

**PODIATRIC MEDICINE PRACTICE ACT  
TITLE 59 O.S., SECTIONS 135.1-160.2**

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### **135.1. Short Title**

Sections 135.1 through 160.2 of this title shall be known and may be cited as the "Podiatric Medicine Practice Act".

*Laws 1983, HB 1182, c. 138, § 1, emerg. eff. July 1, 1983; Amended by Laws 1993, HB 1190, c. 150, § 1, eff. September 1, 1993.*

### **136. Definitions**

As used in the Podiatric Medicine Practice Act, these words, phrases or terms, unless the context otherwise indicates, shall have the following meanings:

1. "Accredited college of podiatric medicine" means a podiatric medicine educational institution which confers the degree of Doctor of Podiatric Medicine (D.P.M.), or its equivalent, and meets all of the requirements for accreditation by the Council on Podiatric Medical Education of the American Podiatric Medical Association, Inc.;
2. "Board" means the Board of Podiatric Medical Examiners;
3. "Oklahoma Podiatric Medical Association" means the Oklahoma Podiatric Medical Association, Inc., a nonprofit corporation organized and existing under the laws of this state for the association of podiatric physicians and for the advancement of the profession of podiatric medicine; and
4. "Podiatric physician", "doctor of podiatric medicine" and "podiatrist" are synonymous and mean a person duly licensed pursuant to the laws of this state to practice podiatric medicine.
5. "Code of Ethics" means the Code of Ethics of the American Podiatric Medical Association, as currently adopted, or as hereinafter amended by said Association.

*Laws 1955, HB 618, p. 308, § 1, emerg. eff. May 23, 1955; Amended by Laws 1983, HB 1182, c. 138, § 2, emerg. eff. July 1, 1983; Amended by Laws 1993, HB 1190, c. 150, § 2, eff. September 1, 1993.*

### **137. Board of Podiatric Medical Examiners-Membership-Qualifications-Terms-Removal**

A. A Board of Podiatric Medical Examiners is hereby re-created, to continue until July 1, 2024, in accordance with the provisions of the Oklahoma Sunset Law. Said Board shall regulate the practice of podiatric medicine in this state in accordance with the provisions of the Podiatric Medicine Practice Act. The Board, appointed by the Governor, shall be composed of five (5) podiatric physicians licensed to practice podiatric medicine in this state and one (1) lay member representing the public.

B. Each podiatric physician member of the Board shall:

1. Be a legal resident of this state;
2. Have practiced podiatric medicine continuously in this state during the three (3) years immediately preceding his appointment to the Board;
3. Be free of pending disciplinary action or active investigation by the Board; and
4. Be a member in good standing of the American Podiatric Medical Association and of the Oklahoma Podiatric Medical Association.

C. The lay member of the Board shall:

1. Be a legal resident of this state;
2. Not be a registered or licensed practitioner of any of the healing arts or be related, within the third degree of consanguinity or affinity, to any such person; and
3. Participate in Board proceedings only for the purposes of:
  - a. reviewing, investigating and disposing of written complaints regarding the conduct of podiatric physicians; and
  - b. formulating, adopting and promulgating rules pursuant to Article I of the Administrative Procedures Act.

D. Except as provided in subsection E of this section, the term of office of each podiatric physician member of the Board shall be five (5) years, with one such member being appointed to the Board each year. The lay member of the Board shall serve a term coterminous with that of the Governor. Each member shall hold office until the expiration of the term for which appointed or until a qualified successor has been duly appointed. An appointment shall be made by the Governor within ninety (90) days after the expiration of the term of any member, or the occurrence of a vacancy on the Board due to resignation, death, or any other cause resulting in an unexpired term. The appointment of the podiatric physician members shall be made from a list of not less than five persons submitted annually to the Governor by the Oklahoma Podiatric Medical Association.

E. Each of the three podiatric physician members of the Board, serving on the effective date of this act, shall complete the term of office for which he was appointed, and the successor to each such member shall be appointed for a term of five (5) years. Within sixty (60) days after the effective date of this act, the Governor shall appoint two new podiatric physician members to the Board, one for a term expiring July 1, 1997, and one for a term expiring on July 1, 1998. The

successor to each such new member shall be appointed for a term of five (5) years.

F. Before assuming his duties on the Board, each member shall take and subscribe to the oath or affirmation provided in Article XV of the Oklahoma Constitution, which oath or affirmation shall be administered and filed as provided in said article.

G. A member may be removed from the Board by the Governor for cause which shall include, but not be limited to:

1. Ceasing to be qualified;
2. Being found guilty by a court of competent jurisdiction of a felony or of any offense involving moral turpitude;
3. Being found guilty, through due process, of malfeasance, misfeasance or nonfeasance in relation to his Board duties;
4. Being found mentally incompetent by a court of competent jurisdiction;
5. Being found in violation of any provision of the Podiatric Medicine Practice Act; or
6. Failing to attend three consecutive meetings of the Board without just cause, as determined by the Board.

*Laws 1955, HB 618, p. 308, § 2, emerg. eff. May 23, 1955; Amended by Laws 1983, HB 1182, c. 138, § 3, emerg. eff. July 1, 1983; Amended by Laws 1988, SB 450, c. 225, § 7; Amended by Laws 1993, HB 1122, c. 4, § 1; Amended by Laws 1993, HB 1190, c. 150, § 3, eff. September 1, 1993; Amended by Laws 1999, HB 1161, c. 20, § 1; Amended by Laws 2005, HB 1212, c. 27, § 1, eff. August 26, 2005; Amended by Laws 2011, HB 1018, c. 45, § 1.*

### **138. Application of act**

Nothing in this act shall apply to any medical doctor, osteopath, or chiropractor licensed as such under the laws of this state, now or hereafter.

*Laws 1955, HB 618, p. 308, § 3, emerg. eff. May 23, 1955.*

### **139. Meetings-Election of Officers-Duties-Quorum**

A. The Board of Podiatric Medical Examiners shall organize annually at the last regularly scheduled meeting of the Board before the beginning of the next fiscal year by electing from among its members a president, a vice-president, and a secretary-treasurer. The term of office of each officer shall be for the following fiscal year and until a successor is elected and qualified. The duties of each officer shall be prescribed in the rules of the Board.

B. The Board may hold such regularly scheduled meetings, special meetings, emergency meetings, or continued or reconvened meetings as found by the Board to be expedient or necessary. A majority of the Board shall constitute a quorum for the transaction of business.

C. The Board shall act in accordance with the provisions of the Oklahoma Open Meeting Act, the Oklahoma Open Records Act, and the Administrative Procedures Act.

D. All members of the Board and such employees as determined by the Board shall be bonded as required by Sections 85.26 through 85.31 of Title 74 of the Oklahoma Statutes.

E. The responsibilities and rights of any member or employee of the Board who acts within the scope of the Board duties or employment shall be governed by the Governmental Tort Claims Act.

*Laws 1955, HB 618, p. 308, § 4, emerg. eff. May 23, 1955; Amended by Laws 1997, HB 1466, c. 222, § 1, eff. November 1, 1997.*

#### **140. Employees of Board-Prosecutions-Materials and supplies-Bonds--Seal**

The Board of Podiatric Medical Examiners may:

1. Employ, contract with, and direct stenographic, clerical, and secretarial help and investigators and attorneys to assist it and its officers in observing and performing under the applicable laws and to help carry out and enforce the applicable laws;
2. Gather and present to district attorneys of this state evidence which it believes shows violations of the applicable laws, and, among other purposes authorized by law, it may use attorneys it employs to assist district attorneys (but only with their consent) in the prosecution of such violations, and also to represent it in any court;
3. Discharge any person it employs, but this provision shall not be interpreted as authorizing it to fail in any way to observe and perform its lawful contracts;
4. Contract for and purchase or rent books, stationery, forms, postage, equipment, other materials and supplies, and furniture and it may rent or lease office space or other quarters; however the compensation of those it employs or with whom it contracts and the consideration it owes under its contracts and its other costs, expenses and liabilities of whatever nature shall never be a charge against the State of Oklahoma, except that the Board may cause payment for all thereof to be made from the Board of Podiatric Medical Examiners' Revolving Fund insofar as there are from time to time amounts in said fund for such purposes;
5. Require fidelity bonds of those it employs; and
6. Adopt a seal and use the same by impression in addition to the signature of the Board

wherever its signature is permitted or required.

*Laws 1955, HB 618, p. 309, § 5, emerg. eff. May 23, 1955; Amended Laws 1993, HB 1190, c. 150, § 4, eff. September 1, 1993.*

#### **141. Powers and duties**

The Board of Podiatric Medical Examiners shall have the power and duty to:

1. Regulate the practice of podiatric medicine;
2. Promulgate the rules that may be necessary to implement and enforce the Podiatric Medicine Practice Act;
3. Set license and examination fees required by the Podiatric Medicine Practice Act;
4. Receive fees and deposit said fees with the State Treasurer in the Board of Podiatric Medical Examiners' Revolving Fund;
5. Issue, renew, revoke, deny, and suspend licenses to practice podiatric medicine;
6. Examine all qualified applicants for licenses to practice podiatric medicine;
7. Investigate complaints and hold hearings;
8. Adopt and establish rules of professional conduct which shall apply to every person who practices podiatric medicine in this state;
9. Set educational requirements for licensure; and
10. Perform such other duties, exercise such other powers, and employ such personnel as is required by the provisions of the Podiatric Medicine Practice Act.

*Laws 1955, HB 618, p. 309, § 6, emerg. eff. May 23, 1955; Amended by Laws 1983, HB 1182, c. 138, § 4, emerg. eff. July 1, 1983; Amended by Laws 1993, HB 1190, c. 150, § 5, eff. September 1, 1993.*

#### **142. Acts Constituting Practice of Podiatric Medicine-Exceptions**

A. Podiatric medicine is that profession of the health sciences concerned with the diagnosis and treatment of conditions affecting the human foot and ankle, including the local manifestations of systemic conditions, by all appropriate systems and means.

B. Any one or more of the following shall be deemed to be practicing podiatric medicine:

1. In any way examining, diagnosing, recommending for, prescribing for, caring for or treating in this state ailments, diseased conditions, deformities or injuries of the human foot and ankle, whether or not done directly thereon;
2. Massage or adjustment in connection with such examining, diagnosing, recommending, prescribing, treating, or caring for;
3. Fitting, building, or otherwise furnishing pads, inserts, appliances, inlays, splints, or supports, or giving or using medicament or anesthetics in connection with such examining, diagnosing, recommending, prescribing, treating, caring for, or fitting; and
4. Offering in this state to any person to do or cause to be done, or attempting in this state to do or cause to be done, any or all of the foregoing.

C. The provisions of the Podiatric Medicine Practice Act shall not apply to:

1. The sale of proprietary or patented foot remedies, pads, supports or corrective shoes;
2. The fitting or recommending of appliances, devices, or shoes for the prevention, correction, or relief of foot ailments or troubles, by regularly established retail dealers or their regular salesmen, not holding themselves out to the public as podiatric physicians under the terms of this act; or
3. A person providing services or assistance in case of an emergency if no fee or other consideration is contemplated, charged, or received.
4. Any person who is licensed to practice podiatric medicine in another state or territory of the United States whose sole purpose and activity in this state is to practice podiatric medicine and surgery with a specific podiatrist who is licensed to practice podiatric medicine by the Board, excluding a podiatrist with a temporary or restricted license. The length of such person's practice in this state shall be limited to four (4) weeks per year and shall be limited to training purposes. The scope of the training shall not exceed that allowed by Oklahoma law.

*Added by Laws 1955, HB 618, c. 4, § 7, emerg. eff. May 23, 1955; Amended by Laws 1993, HB 1190, c. 150, § 6, eff. September 1, 1993; Amended by Laws 1994, SB 677, c. 105, § 1, eff. September 1, 1994; Amended by Laws 2009, HB 1897, c. 261, § 1, emerg. eff. July 1, 2009.*

#### **143. Unlawful practices-Penalty**

A. It shall be unlawful for:

1. Any person to practice or attempt to practice podiatric medicine in this state as defined

by the applicable laws or as otherwise defined, or to hold himself out to the public in this state as a podiatric physician, doctor of podiatric medicine, podiatrist, foot doctor or foot specialist without having first obtained a license to practice podiatric medicine from the Board of Podiatric Medical Examiners, or after his license to practice podiatric medicine has been revoked, or while such license is under suspension. Provided, however, an applicant for a license by examination who has successfully passed the examination administered by the Board may practice podiatric medicine to the extent necessary to enable him to observe and assist a podiatric physician, as an intern, preceptee or resident, if while so doing he complies with all of the rules of the Board;

2. A podiatric physician to practice as such at any time when his license is not conspicuously displayed in his place of regular practice;
3. Any person to knowingly represent in any manner in this state, either publicly or privately, that another person is a licensed podiatric physician, doctor of podiatric medicine, podiatrist, foot doctor or foot specialist, or is capable of examining, diagnosing, recommending for, prescribing for, caring for, or treating in this state ailments, diseased conditions, deformities, or injuries of the human foot, unless such other person at the time of such representation is a licensed podiatric physician; and
4. Any podiatric physician to violate any provision of the Podiatric Medicine Practice Act or the rules of the Board.

B. Any person who does any one or more of the things made unlawful by subsection A of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment. Each day of such violation shall constitute a separate and distinct offense.

*Laws 1955, HB 618, p. 311, § 8, emerg. eff. May 23, 1955; Amended by Laws 1993, HB 1190, c. 150, § 7, eff. September 1, 1993.*

#### **144. Examinations-Qualification of Applicants-Fees-Licenses**

A. The fee for examination for a license to practice podiatric medicine in this state shall be One Hundred Dollars (\$100.00). The Board of Podiatric Medical Examiners may increase this fee by not more than an additional Two Hundred Dollars (\$200.00). The examination for such license shall be given by the Board. The Board may give the examination at any special meeting, but shall not be required to do so. The Board may utilize the National Board of Podiatric Examiners' National Board Examination Part III as the written portion of the state licensing exam.

B. To be entitled to take the examination, a person shall:

1. File a written application on a form prescribed by the Board;

2. Pay to the secretary-treasurer of the Board in advance the fee for examination;
3. Satisfy the Board that the person is loyal to the United States of America;
4. Be more than twenty-one (21) years of age;
5. Be of good moral character;
6. Not have been finally convicted of any crime involving moral turpitude or of any felony;
7. Be free from contagious or infectious disease;
8. Be a graduate of an accredited college of podiatric medicine; and
9. Have complied with applicable Board rules.

C. An applicant satisfying the requirements of subsection B of this section shall receive a license to practice podiatric medicine in this state, to be issued by the Board, if the applicant:

1. Takes the examination administered or approved by the Board and receives a passing score of at least seventy-five percent (75%) on both the written and oral portions. An applicant receiving less than a score of seventy-five percent (75%) on either the written or oral portion of the examination shall be deemed to have failed the entire examination;
2. Satisfactorily completes a podiatric surgical residency, approved by the Council of Podiatric Medical Education of the American Podiatric Medical Association, of not less than three (3) years; provided, the provisions of this paragraph shall only apply to applicants after March 1, 2018; and
3. Satisfies the Board that the applicant has not violated any of the provisions of the Podiatric Medicine Practice Act or any of the rules of the Board.

D. The examination administered or approved by the Board shall include both a written and an oral portion, shall be administered in the English language, and shall cover areas in anatomy, pathology, podiatric medicine and surgery, dermatology, pharmacology, biomechanics, anesthesia, radiology, Oklahoma law relating to podiatric medicine, and such other subjects as the Board from time to time determines necessary and appropriate. The Board may authorize examination papers to be graded by one or more of its own members or by any one or more licensed podiatric physicians selected by the Board. Each license issued by the Board shall be signed by each member of the Board, bear the seal of the Board, and designate the licensee as a licensed podiatric physician.

E. The Board may issue a temporary license if the applicant:

1. Has met the requirements of subsection B of this section;
2. Takes the examination administered or approved by the Board and receives a passing score of at least seventy-five percent (75%) on both the written and oral portions. An applicant receiving less than a score of seventy-five percent (75%) on either the written or oral portion of the examination shall be deemed to have failed the entire examination;
3. Is within ninety (90) days of completing or has completed a podiatric surgical residency, approved by the Council of Podiatric Medical Education of the American Podiatric Medical Association, of not less than three (3) years; provided, the provisions of this paragraph shall only apply to applicants after March 1, 2018; and
4. Satisfies the Board that the applicant has not violated any of the provisions of the Podiatric Medicine Practice Act or any of the rules of the Board.

*Laws 1955, HB 618, c. 4, § 9, emerg. eff. May 23, 1955; Amended by Laws 1990, HB 1728, c. 163, § 1, eff. September 1, 1990; Amended by Laws 1993, HB 1190, c. 150, § 8, eff. September 1, 1993; Amended by Laws 2002, SB 928, c. 118, § 1, eff. November 1, 2002; Amended by Laws 2008, HB 2763, c. 149, § 1, emerg. eff. May 12, 2008; Amended by Laws 2013, SB 302, c. 185, § 1, eff. November 1, 2013; SB 682, eff. November 1, 2017.*

#### **144.1. Training license**

A. No person who is granted a training license shall practice outside the limitations of the license.

B. To be eligible for training licensure, the applicant shall have completed all the requirements for full and unrestricted licensure except graduate education and/or licensing examination or other requirements relative to the basis for the training license.

C. By rule, the Board of Podiatric Medical Examiners shall establish restrictions for training licensure to assure that the holder will practice only under appropriate circumstances as set by the Board.

D. A training license shall be renewable annually upon the approval of the Board and upon the evaluation of performance in the special circumstances upon which the training license was granted.

E. The issuance of a training license shall not be construed to imply that a full and unrestricted license to practice podiatric medicine will be issued at a future date.

F. All other provisions of the Podiatric Medicine Practice Act shall apply to the holders of training licenses.

G. This section shall not limit the authority of any state agency or educational institution in this state which employs a training licensed podiatric physician to impose additional practice limitations upon such podiatric physician.

**145. Renewal of License-Fees-Suspension on Nonpayment-Reinstatement-Records**

A. Each license to practice podiatric medicine shall be renewed by June 30 of even-numbered years. Such license shall entitle the licensee to practice podiatric medicine in this state as defined by law and to hold himself/herself out as a licensed podiatric physician, doctor of podiatric medicine or podiatrist as long as lawfully renewed, unless suspended or revoked as authorized by law.

B. Upon application and payment of required fees, and upon first satisfying the Board of Podiatric Medical Examiners that the licensee is not at the time violating any applicable law or any of the rules of the Board or the Code of Ethics, and upon showing proof of compliance with Section 145.1 of this title, a licensee shall be entitled to have his/her license to practice podiatric medicine renewed until June 30 of the following even-numbered year.

C. A license not renewed in the time and manner required by this section shall become inactive and the licensee may not practice as a licensed podiatric physician, doctor of podiatric medicine or podiatrist. The license may be renewed on or before September 30 following the June 30 deadline by payment of the delinquent renewal fee upon satisfying the Board of compliance with subsection B of this section. After that September 30 and on or before the close of June 30 of the next even-numbered year, the license may be reinstated upon satisfying the Board of compliance with subsection B of this section and upon the payment first of the delinquent renewal fee, plus such additional penalty as the Board imposes, not to exceed in all four times the delinquent fee. Any license to practice podiatric medicine not reinstated in such time shall become void at the close of June 30 of the next even-numbered year; and thereafter it shall not be renewed or reinstated.

D. The renewal fee shall be such sum as the Board from time to time sets. Upon the timely payment of the renewal fee or the reinstatement fee, as the case may be, the secretary-treasurer of the Board shall provide to the licensee such certificate of renewal or reinstatement as the Board shall direct, which shall operate to renew or reinstate the license, as the case may be, until June 30 of the next even-numbered year, after which it must be renewed again or be reinstated in the same time and manner to continue to be effective.

E. The secretary-treasurer of the Board shall keep a license record showing each license issued by the Board, the name and last mailing address furnished to said secretary-treasurer by each licensee, the year of issuance of the license, whether by examination or otherwise, the renewals, reinstatements, suspensions and revocations thereof, and the fact as to whether the license be in force or suspended or void. Such record as to any license, or a copy thereof certified to by said secretary-treasurer as complete and true as to the license in question, shall constitute prima facie evidence of the recitals therein and the fact disclosed thereby as to whether the license described is in force or suspended or void.

*Laws 1955, HB 618, p. 312, § 10, emerg. eff. May 23, 1955; Amended by Laws 1979, SB 184, c. 81, § 1; Amended by Laws 1993, HB 1190, c. 150, § 9, eff. September 1, 1993; Amended by Laws 2013, SB 302, c. 185, § 2, eff. November 1, 2013*

#### **145.1. Continuing Education Requirement for Renewal of License-Exemptions**

A. Sixty (60) hours of continuing education shall be required for renewal of an individual license to practice podiatric medicine in this state. This must be obtained in the two-year period immediately preceding the two-year period for which the license is to be issued. Such continuing education shall include not less than two (2) hours of education in pain management or two (2) hours of education in opioid use or addiction, unless the licensee has demonstrated to the satisfaction of the Board of Podiatric Medical Examiners that the licensee does not currently hold a valid federal Drug Enforcement Administration registration number. The continuing education required by this section shall be any of the following:

1. Education presented by an organization approved by the Council on Continuing Education of the American Podiatric Medical Association;
2. A national, state or county podiatric medical association meeting approved by the Board;
3. Hospital-sponsored scientific programs approved by the Board; or
4. Six (6) hours of continuing education credit may be obtained by attending meetings and hearings of the Board.

At least thirty (30) hours of the required sixty (60) hours must be obtained in this state.

B. Any practitioner not so satisfying the Board of the fulfillment of the continuing education requirements required by subsection A of this section shall cease to be entitled to have such license renewed.

C. Any practitioner fully retired from the practice of podiatric medicine shall be exempt from compliance with the requirements imposed by subsection A of this section. However, upon resuming the practice of podiatric medicine, the individual shall fulfill such requirements which have accrued from October 1, 1979, to the time of resumption of practice.

*Laws 1979, SB 184, c. 81, § 2; Amended by Laws 1993, HB 1190, c. 150, § 10, eff. September 1, 1993; Amended by Laws 2013, SB 302, c. 185, § 4, eff. November 1, 2013*

#### **146. Repealed by laws 1990**

*Repealed by Laws 1990, SB 685, c. 163, § 7, eff. September 1, 1990*

## **147. Suspension of Licenses**

A. The Board of Podiatric Medical Examiners is authorized, after notice and opportunity for a hearing, pursuant to Article II of the Administrative Procedures Act, to issue an order imposing one or more of the following penalties whenever the Board finds, by clear and convincing evidence, that a podiatric physician has committed any of the acts or occurrences set forth in Section 148 of this title:

1. Disapproval of an application for a renewal license;
2. Suspension of a license by the Board for a maximum period of three (3) years;
3. Revocation of a license;
4. An administrative fine not to exceed One Thousand Dollars (\$1,000) 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;
7. Restriction of the practice of a podiatric physician under such terms and conditions as deemed appropriate by the Board; and
8. Payment of costs associated with a disciplinary proceeding.

B. The Board may, by rule, establish guidelines for the disposition of disciplinary cases involving specific types of violations. The guidelines may include:

1. Minimum and maximum administrative fines;
2. Periods of suspension, probation or supervision;
3. Terms and conditions of probation; and
4. Terms and conditions for the reinstatement of a license.

C. The Board is authorized to issue a confidential letter of concern to a podiatric physician when, though evidence does not warrant initiation of an individual proceeding, the Board has noted indications of possible errant conduct by the podiatric physician that could lead to serious consequences and formal action by the Board.

D. A podiatric physician against whom a penalty is imposed by an order of the Board

pursuant to the provisions of this section shall have the right to seek a judicial review of such order pursuant to Article II of the Administrative Procedures Act.

*Laws 1955, HB 618, p. 313, § 12, emerg. eff. May 23, 1955; Amended by Laws 1993, HB 1190, c. 150, § 11, eff. September 1, 1993; Amended by Laws 1997, HB 1466, c. 222, § 2, eff. November 1, 1997.*

#### **148. Revocation of licenses-Grounds**

A. The following acts or occurrences by a podiatric physician shall constitute grounds for which the penalties specified in Section 147 of this title may be imposed by order of the Board of Podiatric Medical Examiners:

1. Willfully making a false and material statement to the Board, either before or after the issuance of a license;
2. Pleading guilty or nolo contendere to, or being convicted of, a felony crime that substantially relates to the practice of podiatric medicine and poses a reasonable threat to public safety;
3. Using alcohol, any drug, or any other substance which impairs the licensee to a degree that the licensee is unable to practice podiatric medicine with safety and benefit to the public;
4. Being mentally or physically incapacitated to a degree that the licensee is unable to practice podiatric medicine with safety and benefit to the public;
5. Making any advertisement, statement, or representation which is untrue or improbable and calculated by the licensee to deceive, defraud or mislead the public or patients;
6. Practicing fraud by omission or commission in the examination given by the Board, or in obtaining a license, or in obtaining renewal or reinstatement of a license;
7. Failure to pay or cause to be paid promptly when due any fee required by the Podiatric Medicine Practice Act or the rules of the Board;
8. Practicing podiatric medicine in an unsafe or unsanitary manner or place;
9. Performing, or attempting to perform, any surgery for which the licensee has not had reasonable training;
10. Gross and willful neglect of duty as a member or officer of the Board;
11. Dividing with any person, firm, corporation, or other legal entity any fee or other compensation for services as a podiatric physician, except with:

- a. another podiatric physician
- b. an applicant for a license who is observing or assisting the licensee as an intern, preceptee or resident, as authorized by the rules of the Board, or
- c. a practitioner of another branch of the healing arts who is duly licensed under the laws of this state or another state, district or territory of the United States, who has actually provided services, directly or indirectly, to the patient from or for whom the fee or other compensation is received, or at the time of the services is an active associate of the licensee in the lawful practice of podiatric medicine in this state; and

12. Violating or attempting to violate the provisions of the Podiatric Medicine Practice Act, the Code of Ethics or the rules of the Board; and

13. Prescribing, dispensing or administering opioid drugs in excess of the maximum limits authorized in Section 2-309I of Title 63 of the Oklahoma Statutes.

B. Commitment of a licensee to an institution for the mentally ill shall constitute prima facie evidence that the licensee is mentally incapacitated to a degree that the licensee is unable to practice podiatric medicine with safety and benefit to the public.

C. As used in this section:

1. "Substantially relates" means the nature of criminal conduct for which the person was convicted has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to the occupation; and

2. "Poses a reasonable threat" means the nature of criminal conduct for which the person was convicted involved an act or threat of harm against another and has a bearing on the fitness or ability to serve the public or work with others in the occupation.

*Laws 1955, HB 618, p. 314, § 13, emerg. eff. May 23, 1955; Amended by Laws 1993, HB 1190, c. 150, § 12, eff. September 1, 1993; Amended by Laws 1997, HB 1466, c. 222, § 3, eff. November 1, 1997.*

#### **149. Written Charges to be filed-Notice-Hearing**

A. Any person may file a written and signed complaint with the Board of Podiatric Medical Examiners, alleging that a podiatric physician has violated the provisions of the Podiatric Medicine Practice Act, the Code of Ethics, or the rules of the Board, and the facts upon which the allegations are based. Each complaint received by the Board shall be investigated in a manner to be prescribed in the rules of the Board.

*Laws 1955, HB 618, p. 315, § 14, emerg. eff. May 23, 1955; Amended by Laws 1997, HB 1466, c. 222, § 4, eff. November 1, 1997*

### **149.1 Medical Marijuana – Guidance – Disciplinary Action**

A. The Board of Podiatric Medical Examiners is hereby authorized to issue guidance to all podiatric physicians in this state on the recommending of medical marijuana to patients.

B. The Board may take disciplinary action as provided for in the Podiatric Medicine Practice Act against any podiatric physician who willfully violates or aids another in the willful violation of the provisions of Section 420 et. seq. of Title 63 of the Oklahoma statutes or the provisions of Enrolled House Bill No. 2612 of the 1<sup>st</sup> Session of the 57<sup>th</sup> Oklahoma Legislature.

### **150. Repealed by laws, 1997**

### **151. Repealed by laws, 1980**

### **152. Reciprocity-Fees**

A. By way of reciprocity and without examination, the Board of Podiatric Medical Examiners may issue a license to practice podiatric medicine in this state to any person who:

1. Satisfies the Board that he has all the qualifications required, by the applicable laws and the rules of the Board, of a person to entitle the person to a license to practice podiatric medicine in this state pursuant to examination, excepting any as to which the Board excuses compliance for good cause shown; and

2. Satisfies the Board that for at least three (3) years immediately prior to the date on which he pays the required fee he lawfully practiced podiatric medicine within and under the laws of a district or territory or other state of the United States of America pursuant to a license issued thereby authorizing such practice; and

3. Pays in advance to the secretary-treasurer of the Board the fee required by the rules of the Board for a license by reciprocity, which shall not be less than One Hundred Fifty Dollars (\$150.00) or more than Three Hundred Dollars (\$300.00).

B. The provisions and benefits of this section shall extend only to persons who are residents in good faith of districts, territories, or states which in the judgment of the Board extend to citizens of this state substantially equal or greater reciprocity privileges as to a license to practice podiatric medicine.

*Laws 1955, HB 618, p. 316, § 17, emerg. eff. May 23, 1955; Amended by Laws 1993, HB 1190, c. 150, § 13, eff. September 1, 1993.*

### **153. Repealed by laws, 1983**

**154. Board of Podiatric Medical Examiners' Revolving Fund**

There is hereby created in the State Treasury a revolving fund for the Board of Podiatric Medical Examiners, to be designated as the "Board of Podiatric Medical Examiners' Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Board pursuant to the provisions of the Podiatric Medicine Practice Act. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Board for the purpose of implementing and enforcing the provisions of the Podiatric Medicine Practice Act. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims signed by the secretary-treasurer of the Board or by an authorized employee or employees of the Board and filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

*Laws 1955, HB 618, p. 316, § 19, emerg. eff. May 23, 1955; Amended by Laws 1983, HB 1182, c. 138, § 7, emerg. eff. July 1, 1983; Amended by Laws 1993, HB 1190, c. 150, § 14, eff. September 1, 1993; Amended by Laws 2012, HB 3079, c. 304, § 260*

**155. Investigations and Hearings-Subpoenas-Records**

The Board of Podiatric Medical Examiners shall:

1. Conduct investigations of complaints against podiatric physicians filed with the Board, pursuant to Section 149 of this title; and
2. Initiate and conduct individual proceedings, pursuant to Article II of the Administrative Procedures Act, against podiatric physicians alleged to have violated the Podiatric Medicine Practice Act, the Code of Ethics, or the rules of the Board. For such purposes the Board, or any member thereof, is empowered to issue subpoenas, compel the attendance of witnesses, and administer oaths and affirmations. Subpoenas authorized by this section 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 from of a court of record in this State and as return of service in such case is made. Any person failing and refusing to attend in obedience to such subpoena, or refusing to be sworn or examined or answer an question propounded by any member of the Board or any attorney or licensee upon permission from the Board, upon conviction thereof, shall be guilty of a misdemeanor and punishable as such.

*Laws 1955, HB 618, p. 316, § 20, emerg. eff. May 23, 1955; Amended by Laws 1997, HB 1466, c. 222, § 5, eff. November 1, 1997.*

**156. Annual Report**

Said Board shall make an annual report to the Governor, not later than the fifteenth day of November each year, which report shall contain an account of all monies received, licenses issued, suspended, or revoked and all expenditures made by said Board the twelve (12) months prior to said date.

*Laws 1955, HB 618, p. 317, § 21, emerg. eff. May 23, 1955.*

**157. Repealed by laws, 1985**

**158. Restraining Orders and Injunctions**

Restraining orders and temporary and permanent injunctions may be granted by the district and superior courts upon application of the Board for the purpose of restraining, enjoining, and preventing threatened or likely violations of, and also enforcing, and also requiring compliance with, the applicable laws.

*Laws 1955, HB 618, p. 317, § 23, emerg. eff. May 23, 1955.*

**159.1. Rules and Regulations Concerning Casts for Individual Shoes**

The Board may adopt rules and regulations which are necessary or helpful to promote the public health and safety which define and establish minimum standards and requirements for methods and practices to be used in taking or making casts or equivalents thereof of the human foot for the purpose of prescribing, offering, making, furnishing, correcting, changing, or fitting shoes for the foot. It shall be unlawful to take or make said casts or equivalents for any purpose except in accordance with such rules and regulations as the Board may prescribe.

*Laws 1959, HB 813, p. 224 § 1; Amended by Laws 1983, HB 1182, c. 138, § 6, emerg. eff. July 1, 1983.*

**159.2. Unlawful Acts**

It shall be unlawful to make, furnish, correct, change, or fit any of the following if molded for the foot or part of the foot of a specific person, as distinguished from persons generally, to-wit: shoes for the purpose of diagnosing, correcting, relieving, treating, aiding, controlling, or alleviating ailments, diseases, diseased conditions, deformities, injuries, or abnormalities of the foot or feet of the specific person, except upon the prescription of a medical doctor, podiatric physician, osteopathic physician duly licensed under the laws of this state, or to offer so to do, or for any one other than such medical doctor, podiatric physician or osteopathic physician to prescribe any thereof for any such purpose.

*Laws 1959, HB 813, p. 224, § 2; Amended by Laws 1993, HB 1190, c. 150, § 15, eff. September 1, 1993.*

**159.3. Repealed by laws, 1983**

**159.4. Inapplicability to Manufacture or Sale to Persons Generally**

Nothing in this Act shall apply to the manufacture or sale of shoes, pads, or supports, whether patented or not, which are made for, and offered to, persons generally.

*Laws 1959, HB 813, p. 224, § 4.*

### **159.5. Penalties**

Any violation of this Act shall constitute a misdemeanor, and shall be punishable upon conviction, by a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment in the county jail for not more than six (6) months or by both such fine and imprisonment; and each separate day upon which any person unlawfully does a thing made unlawful by this Act shall be and constitute a separate and distinct offense.

*Laws 1959, HB 813, p. 224, § 5.*

### **160.1. Interpretation of Terms**

The terms "podiatry" and "podiatric medicine" are synonymous and mean the branch of the healing arts defined in the Podiatric Medicine Practice Act. Wherever in the Oklahoma Statutes reference is made to the term "podiatry", the same shall be interpreted to mean "podiatric medicine", and wherever reference is made to the term "podiatrist", the same shall be interpreted to mean "podiatric physician".

*Laws 1969, SB 353, c. 198, § 1, emerg. eff. April 18, 1969; Amended by Laws 1993, HB 1190, c. 150, § 16, eff. September 1, 1993; Amended by Laws 1995, HB 1529, c. 207, § 2, eff. November 1, 1995.*

### **160.2. DPM - Meaning**

The term DPM means Doctor of Podiatric Medicine.

*Laws 1969, SB 353, c. 198, § 2, emerg. eff. April 18, 1969.*