

Draft Amendment for Chapter 63-01-01, Section 63-01-01-01.

63-01-01-01. Organization and function of board of podiatric medicine.

1. **History.** In 1929 the legislative assembly enacted the Podiatry Practice Act, which is codified as North Dakota Century Code chapter 43-05. The chapter provides for a board of podiatric medicine.

2. **Function.** The function and responsibility of the board is to examine and license qualified applicants for licensure, ensure the continuing qualifications and general educational background of podiatrists, determine discipline for podiatrists who violate general statute or this title, regulate the practice of podiatric medicine in North Dakota, and perform such other duties as may be required by general statute or this title.

3. **Board membership.** The board consists of ~~five~~ six members appointed by the governor. Four of the members are doctors of podiatric medicine. One member is a doctor of medicine. One member is designated as a public member. The board members annually elect by majority vote from the board membership the president, vice president, and secretary-treasurer and such other officers as are established by the board. Members of the board who are doctors of podiatric medicine shall serve four-year terms arranged so that ~~one term~~ no more than two terms expires each year.

History: Amended effective October 1, 1982; December 1, 1991;
amended effective _____.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 28-32-02.1, 43-05-03

Draft Amendment for Chapter 63-01-03, Section 63-01-03-01.

63-01-03-01. Inquiries and communications. Any inquiries, communications, or complaints concerning the board of podiatric medicine should be sent to:

~~Secretary-Treasurer~~ Executive Secretary
North Dakota Board of Podiatric Medicine
~~525 North 9th Street~~ 4309 Kodiak Place
Bismarck, ND ~~58501~~ 58503

History: Effective October 1, 1982; amended effective December 1, 1991; amended effective

General Authority: NDCC 28-32-02

Law Implemented: NDCC 28-32-02.1, 43-05-03,43-05-08

Draft Amendment for Chapter 63-02-01, Section 63-02-01-01.

Section 63-02-01-01. Application Requirements. Every person applying for an annual license to practice podiatric medicine shall submit the following materials not later than thirty days preceding the date of the oral-practical examination or personal appearance:

1. A completed application form provided by the board.
2. A certified copy of a diploma from an approved or recognized school of podiatric medicine, or its equivalent as determined by the board, granted to the applicant by such school.
3. A certified transcript from a recognized or approved school of podiatric medicine which contains the date of graduation, degree granted, and the original seal of the school.
4. Three reference letters regarding the character of the applicant; no more than two from teachers or doctors of podiatric medicine, and none from relatives.
5. An unmounted photograph of approximately three by four inches [7.62 by 10.16 centimeters] of the applicant, taken within one hundred twenty days of the date of the application, and signed across the front by the applicant.
6. An application fee and the annual licensing fee.
7. For applicants graduating from and after July 1, 1991, evidence of satisfactory completion of a program of clinic residency. A preceptorship program qualifies as a clinical residency only until January 1, 1995.
8. Evidence of satisfactory completion of the national board of podiatric medical examiners licensing examination as provided herein.
9. The applicant will provide all information necessary for the board to perform individual state background checks in each state the applicant has resided in since the applicant's 18th birthday.

History: Amended effective October 1, 1982; December 1, 1991; amended effective _____.

General Authority: NDCC 28-32-02, 43-05-08

Law Implemented: NDCC 43-05-01(2), 43-05-10, 43-05-11, 43-05-12, 43-05-15

Draft Amendment for Chapter 63-02-08, Section 63-02-08-01.

Section 63-02-08-01. Fees. All remittances must be made payable to the North Dakota board of podiatric medicine and must be paid in United States money and are not refundable except as otherwise provided in section 63-02-08-02. The type of fees and amounts are:

1.	Application Fee	\$150 <u>300</u>
2.	Application Fee based on reciprocity	150 <u>300</u>
3.	Temporary license fee	150 <u>300</u>
4.	Delinquent renewal fee	25
5.	Relicensure fee	150 <u>300</u>
6.	Annual license fee or annual license renewal fee	500
7.	Temporary permit fee	200
8.	Reexamination license fee	300
9.	Duplicate/replacement fee	10 for each

History: Effective October 1, 1982; amended effective December 1, 1991; October 18, 1996; amended effective _____.

General Authority: NDCC 28-32-02, 43-05-08

Law Implemented: NDCC 43-05-08, 43-05-12, 43-05-13, 43-05-14, 43-05-15

Draft Amendment for Chapter 63-02-04, Section 63-02-04-02.

Section 63-02-04-02. Temporary Permit.

1. An applicant for a temporary permit to practice podiatric medicine in North Dakota must submit a complete acceptable application for an annual license and pay the required fee for a temporary permit and the application fee. ~~The oral practical examination may be completed during the permit period.~~ The applicant must submit written evidence that the applicant has been accepted as a resident in a clinical residency program and that the clinical residency program meets the standards set forth in this title.
2. A granted temporary permit is valid for the period of clinical residency training, and is not to exceed twelve months beginning with the first day of clinic residency training. ~~A temporary permit may be reissued once if the applicant submits acceptable evidence that the clinical residency training was interrupted by circumstances beyond the control of the applicant and that the sponsor of the program agrees to the extension and the applicant pays the temporary permit fee.~~ renewed annually until the clinical residency training requirements are completed, or until such time as the clinical residency training program is terminated or discontinued.
3. The temporary permit is automatically revoked if an applicant has engaged in conduct that constitutes grounds for denial of licensure or disciplinary action, discontinues training, or moves out of North Dakota under the procedures of automatic revocation as set forth in North Dakota Century Code section 43-05-16.2.
4. The scope of practice of the temporary permitholder is limited to the performance of podiatric medicine, or as otherwise provided within the structure of the clinical residency program within which the temporary permitholder is enrolled and is not authorization for independent practice.

History: Effective December 1, 1991; amended effective _____.

General Authority: NDCC 43-05-08

Law Implemented: NDCC 43-05-12, 43-05-16.2

Draft Amendment for Chapter 63-03-02, Section 63-03-02-01.

Section 63-03-02-01. Continuing education requirements. A licensed podiatrist shall at the time of submitting the annual renewal application and as a condition of renewal submit to the board satisfactory evidence of having completed a minimum of ~~twenty~~ sixty (60) hours of study in the continuing education courses approved by the board and completed during the ~~eighteen~~ thirty-six months preceding renewal. If a podiatrist has not been licensed the full thirty-six months preceding renewal, a licensed podiatrist shall submit satisfactory evidence showing completion of a minimum of twenty hours of study in the continuing education courses approved by the board for each calendar year of licensure, not including the year of licensure.

History: Effective October 1, 1982; amended effective December 1, 1991;
amended effective _____.

General Authority: NDCC 28-32-02, 43-05-08

Law Implemented: NDCC 43-05-10, 43-05-11

Draft Amendment for Chapter 63-03-02, Section 63-03-02-04.

Section 63-03-02-04. Self-Study. A licensed podiatrist may receive ~~a maximum of eight hours of~~ credits of continuing education annually through self-study, including television viewing, video or sound recorded programs, correspondence work, on-line courses, research, preparation and publication of scholarly works, or by other similar methods. However, the board may request podiatrists using these methods ~~must to~~ receive prior approval of the board by means of a letter specifying the education methods and contents and assurances they are of value to the applicant together with any other information requested by the board.

History: Effective October 1, 1982; amended effective December 1, 1991;
amended effective _____.

General Authority: NDCC 28-32-02, 43-05-08

Law Implemented: NDCC 43-05-08, 43-05-11

Section 63-04-01-02. Preliminary Investigation. All complaints alleging or implying violations of North Dakota Century Code chapters 43-05 or this title shall be referred to the board's ~~counsel with instructions to investigate.~~ Upon receipt of a complaint, the board shall conduct the investigation it deems necessary to determine whether any podiatrist has committed any grounds for disciplinary action provided by law. The board shall also provide a copy of the complaint to the podiatrist that is the subject of the complaint and request a written response from such podiatrist.

1. Upon completion of its investigation, the board shall make a finding that the investigation disclosed that:

- a. There is insufficient evidence to warrant further action;
- b. The conduct of the podiatrist does not warrant further proceedings but the board determines that possible errant conduct occurred that could lead to significant consequences if not corrected. In such a case, the board may take any necessary steps to correct such conduct, including but not limited to sending a confidential letter of concern to the podiatrist; or
- c. The conduct of the podiatrist indicates that the podiatrist may have committed any of the grounds for disciplinary action provided for by law and which warrants further proceedings.

~~1. Upon the initial investigation, the board's counsel will recommend to the board what action, if any, the board shall take.~~ 2. If the board determines that a formal hearing should be held to determine whether any licensed podiatrist has committed any of the grounds for disciplinary action provided for by the law, it shall inform the respondent podiatrist of the specific charges to be considered by serving upon that person a copy of a formal complaint filed with the board of podiatric medicine for disposition pursuant to the provisions of chapter 28-32. Any board member that participated in the investigation of the complaint may not participate in any proceeding before the board relating to said complaint. The complaint must be prosecuted before the board by the attorney general or one of the attorney general's assistants.

~~2. Complaints involving minor or routine issues, may, at the discretion of the board, be assigned to a member of the board. Typically, such assignment will be a written inquiry, explanation, or warning to the person or person accused, with copies of all correspondence to the other members.~~ 3. If the board finds that there are insufficient facts to warrant further investigation or action, the complaint must be dismissed and the matter is closed. The board shall provide written notice to the individual or entity filing the original complaint and the

person who is subject of the complaint of the board's final action or recommendations, if any, concerning the complaint.

~~3.~~ 4. The board may hold a preliminary hearing to determine whether a formal administrative hearing is necessary.

~~4.~~ 5. The board shall ~~cause the board's counsel or secretary-treasurer to~~ immediately serve or send written notice of suspension or revocation to the affected podiatrist for any ex parte suspension or ex parte revocation, allowed by law, that is approved by the board after preliminary investigation.

History: Effective October 1, 1982; amended effective December 1, 1991;
amended effective _____.

General Authority: NDCC 28-32-02, 43-05-08

Law Implemented: NDCC 43-05-08, 43-05-16.2