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CHAPTER 7: PODIATRY

§611. Definitions

As used in this Chapter:

(1) "Board" means the Louisiana State Board of Medical Examiners.

(2) "Licensed podiatric physicians and surgeons" means one licensed and holding a certificate under this Chapter.

(3)(a)(i) "Podiatry" is that profession of the health sciences which deals with the prevention, examination, diagnosis, medical, surgical, and adjuvant treatment of the human foot. The "foot"

is defined as that part of the human anatomy which consists of the tarsal bones, metatarsal bones, phalanges, and all supportive and/or connective tissue immediately adjacent thereto not to extend past the proximal end of the talus. Surgical treatment by podiatric physicians involving use of general or spinal anesthesia is prohibited unless such treatment is performed in a facility accredited by the Joint Commission on Accreditation for Hospitals or the Accreditation Association of Ambulatory Health Care. In the event that a facility has applied for accreditation by the Joint Commission on Accreditation for Hospitals or the Accreditation Association of Ambulatory Health Care, such treatment may be performed in such facility but shall cease if the accrediting procedure exceeds two years or accreditation is not granted. Podiatry does not include the administration of general or spinal anesthetics by a podiatrist but does include the use of local anesthetics.

(ii) Podiatry may also include treatment of the ankle, muscles, or tendons of the lower leg governing the functions of the foot and ankle by a podiatrist who has completed advanced training determined to be sufficient by the board at a program accredited by a nationally recognized accrediting association acceptable by the board. Implementation of the provisions of this Subparagraph shall be made pursuant to rules promulgated by the board which are predicated on the education or level of training, or both, of an applicant.

(b) In any podiatric surgery requiring general or spinal anesthesia, the anesthetic shall be administered by a physician anesthesiologist or by a certified registered nurse anesthetist under the direction and supervision of a physician anesthesiologist who is proximately present in the operating suite. In any podiatric surgery requiring a spinal anesthetic, epidural anesthetic, or regional nerve block, the anesthetic or nerve block shall be administered by a physician anesthesiologist.

Acts 1970, No. 585, §1; Amended by Acts 1975, No. 660, §1; Acts 1985, No. 800, §1; Acts 2007, No. 204, §1, eff. June 27, 2007.

§612. License required, examining board

No one shall practice the branch of medicine known as podiatry nor advertise or hold out as a podiatrist unless duly licensed to do so by the board after examination conducted by the board or a committee thereof.

When acting as a board of examiners of applicants for licenses to practice podiatry in this state, the board or the committee thereof, may appoint two members of the Louisiana State Podiatrists' Association to constitute and form part of this examining board under rules and regulations adopted by the board.

Acts 1970, No. 585, §1.

§613. Qualifications of applicants

A. Any person who wishes a license to practice podiatry must:

(1) Be at least twenty-one years of age.

(2) Be a citizen of the United States.

(3) Be of good moral character.

(4) Present to the board a diploma or certificate of graduation from a school or college of podiatry approved by the Louisiana State Board of Medical Examiners.

(5) Complete a minimum of one year in a post graduation training program accredited by the Council of Podiatric Medical Education of the American Podiatric Medical Association and approved by the board.

(6) Pass an examination from the board that shall be written, oral, or clinical or any combination thereof as determined by the board.

B. The examination given by the board shall be based upon subjects taught in an approved college of podiatry.

Acts 1970, No. 585, §1; Acts 2001, No. 195, §1.

§614. Reexamination

An applicant who fails to pass the examination satisfactory to the board and is, therefore, refused a license is entitled within one year after the refusal, to a reexamination at a meeting the board called for the examination of applicants upon the payment of an additional examination fee.

Acts 1970, No. 585, §1.

§615. Designation of licensee

Any person who has obtained a license certificate may use the title of "Doctor" or "Dr." as a prefix to his name provided he uses the term "Podiatrist," or its equivalent, as a suffix to his name or in connection with it.

Acts 1970, No. 585, §1.

§616. Issuance of certificate

If the requirements of R.S. 37:613 or 617 are met to the satisfaction of the board, the board shall issue to the applicant a certificate to practice podiatry. A certificate issued by the board shall reflect an applicant's practice prerogatives based upon the applicant's education or level of training, or both.

Acts 1970, No. 585, §1. Amended by Acts 1980, No. 421, §1; Acts 2007, No. 204, §1, eff. June 27, 2007.

§617. Other state certificates of examination

Upon oral examination the board may waive further examinations in favor of any applicant who presents to the board a satisfactory certificate of examination from a board of podiatry examiners of another state of the United States or the National Board of Podiatry Examiners, if the board finds that the certificate of examination from a board of podiatry examiners from another state was issued on the

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equivalent of the requirements for the issuance of a license to practice podiatry in Louisiana.

Acts 1970, No. 585, §1.

§618. Temporary permits

One member of the board may grant a permit to any applicant after a satisfactory examination and shall report this immediately to the secretary-treasurer. This temporary permit shall not continue in force longer than until the next regular meeting of the board and shall not be granted in violation of any rule of the board.

Acts 1970, No. 585, §1.

§619. Record of certificate

Every person issued a certificate under this Part and before he begins practicing shall have his certificate recorded with the clerk of court in the parishes in which he intends to practice. The clerk of court shall make this recordation in a book to be kept for that purpose only and shall also certify to the recordation by an endorsement of the certificate.

Upon notification of the board of the suspension or revocation of a certificate, the clerk of court where the certificate was recorded shall cancel such recordation.

Acts 1970, No. 585, §1.

§620. Compensation and expenses of members of board or committee

The podiatrists appointed shall receive ten dollars per day during their session and also their hotel and traveling expenses if traveled by the most direct route to and from their respective places of residence. These expenses shall be paid out of the treasury of this board upon the certificates of the president and secretary-treasurer.

Acts 1970, No. 585, §1.

§621. Renewals

Every certificate issued under this Part shall be renewed annually on or before January 1st, upon payment of the renewal fee prescribed in R.S. 37:622.

Any certificate not renewed may be suspended by unanimous vote of the board. The suspension is subject to review by the courts.

Acts 1970, No. 585, §1.

§622. Fees

The board shall, by rule, establish a reasonable fee schedule for the issuance or renewal of any license or permit, for administration of examinations for licensure, or for any other administrative function provided for in this Chapter. Such fee schedule may be modified from time to time as deemed necessary by the board. The fees shall be established and payable by rule adopted in accordance with the Administrative Procedure Act.

Acts 1990, No. 454, §1.

§623. Proof of license

The board shall maintain a record book wherein the names of all persons who are licensed to practice podiatry by the board shall be inscribed. If an applicant successfully passes the examination provided for in this Part, he shall receive from the board under its seal a certificate entitling him to practice podiatry in this state. This certificate or a renewal thereof, shall be the only evidence of the right of a person to practice podiatry.

A copy of the certificate certified by the secretary of the board shall be received as evidence in all the courts in this state.

Acts 1970, No. 585, §1.

§624. Causes for refusal to issue, suspension or revocation of licenses, permits, and certificates

A. The board may refuse to issue, suspend, or institute proceedings in any court of competent jurisdiction to revoke any license, permit, or certificate issued under this Chapter for any of the following causes:

- (1) Conviction of a crime.
- (2) Fraud, deceit, or perjury in obtaining a diploma or certificate.
- (3) Habitual drunkenness.
- (4) Habitual use of morphine, opium, cocaine, or other drugs having a similar effect.
- (5) Refusing to submit to the examinations and inquiry of an examining committee of physicians appointed or designated by the board to inquire into the podiatrist's physical and mental fitness and ability to practice podiatric medicine with reasonable skill and safety to patients.
- (6) Providing false testimony before the board or providing false sworn information to the board.
- (7) Advertising any price, credit, terms, or agreement with reference to the practice of podiatry.
- (8) Prescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification therefore or in other than a legal or legitimate manner.
- (9) Refusal of a licensing authority of another state to issue or renew a license, permit, or certificate to practice podiatric medicine in that state or the revocation, suspension, or other restriction imposed on a license, permit, or certificate issued by such licensing authority which prevents or restricts practice in that state, or the surrender of a license, permit, or certificate issued by another state when criminal or administrative charges are pending or threatened against the holder of such license, permit, or certificate.
- (10) Impersonation of another licensed practitioner.
- (11) Incompetence.
- (12) Violation of any rules and regulations of the board, or any provisions of this Chapter.
- (13) Employing solicitors or subsidizing agencies, or paying or presenting any person money or anything of value for the purpose of securing patients.

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- (14) Voluntary or involuntary commitment or interdiction by due process of law.
- (15) Failure by a podiatrist to self-report in writing to the board any personal action which constitutes a violation of this Chapter within thirty days of the occurrence.
- (16) Maintaining an office or engaging in the practice of podiatry within the confines of a physical or geographic location where business is carried on other than that of medicine, podiatry, or related profession.
- (17) Solicitation of patients or self-promotion through advertising or communication, public or private, which is fraudulent, false, deceptive, or misleading.
- (18) Making or submitting false, deceptive, or unfounded claims, reports, or opinions to any patient, insurance company or indemnity association, company, individual, or governmental authority for the purpose of obtaining any thing of economic value.
- (19) Unprofessional conduct.
- (20) Continuing or recurring podiatric practice which fails to satisfy the prevailing and usually accepted standards of podiatric practice in this state.
- (21) Immoral conduct in exercising the privileges provided for by license, permit, or certificate issued pursuant to this Chapter.
- (22) Gross, willful, and continued overcharging for professional services.
- (23) Abandonment of a patient.
- (24) Knowingly performing any act which, in any way, assists an unqualified person to practice podiatry, or having professional connection with or lending one's name to an illegal practitioner.
- (25) Soliciting, accepting, or receiving any thing of economic value in return for and based on the referral of patients to another person, firm, or corporation or in return for the prescription of medications or medical devices.
- (26) Persistent violation of federal or state laws relative to control of social diseases.
- (27) Inability to practice podiatric medicine with reasonable skill or safety to patients because of mental illness or deficiency; physical illness, including but not limited to deterioration through the aging process or loss of motor skills; or excessive use or abuse of drugs, including alcohol.
- (28) Using the title of "Doctor" or "Dr." as a prefix to his name without using the term of "Podiatrist" or the equivalent as a suffix to his name in connection with it.

B. The board may, in instances it deems proper, adopt rules and regulations necessary to enable it to carry into effect the provisions of this Chapter. Such rules and regulations shall be promulgated in accordance with the Administrative Procedure Act.

C. The board may, as a probationary condition, or as a condition of the reinstatement of any license, permit, or certificate suspended or revoked hereunder, require the license, permit, or certificate holder to pay all costs of the board proceedings, including investigators',

stenographers', and attorney fees, and to pay a fine not to exceed five thousand dollars.

D. Any license, permit, or certificate suspended, revoked, or otherwise restricted by the board may be reinstated by the board.

E. The board's final decision in an adjudication proceeding conducted pursuant to this Section, other than by consent order, agreement, or other informal disposition, shall constitute a public record, and the board may disclose and provide such final decision to any person, firm, or corporation, or to the public generally. The board's disposition of an adjudication proceeding by consent order shall not constitute a public record, but the board shall have authority and discretion to disclose such disposition.

F. No judicial order staying or enjoining the effectiveness or enforcement of a final decision or order of the board in an adjudication proceeding, whether issued pursuant to R.S. 49:964(C) or otherwise, shall be effective, or be issued to be effective, beyond the earlier of either:

(1) One hundred twenty days from the date on which the board's decision or order was rendered.

(2) The date on which the court enters judgment in a proceeding for judicial review of the board's decision or order issued pursuant to R.S. 49:964.

G. Notwithstanding any other law to the contrary, no judicial order staying, enjoining, or continuing an adjudication proceeding before, or a preliminary, procedural, or intermediate decision, ruling, order, or action of, the board shall be effective or issued to be effective, whether pursuant to R.S. 49:964 or otherwise, prior to the exhaustion of all administrative remedies and issuance of a final decision or order by the board.

H. No order staying or enjoining a final decision or order of the board shall be issued unless the district court finds that the applicant or petitioner has established that the issuance of the stay does neither of the following:

(1) Threaten harm to other interested parties, including individuals for whom the applicant or petitioner may render medical services.

(2) Constitute a threat to the health, safety, and welfare of the citizens of this state.

I. No stay of a final decision or order of the board shall be granted ex parte. The court shall schedule a hearing on a request for a stay order within ten days from filing of the request. The court's decision to either grant or deny the stay order shall be rendered within five days after the conclusion of the hearing.

Acts 1970, No. 585, §1; Acts 2007, No. 204, §1, eff. June 27, 2007.

§625. Injunctions

The board, through its president may, on motion in any court of competent jurisdiction, take a rule on any person who practices podiatry in violation of any provision of this Chapter to show cause in not less than two nor more than ten days, exclusive of holidays, after service thereof why he should not be ordered to cease from the further practice of podiatry. This rule may be tried out of term and in chambers; if the rule is made absolute, the order rendered shall be a judgment in favor of the board prohibiting the person from the further practice of podiatry in violation of the provisions of

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this Chapter, and each violation of the injunction shall be considered as a contempt of court and punished accordingly.

Acts 1970, No. 585, §1.

§626. Persons exempt

This Chapter does not apply to:

- (1) Commissioned medical or surgical officers of the United States Army, Navy, or United States Public Health Service Hospital when in the actual performance of their official duties;
- (2) Physicians duly registered under the state medical laws.

Acts 1970, No. 585, §1.

§627. Penalties

Whoever violates any provisions of this Chapter shall, for each offense be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned for not less than ten days nor more than ninety days or both.

Acts 1970, No. 585, §1.

§628. Conflict

In the event of a conflict between the provisions of this Chapter and Revised Statutes 37:1261 et seq., the provisions of R.S. 37:1261 et seq. shall govern.

Acts 1970, No. 585, §1.