

**TITLE 545. STATE BOARD OF PODIATRIC MEDICAL EXAMINERS
CHAPTER 20. MAINTAINING LICENSURE**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Renewal of licensure

545:20-1-1.1. Definitions [NEW]

545:20-1-2. Qualifications [AMENDED]

545:20-1-3. Fees [AMENDED]

545:20-1-5. Reinstatement [AMENDED]

Subchapter 3. Continuing education

545:20-3-1. Continuing education requirements [AMENDED]

545:20-3-2. Provisions for continuing education [AMENDED]

545:20-3-3. Approved continuing education programs [AMENDED]

SUMMARY:

Senate bill 302 authorized the Board of Podiatric Medical Examiners to require renewal of licensure biennially. These rule amendments facilitate the change from annual renewal to biennial renewal. The amendments double the renewal fee but since the renewal is changing from one year to two, the total amount does not change. It is the same with the continuing education requirements. The number of hours is doubled but the net effect does not change.

AUTHORITY:

TITLE 59 O.S., Section 141, State Board Podiatric Medicine Practice Act

COMMENT PERIOD:

The comment period will run from November 15, 2013 to December 17, 2013. Written comments may be sent to the office of the Board, 101 N.E. 51st Street, Oklahoma City, OK 73154-0256.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on December 17, 2013, 5:00 P.M. at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma. Written notice of intent to make oral comment must be received by this office no later than December 13, 2013.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and available after November 15, 2013 at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma, 73015.

CONTACT PERSON:

Kathy Plant, Executive Secretary (405) 962-1400, ext. 122

Proposed Rules

(Underline denotes new language. Strikeouts denotes deleted language.)

TITLE 545. STATE BOARD OF PODIATRIC MEDICAL EXAMINERS CHAPTER 20. MAINTAINING LICENSURE

SUBCHAPTER 1. RENEWAL OF LICENSURE

545:20-1-1.1. Definitions [NEW]

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.

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 ~~the following first day of July~~ 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 ~~annual~~ biennial requirement for continuing education as set forth in 59 O.S., Section 145.1, ~~and submit proof thereof, with application for renewal.~~ 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 ~~form~~ with appropriate fee ~~attached~~ to the Board office.

(c) A licensed podiatrist shall be entitled to have his or her license renewed on or before ~~the first day of July~~ 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).

545:20-1-3. Fees

The ~~annual~~ biennial renewal fee as set by the Oklahoma State Board of Podiatry is ~~seventy-five dollars (\$75.00)~~ one-hundred-fifty dollars (\$150.00).

545:20-1-5. Reinstatement

(a) A license shall be renewed by the Board upon the payment of the delinquent ~~annual~~ 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 ~~during the preceding twelve (12) month period, he or she did not violate the Act or rules of the Board~~ 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 ~~renewal~~ reinstatement thereof on or before the next 30th day of June of the ~~following~~ 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 ~~delinquent annual renewal fee, plus a penalty of four (4) times the delinquent annual renewal fee and administrative fees~~ 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 ~~at the close of the 30th day of June following the year of delinquency.~~

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

SUBCHAPTER 3. CONTINUING EDUCATION

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 ~~thirty (30)~~ sixty (60) hours of continuing education ~~each year~~ 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 ~~twelve (12)~~ twenty-four (24) month period immediately preceding the ~~year for which the license is to be issued~~ renewal deadline. That is, from July 1 of ~~one year~~ even-numbered years to the following June 30 of an even-numbered year.

(c) At least ~~fifteen (15)~~ thirty (30) hours of the required ~~thirty (30)~~ 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 ~~one year~~ two-year renewal period providing that all hours of continuing education be completed at the end of ~~any three year~~ the following two-year renewal period pursuant to Section 545:20-3-2(b).

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

(a) Excess hours of continuing education obtained in the last one-half of the preceding ~~fiscal year~~ renewal period may be carried forward to the following ~~year~~ renewal period, providing they do not exceed ~~five (5)~~ 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 ~~any three-year~~ 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.

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 ~~three (3)~~ 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 ~~five (5)~~ 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 obtained in colleges or universities, while working on a degree or non-degree program, providing these courses shall be of a medical nature, shall be granted one (1) hour of continuing education for each credit hour granted by the college or university.~~

~~(f)~~ Hours of continuing education submitted to the Board for approval, by any member 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.

~~(g)~~ Applicants may be granted ~~three (3)~~ six (6) hours of continuing education credit for obtaining hospital-sponsored Cardio-Pulmonary Resuscitation Certification during the current licensure year renewal period or ~~six (6)~~ twelve (12) hours of continuing education credit for obtaining hospital-sponsored Advanced Cardiac Life Support Certification during the current licensure year.

~~(h)~~ Credit may be given for correspondence work or internet courses if ~~pre-approved by the Board~~ or approved by the Council on Continuing Education of the American Podiatric Medical Association. A maximum of ~~five (5)~~ ten (10) hours per renewal period may be obtained in this manner.