

RULE

Department of Health and Hospitals Board of Medical Examiners

Podiatrists; Licensure and Certification
(LAC 46:XLV.1303, 1304, 1305, 1307, 1319, 1321,
1323, 1325, 1327, 1357, 1365, 1367, and 1369)

The Louisiana State Board of Medical Examiners (board), pursuant to the authority vested in the board by the Louisiana Medical Practice Act, R.S. 37:1261-1292, particularly R.S. 37:1270, and the Louisiana Podiatry Practice Act, R.S. 37:611-628, particularly, R.S. 37:611 and 37:616 and in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., has amended its existing podiatry rules (§§1303 and 1305), and adopted new rules to conform to the statutory law providing for the advanced practice of podiatry based upon an applicant's education and level of training, as provided by Acts 2007, Number 204, R.S. 37:611, 37:616, and made other changes consistent with or necessitated by the statutory modifications. The rules are set forth below.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Chapter 13. Podiatrists

Subchapter A. General Provisions

§1303. Definitions

A. As used in this Chapter the following terms shall have the meanings specified.

Ankle—the joint between the leg and foot in which the tibia and fibula articulate with the talus.

* * *

Board Qualified—a certification status of the American Board of Podiatric Surgery (ABPS) which is granted pursuant to satisfaction of established requirements.

Foot—that part of the human anatomy which consists of the tarsal bones, metatarsal bones, phalanges, and all supportive or connective tissue, or both, immediately adjacent thereto not to extend proximal to the proximal dome of the talus.

* * *

Podiatry—that profession of the health sciences which deals with:

a. the prevention, examination, diagnosis, medical, surgical and adjuvant treatment of the human foot; and

b. the 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.

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Practice Prerogatives—the authority of a podiatrist to engage in the treatment of the ankle, muscles or tendons of the lower leg governing the functions of the foot and ankle.

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B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:611, 37:612, 37:613, 37:616 and 37:618.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 29:1088 (July 2003), amended LR 35:240 (February 2009).

Subchapter B. Requirements and Qualifications for Licensure, Scope of Practice

§1304. Necessity for License; Practice Prerogatives

A. No individual may hold himself out as a podiatrist or engage in the practice of podiatry in this state unless he or she has been licensed by or holds a permit duly issued by the board.

B. Each podiatrist licensed by the board may engage in the prevention, examination, diagnosis, medical, surgical, and adjuvant treatment of the human foot as defined herein.

C. A podiatrist shall not engage in the treatment of the ankle unless such practice is:

1. within the podiatrist's education and level of training; and

2. included within the scope of practice prerogatives for advanced practice for which the podiatrist has been approved by the board as reflected by certification issued under this Chapter.

D. No individual licensed under this Chapter shall display or use the title "doctor" or its synonym, without the designation "podiatrist" or "podiatric medicine" nor mislead the public as to the limited professional scope of practice to treat human ailments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:611-37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:240 (February 2009).

§1305. Qualifications for License

A. To be eligible for a license, an applicant shall:

1. - 3. ...

4. possess a doctor of podiatric medicine or equivalent degree duly issued and conferred by a podiatric school or college approved by the board;

5. have taken and passed all three parts of the examination offered by the National Board of Podiatric Medical Examiners, or its successor, or such other national examination as may be approved by the board following consultation with the board's Podiatry Advisory Committee; and

6. with respect to applications for licensure first received by the board on and after January 1, 2005, have completed at least one year of postgraduate podiatric training in an internship or equivalent program accredited by the Council on Podiatric Medical Education of the

American Podiatric Medical Association or its successor association, and approved by the board.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:611, 37:612, 37:613 and 37:616.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 29:1089 (July 2003), amended LR 35:240 (February 2009).

§1307. Qualifications for Certification for Advanced Practice; Scope of Practice

A. Certification of an applicant for advanced practice may be issued by the board for either the conservative treatment of the ankle or the surgical treatment of the ankle, or both, depending upon an applicant's education and training.

B. Qualifications for Certification in Conservative Treatment of the Ankle. To be eligible for certification for the conservative treatment of the ankle an applicant who possesses and meets the qualifications and requirements of §1305A.1.-5 of this Chapter shall have completed at least one year of postgraduate podiatric training in an internship or equivalent program accredited by the Council on Podiatric Medical Education of the American Podiatric Medical Association or its successor association, and approved by the board.

C. Scope of Practice for Conservative Treatment of the Ankle. The scope of practice for the conservative treatment of the ankle shall be limited to the following:

1. the prevention, examination, diagnosis, medical, surgical, and adjuvant treatment of the human foot, as defined in §1303.A, which is authorized for a doctor of podiatric medicine without certification in advanced practice;

2. the medical treatment of the ankle to include the muscles or tendons of the lower leg governing the functions of the foot and ankle;

3. surgical treatment of the superficial conditions of the ankle involving the skin and overlying tissues and extending proximally; and

4. assisting an orthopedic surgeon or a doctor of podiatric medicine whose practice prerogatives include surgical treatment of the ankle, as defined in this Section.

D. Qualifications for Certification in Surgical Treatment of the Ankle. To be eligible for certification in the surgical treatment of the ankle, whether for initial licensure or annual renewal, an applicant who possesses and meets the qualifications and requirements of §1305A.1.-5 of this Chapter shall:

1. have completed a surgical residency approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association, consisting of:

a. a two year Podiatric Surgery Residency (PSR 24) Program; or

b. a three year Podiatric Medicine and Surgery (PM&S-36) Program; and

2. hold American Board of Podiatric Surgery (ABPS) status as follows:

a. be board certified in reconstructive rearfoot/ankle surgery (RRA); or

b. be board certified in foot surgery and board qualified in reconstructive rearfoot/ankle surgery (RRA).

E. Scope of Practice for Surgical Treatment of the Ankle. The scope of practice for surgical treatment of the ankle shall be limited to the following:

1. the scope of practice as described in this Section for the conservative treatment of the ankle; and

2. surgical treatment of the ankle and muscles or tendons of the lower leg governing the functions of the foot and ankle, limited to procedures listed by the Council on Podiatric Medical Education (CPME) and the American Board of Podiatric Surgery (ABPS) as found in the CPME 320 and ABPS 220 documents (and their successors) as being required for graduate podiatric medical education and board certification at the time that an applicant's application for initial licensure or annual renewal is filed with the board.

F. Surgical procedures authorized under this Section shall only be performed in the following types of facilities:

1. a licensed and accredited hospital as defined in R.S. 40:2102(A) and R.S. 37:611(3)(a), if the podiatrist is granted privileges to do the procedures;

2. a licensed and accredited trauma center as defined in R.S. 40:2171(3) and R.S. 37:611(3)(a), if the podiatrist is granted privileges to do the procedures; or

3. a licensed and accredited ambulatory surgical center as defined in R.S. 40:2133(A) and R.S. 37:611(3)(a) if the podiatrist is granted privileges to do the same procedure in a hospital as described in §1307F.1 or a trauma center as described in §1307F.2 of this Subsection.

G. The burden of satisfying the board as to the qualifications and eligibility of the applicant for certification of practice prerogatives shall be upon the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications in the manner prescribed by and to the satisfaction of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:611-37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:241 (February 2009).

Subchapter D. Licensure by Reciprocity

§1319. Definitions

A. As used in this Chapter the following terms shall have the meanings specified.

Reciprocity—the issuance of a license to practice podiatry in this state on the basis of podiatric licensure issued by another state podiatric licensing authority, pursuant to written examination and other requirements acceptable to the board as specified by §§1305 and 1307 of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:611-37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:241 (February 2009).

§1321. Qualifications for Podiatry Licensure by Reciprocity

A. An applicant who possesses and meets all of the qualifications and requirements specified by §§1305 and/or 1307 of this Chapter, except for the requirement of successfully passing the examination specified by §1305.A.5 within the prior 10 years, shall nonetheless be eligible for licensing if such applicant possesses, as of the time the application is filed and at the time the board passes upon such application, a current, unrestricted license to practice podiatry issued by the podiatry licensing authority of another state and the applicant has, within 10 years prior to the date of application, taken and successfully passed a written certification or recertification examination administered by a specialty board recognized by the Council on Podiatric Medical Education of the American Podiatric Medical Association.

B. An applicant who possesses all of the qualifications for licensure by reciprocity specified by Subsection A of this Section, except for the requirement of having taken or passed a written certification or recertification examination within 10 years of the date of application, shall nonetheless be considered eligible for licensure by reciprocity if such applicant has, within 10 years prior to the date of application, taken and successfully passed the National Boards Part III or the podiatric medical licensure examination administered by the National Board of Podiatric Medical Examiners, or such other examination or competency testing, as may be designated and approved by the board following consultation with the board's Podiatry Advisory Committee.

C. An applicant who possess all of the qualifications for licensure by reciprocity specified by Subsections A and B of this Section who has not continuously practiced podiatry over the two years immediately prior to submission of an application to the board shall, as an additional requirement for eligibility for licensure by reciprocity, demonstrate competency by the successful passage of an examination or by such other testing as may be designated and approved by the board following consultation with the board's Podiatry Advisory Committee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:611-37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:242 (February 2009).

Subchapter E. Application **§1323. Purpose and Scope**

A. The rules of this Subchapter govern the procedures and requirements applicable to application to the board for licensure as a podiatrist in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:611-37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:242 (February 2009).

§1325. Application for Licensure; Procedure

A. Application for licensure must be made in a format approved by the board and shall include:

1. proof, documented in a form satisfactory to the board that the applicant possesses the qualifications set forth in §§1305 and/or 1307 of this Chapter;

2. certification of the truthfulness and authenticity of all information, representations and documents contained in or submitted with the completed application;

3. payment of the applicable fee as provided in Chapter 1 of these rules; and

4. such other information and documentation as the board may require.

B. Upon submission of or concurrently with submission of a completed application an applicant shall, by appointment, make a personal appearance before the board, a member of the board, or its designee, as a condition to the board's consideration of such application. The recommendation of the board, board member, or designee as to the applicant's fitness for licensure shall be made a part of the applicant's file.

C. The board may reject or refuse to consider any application which is not complete in every detail. The board may in its discretion require a more detailed or complete response to any request for information set forth in the application form as a condition to consideration of an application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:611-37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:242 (February 2009).

§1327. Effect of Application

A. The submission of an application for licensure to the board shall constitute and operate as an authorization by the applicant to each educational institution at which the applicant has matriculated, each state or federal agency to which the applicant has applied for any license, permit, certificate, or registration, each person, firm, corporation, clinic, office, or institution by whom or with whom the applicant has been employed in the practice of podiatry, each physician or other health care practitioner whom the applicant has consulted or seen for diagnosis or treatment and each professional organization or specialty board to which the applicant has applied for membership, to disclose and release to the board any and all information and documentation concerning the applicant which the board deems material to consideration of the application. With respect to any such information or documentation, the submission of an application for licensing to the board shall equally constitute and operate as a consent by the applicant to disclosure and release of such information and documentation and as a waiver by

the applicant of any privilege or right of confidentiality which the applicant would otherwise possess with respect thereto.

B. By submission of an application for licensure to the board, an applicant shall be deemed to have given his consent to submit to physical or mental examinations if, when, and in the manner so directed by the board and to waive all objections as to the admissibility or disclosure of findings, reports, or recommendations pertaining thereto on the grounds of privileges provided by law. The expense of any such examination shall be borne by the applicant.

C. The submission of an application for licensure to the board shall constitute and operate as an authorization and consent by the applicant to the board to disclose and release any information or documentation set forth in or submitted with the applicant's application or obtained by the board from other persons, firms, corporations, associations, or governmental entities pursuant to this Section to any person, firm, corporation, association, or governmental entity having a lawful, legitimate, and reasonable need therefore including, without limitation, the podiatric licensing authority of any state; the Federal Drug Enforcement Agency; the Louisiana Board of Pharmacy; the Department of Health and Hospitals; federal, state, county, parish and municipal health and law enforcement agencies; and the Armed Services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:611-37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:242 (February 2009).

Subchapter H. Licensure Issuance, Termination, Renewal, Reinstatement

§1357. Issuance of Licensure

A. If the qualifications, requirements, and procedures prescribed or incorporated by this Chapter are met to the satisfaction of the board, the board shall license the applicant to engage in the practice of podiatry in the state of Louisiana.

B. Licensure issued by the board under this Chapter, as evidenced by a certificate duly issued by the board shall reflect an applicant's practice prerogatives based upon the applicant's education and level of training in accordance with the qualifications specified by this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:611-37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:243 (February 2009).

Subchapter I. Podiatry Advisory Committee

§1365. Constitution of Committee

A. To assist the board in the review of an applicant's qualifications for licensure and renewal of licensure under this Chapter, the board shall constitute and appoint a Podiatry Advisory Committee (advisory committee)

which shall be organized and shall function in accordance with the provisions of this Subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:611-37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:243 (February 2009).

§1367. Composition; Appointment

A. The advisory committee shall be comprised of six members five of whom shall be podiatrists and one of whom will be an orthopedic surgeon specializing in treatment of the foot. All members of the advisory committee will be licensed by the board and practice and reside in this state.

B. Insofar as possible or practical, in its appointment of members to the advisory committee the board shall maintain geographic diversity so as to provide representative membership on the advisory committee by podiatrists residing and practicing in north, central, southwestern, and southeastern Louisiana.

C. Of the board's initial appointment of members to the advisory committee following the effective date of these rules, three appointees shall be designated to serve terms expiring on the last day of the year of their appointment and three to serve terms expiring on the last day of the year succeeding the year of their appointment. Thereafter, each member of the advisory committee shall serve a term of two years, subject to removal at any time at the pleasure of the board. Members appointed to the advisory committee by the board to fill a vacancy occurring on the advisory committee, other than by expiration of the designated term, shall serve for the unexpired term. A member of the advisory committee may be appointed by the board for not more than three consecutive terms other than the initial appointments provided herein. Board appointments to the advisory committee shall be effective when made with respect to appointments for unexpired terms and otherwise shall be effective as of the first day of the year following the date of appointment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:611-37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:243 (February 2009).

§1369. Delegated Duties and Responsibilities

A. The advisory committee is hereby authorized by the board to:

1. advise and assist the board in the ongoing evaluation of the podiatric licensing and other competency examinations required by the board;

2. assist the board in examining the qualifications and credentials of and interviewing applicants for podiatric licensure and making recommendations thereon to the board;

3. provide advice and recommendations to the board respecting the modification, amendment, and supplementation of rules and regulations;

4. serve as a liaison between and among the board, podiatrists and podiatry professional associations;

5. receive reimbursement for attendance at board meetings and for other expenses when specifically authorized by the board; and

6. advise and assist the board in the review and approval of continuing professional education programs and licensee satisfaction of continuing professional education requirements for renewal of licensure, as prescribed by Subchapter J of these rules, including the authority and responsibility to:

a. evaluate organizations and entities providing or offering to provide continuing professional education programs for podiatrists and providing recommendations to the board with respect to the board's recognition and approval of such organizations and entities as sponsors of qualifying continuing professional education programs and activities pursuant to §1375 of this Chapter;

b. review documentation of continuing professional education by podiatrists, verify the accuracy of such documentation, and evaluate and make recommendations to the board with respect to whether programs and activities supplied by applicants for renewal of licensure comply with and satisfy the standards for such programs and activities prescribed by these rules; and

c. request and obtain from applicants for renewal of licensure such additional information as the advisory committee may deem necessary or appropriate to enable it to make the evaluations and provide the recommendations for which the committee is responsible.

B. In discharging the functions authorized under this Section the advisory committee and the individual members thereof shall, when acting within the scope of such authority, be deemed agents of the board. All information obtained by the advisory committee members pursuant to §§1369.A.2 and 1369.A.6 shall be considered confidential. Advisory committee members are prohibited from communicating, disclosing, or in any way releasing to anyone, other than the board, any information or documents obtained when acting as agents of the board without first obtaining written authorization of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:611-37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:243 (February 2009).

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