelve (12) hours of continuing education credit for obtaining hospital-sponsored Advanced Cardiac Life Support Certification during the current licensure year.

(g) Credit may be given for correspondence work or internet courses if approved by the Council on Continuing Education of the American Podiatric Medical Association. A maximum of ten (10) hours per renewal period may be obtained in this manner.

[Source: Amended at 12 Ok Reg 585, eff 11-28-94 (emergency); Amended at 12 Ok Reg 1253, eff 5-11-95; Amended at 22 Ok Reg 2747, eff 6-21-05 (emergency), Amended at 23 Ok Reg 1109, eff 5-11-06; Amended at Ok Reg , eff 1-29-14 (emergency); Amended at 31 Ok Reg 2158, eff 9-12-14]

545:20-3-4. Method of reporting

(a) Hours of continuing education are to be reported on the appropriate form submitted by the applicant for renewal to the Board each year with notice of license renewal. Each category of continuing education shall be listed separately and totaled by the applicant for license renewal.

(b) Reproduced copies of verification of attendance of the above programs shall be attached to this form.

[Source: Amended at 12 Ok Reg 585, eff 11-28-94 (emergency); Amended at 12 Ok Reg 1253, eff 5-11-95]

CHAPTER 25. SUSPENSION/REVOCAION

Section

545:25-1-1. Purpose

545:25-1-2. Suspension

545:25-1-3. Grounds for revocation

545:25-1-4. Applicable laws, rules and regulations

545:25-1-5. Written charges to be filed

545:25-1-6. Notice

545:25-1-7. Hearing

545:25-1-8. Report of proceeding, expenses, preservation

[Authority: Title 59 O.S., Section 141]

[Source: Codified 6-27-91]

545:25-1-1. Purpose

The rules of this Chapter govern the powers of the Board to suspend or revoke a license to practice podiatry in the State of Oklahoma.

545:25-1-2. Suspension

(a) The Board by its' written order and in its' discretion, at any time and for a period not exceeding three (3) years may suspend any license to practice podiatry heretofore issued and

remaining effective under the provisions of the Act or hereafter issued under the applicable laws for any one or more of the grounds or causes provided for revocation of such a license by the applicable laws.

(b) Suspension of license under this Chapter is subject to the Act and the Administrative Procedures Act.

[Source: Amended at 12 Ok Reg 443, eff 11-16-94 (emergency); Amended at 12 Ok Reg 1255, eff 5-11-95]

545:25-1-3. Grounds for revocation

The Board, by its' written order and in its' discretion, at any time may revoke any license to practice podiatry heretofore issued and remaining effective under the provisions of the Act for any one or more of the following causes:

- (1) The willful betrayal by the licensee of any professional secret.
- (2) The willful and fraudulent making by the licensee to the Board of any false and material statement, either before or after the issuance of the license.
- (3) Final conviction of the licensee in any court of any crime involving moral turpitude or of any felony.
- (4) The use by the licensee of alcohol, any stimulant, any drug, or any substance which impairs intellect, judgment, or physical ability to such an extent as to incapacitate the licensee to perform his or her professional duties with safety and benefit to the public.
- (5) Mental or physical weakness or inability which so incapacitates the licensee.
- (6) Any advertising, statement, or representation made by the licensee which is untrue or improbable or calculated by the licensee to mislead the public or patients, actual or prospective, or to mislead both.
- (7) Advertising, practicing, or attempting to practice podiatry under a name other than the licensee's own name.
- (8) Practicing fraud by omission or commission by the licensee in examination given by the Board or in obtaining license or in obtaining renewal or reinstatement of license.
- (9) Failure or neglect by the licensee to pay or cause to be paid promptly any license fee or renewal fee required by the applicable laws or required by the applicable laws and the rules and regulations, as the case may be.
- (10) Willful failure or neglect by the licensee to employ antiseptic methods in his or her practice or to do reasonable sterilizing as needed for protecting the patient.
- (11) Performing any surgery as to which he or she has not had reasonable training.
- (12) Gross and willful neglect of duty as a member or officer of the Board.
- (13) Any act or omission by the licensee made unlawful by the Act, regardless of whether the licensee shall have been convicted thereof in any court.
- (14) Final conviction of the licensee in any court of any violation of the Act.
- (15) Grossly dishonorable conduct on the part of the licensee.
- (16) Fee splitting by the licensee with any other person or entity in any proportion, of any fee, gift, compensation, or other award for services as a podiatrist, except where the other person or entity is duly licensed and has actually rendered services, directly or indirectly to the patient from whom fees are received.
- (17) Any act or omission on the part of the licensee which is contrary to or in derogation of

the code of ethics.

(18) Any willful violation of the rules and regulations.

(19) Any act of the licensee which is so intended to defraud the public.

(20) Any act of the licensee which is not in keeping with the current standards of the practice of podiatric medicine and thereby endangers the patients welfare.

(21) Violation of any section of the Code of Ethics promulgated by the Board in OAC 545:1-5-9.

[Source: Amended at 12 Ok Reg 443, eff 11-16-94 (emergency); Amended at 12 Ok Reg 1255, eff 5-11-95]

545:25-1-4. Applicable laws, rules and regulations

The revocation of any license to practice podiatry under this Chapter is subject to the applicable laws, rules and regulations governing the revocation of licenses of the Administrative Procedures Act of the State of Oklahoma.

545:25-1-5. Written charges to be filed

(a) Charge or charges for suspension or revocation of license shall be in writing and filed with the secretary-treasurer of the Board.

(b) Charges may be made by anyone.

545:25-1-6. Notice

(a) No licensee shall be suspended or revoked until:

(1) A copy of the charge or charges, shall have been sent to the licensee by registered mail to the last post office address of the licensee appearing upon the license record of the Board or delivered to the licensee in person.

(2) The licensee is notified in a similar way of the time and place when and where the Board will commence its hearing of the charge or charges.

(3) The Board publicly hears the charge or charges and allows the licensee reasonable opportunity to appear in person or by counsel or in both such ways and to present evidence in refutation of the charge or charges.

(b) Such notice shall be issued by any member of the Board and shall be so given to the licensee at least twenty (20) days before commencement of the hearing.

(c) Such notice shall contain the following:

(1) A short and plain statement of the matter asserted. If the Board is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.

(2) A statement of the time, place and nature of the hearing.

(3) A statement of the legal authority and jurisdiction under which the hearing is to be held.

(4) A reference to the particular sections of the statutes and rules involved.

545:25-1-7. Hearing

- (a) Whether or not the licensee appears, the Board may proceed and determine the truthfulness of the charge or charges.
- (b) Opportunity shall be afforded all parties to respond and present evidence and arguments on all relevant issues involved. The Board shall allow the licensee reasonable opportunity to appear in person or by counsel or both, and to present evidence in refutation of the charge or charges.
- (c) Unless precluded by law, informal disposition may be made of any individual proceeding by stipulation, agreed settlement, consent order or default.
- (d) The record in an individual proceeding shall include:
 - (1) All pleadings, motions and intermediate rulings.
 - (2) Evidence received or considered.
 - (3) A statement of matters officially noted.
 - (4) Questions and offers of proof, objections and rulings thereon.
 - (5) Proposed findings and exceptions.
 - (6) Any decision, opinion or report by the officer presiding at the hearing.
 - (7) All staff memoranda or data submitted to the hearing officer or members of the Board in connection with their consideration of the case.
- (e) Findings of fact shall be based exclusively on the evidence and on matters officially noted.
- (f) No action by the Board shall be taken against the licensee until the foregoing procedures have been complied with.
- (g) If, upon such hearing, the Board finds the charge or charges to be true by clear and convincing evidence, the Board may issue an order imposing one or more of the following penalties:
 - (1) Disapproval of an application for a renewal license;
 - (2) Suspension of a license by the Board for a specified time not to exceed three (3) years;
 - (i) the suspension of a license to be reinstated following a specified period of time shall in no way exempt the licensee from maintaining his or her appropriate hours of continuing education or paying biennial renewal fees;
 - (ii) suspension shall during the time of suspension take from the licensee all rights and privileges acquired by virtue of the license;
 - (3) Revocation of a license; revocation shall take, permanently, from the licensee all rights and privileges acquired by virtue of the license;
 - (4) An administrative fine for any amount up to and not to exceed One Thousand Dollars (\$1,000.00) for each count or separate violation;
 - (5) A censure or reprimand;
 - (6) Placement on probation for a period of time and under such terms and conditions as deemed appropriate by the Board, including supervision;
 - (7) Restriction of the practice of a podiatric physician under such terms and conditions as deemed appropriate by the Board, including supervision; and
 - (8) Payment of costs associated with a disciplinary proceeding.
- (h) Procedures before this Board shall comply with the Administrative Procedures Act of the State of Oklahoma.
- (i) The standard of proof used by the Board in disciplinary actions under the Act shall be clear and convincing.

- (j) In any action by the Board in which a person licensed by the Board has been suspended, the Board may at any time, upon motion of any member of the Board reconsider such suspension.
- (k) In addition, the person whose license has been suspended may petition the Board for reinstatement in accordance with applicable law.
- (l) In any case in which a person whose license has been suspended is considered by the Board for reinstatement, it shall be the burden of that person to show compliance with all terms and conditions imposed by the Board in the disciplinary action. The Board may deny reinstatement to any such person who does not satisfy the Board of compliance with any Board requirement or condition imposed by the Board in disciplinary action or may approve reinstatement without restriction or may approve reinstatement with terms of probation or restrictions as deemed necessary to protect the health, safety and well-being of the public.
- (m) Upon the completion of any term of suspension imposed by the Board, the person whose license was suspended shall bear the burden to show compliance with all requirements and conditions imposed by the Board prior to reinstatement by the Board.
- (n) An application for reinstatement shall be filed with the Board in writing and shall set forth action taken by the applicant to comply with conditions and requirements imposed by the Board, including all documents in support thereof. Such application or motion shall be reviewed by the Secretary prior to being scheduled for action by the Board at a meeting of the Board. If the Secretary determines the applicant has met the requirements and conditions imposed by the Board, the matter shall be scheduled for Board action. If the Secretary determines the applicant has not complied with requirements and conditions imposed by the Board, the Secretary shall advise the applicant of the noncompliance in writing and the matter shall not be scheduled for Board action. In the event an applicant disagrees with the determination of the Secretary, the applicant may move in writing for the original application to be reviewed by the Board, upon payment of the appropriate fee.
- (o) An applicant for reinstatement after suspension pursuant to 59 O.S. § 147 shall meet all application requirements in effect at the time reinstatement is requested, be of good moral character and have reimbursed the Board for taxed costs or worked out a repayment plan satisfactory to the Board. In addition, the Board may require the applicant to meet the continuing education requirements.
- (p) In the event the Secretary determines that a person has not complied with an order of the Board, the Secretary may initiate additional disciplinary action against that person and may seek to have the Board impose additional penalties for failure to comply with a Board order.

[Source: Amended at 12 Ok Reg 443, eff 11-16-94 (emergency); Amended at 12 Ok Reg 1255, eff 5-11-95; Amended at 13 Ok Reg, eff 7-1-96 (emergency); Amended at 14 Ok Reg 1418, eff 5-11-97; Amended at 31 Ok Reg 2160, eff 9-12-14]

545:25-1-8. Report of proceeding, expenses, preservation

- (a) A record of the hearing, by means of audio recording will be made of all hearings conducted by the Board. The record of the proceeding shall not be transcribed except upon written application and a deposit sufficient in the amount to pay for having the record transcribed. The staff shall then make appropriate arrangements with a certified court reporter to transcribe the hearing from the audio recording.

(b) A defendant may, at his or her expense, arrange for a record of the hearing to be made by a court reporter.

[Source: Amended at 31 Ok Reg 2160, eff 9-12-14]

CHAPTER 30. INVESTIGATIONS AND HEARINGS-SUBPOENAS

Section

545:30-1-1. Purpose

545:30-1-2. Investigation and hearings

545:30-1-3. Subpoenas

[Authority: Title 59 O.S., Section 141]

[Source: Codified 6-27-91]

545:30-1-1. Purpose

The rules of this Chapter govern investigations and hearings as well as the issuance of subpoenas for these hearings.

545:30-1-2. Investigation and hearings

(a) Any person may submit to the Board a complaint against a podiatric physician. In the event a complaint is initiated by a member of the Board and the nature of the complaint so involves that member of the Board to the extent that such member of the Board cannot render an impartial decision in the matter, that member of the Board shall recuse himself from any further action related to said complaint.

(b) The Board shall make available a form which may be used for the filing of complaints.

(c) Each complaint received by the Board shall be referred to the prosecutor of the Board and promptly investigated. No member of the Board shall review any complaint or discuss any complaint with the Board's prosecutor or any other person, including the complainant and the podiatric physician named in the complaint, except that the Board may review the written report of the Board's prosecutor as provided in (e), (f) and (g) of this Section.

(d) Upon receipt of the complaint, the Board's prosecutor shall provide the podiatric physician named in the complaint with a copy of the complaint and shall require said podiatric physician to provide a written response to the complaint within twenty (20) days of mailing of a copy of the complaint to said podiatric physician. The failure of a podiatric physician to respond to such a request of the Board's prosecutor shall be grounds for disciplinary action by the Board.

(e) It shall be the duty of the Board's prosecutor to investigate the complaint fully and in a manner consistent with due process requirements and the Administrative Procedures Act. At the conclusion of the investigation, the Board's prosecutor shall submit a written report to the Board detailing the findings and determination of the Board's prosecutor. In addition, the Board's prosecutor shall make a recommendation in its written report as to further action by the Board.

(f) The written report of the Board's prosecutor shall be drafted so as to keep anonymous the name of the complainant and the podiatric physician named in the complaint. The report shall

include a brief recitation of the facts of the complaint and a statement whether the Board's prosecutor found competent evidence to support the allegations contained in the complaint.

(g) The Board shall review the report of the Board's prosecutor at a meeting of the Board, for which the Executive Secretary shall give proper notice to the complainant, the podiatric physician named in the complaint, and any other interested party. Provided, however, that the Board's review of the report shall not be conducted as a hearing and the Board shall not hear testimony or receive evidence. Upon review of the report, the Board may:

- (1) dismiss the complaint if the Board finds that there is not reasonable cause to believe that the podiatric physician named in the complaint has committed a violation;
- (2) issue a letter of concern to the podiatric physician named in the complaint if the Board finds that there is reasonable cause to believe that said podiatric physician has committed a violation, but such violation, if proven, is not of such a nature as to warrant the imposition of a penalty by the Board; or
- (3) initiate an individual proceeding against the podiatric physician named in the complaint if the Board finds that there is reasonable cause to believe that said podiatric physician has committed a violation and that such violation, if proven, is of such a nature as to warrant the imposition of a penalty by the Board.

(h) In the event the Board votes to issue a letter of concern in regard to a complaint, it shall thereupon be the duty of the Board's prosecutor to provide the Board sufficient details as to the nature of the complaint so as to assist the Board to render a meaningful letter of concern.

[Source: Amended at 12 Ok Reg 447, eff 11-17-94 (emergency); Amended at 12 Ok Reg 1257, eff 5-11-95]

545:30-1-3. Subpoenas

(a) For the purposes of investigation and hearings, the Board, or any member thereof, is empowered to issue subpoenas, compel the attendance of witnesses, and administer oaths. Subpoenas authorized by the Act may be signed and issued by any member of the Board, and shall be served, and return of service thereof made, in the same manner as a subpoena is served out of a court of record in this State and as return in such case is made.

(b) If a person fails and refuses to attend in obedience to such subpoena, or refuses to be sworn or examined or answer any question propounded by any member of the Board or any attorney or licensee upon permission from the Board, such person shall be guilty of a misdemeanor and punishable as such, upon conviction.

[Source: Amended at 12 Ok Reg 447, eff 11-17-94 (emergency); Amended at 12 Ok Reg 1257, eff 5-11-95]

CHAPTER 35. FEE SCHEDULE

Section

545:35-1-1. Purpose

545:35-1-2. Fees

[Authority: Title 59 O.S., Section 141]

[Source: Codified 6-27-91]

545:35-1-1. Purpose

The purpose of the rules in this Chapter are to set out the fees and charges collected by the State Board of Podiatry.

545:35-1-2. Fees

- (a) All fees are non-refundable.
- (b) The following fees are collected by the Board:
 - (1) **Licensure**
 - (A) Application processing fee: \$50.00
 - (B) Display certificate: \$50.00
 - (C) State examination fee: \$100.00
 - (D) Reprocessing fee: \$100.00
 - (E) Training license
 - (i) Initial: \$50.00
 - (ii) Renewal: \$25.00
 - (2) **Renewal**
 - (A) Biennial renewal fee: \$150.00
 - (B) Reinstatement fee (after October 1): \$250.00
 - (3) **Miscellaneous**
 - (A) Verification of license: \$10.00
 - (B) Duplication of display certificate: \$50.00
 - (C) Duplication of proof of renewal of license: \$10.00
 - (D) Certification of public records (per page): \$1.00
 - (E) Duplication of public records (per page): \$.25
 - (F) Probation fee:
 - (i) Level I (minimum per month): \$125.00
 - (ii) Level II (minimum per month): \$50.00
 - (iii) Level III (minimum per month): \$30.00
 - (G) Investigations/prosecution.....Actual cost incurred
 - (4) **Filing of motions**
 - (A) Rehearing or reconsideration of any disciplinary case: \$ 75.00
 - (B) Terminate or modify probation: \$100.00
 - (C) Issuance of subpoena: \$10.00

[Source: Amended at 11 Ok Reg 4405, eff 7-14-94 (emergency); Amended at 12 Ok Reg 1259, eff 5-11-95; Amended at 31 Ok Reg , eff (emergency)]