

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 356

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO PODIATRISTS; AMENDING SECTION 54-604, IDAHO CODE, TO REMOVE OB-
2 SOLETE PROVISIONS AND TO REVISE PROVISIONS RELATING TO THE STATE BOARD
3 OF PODIATRY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-605,
4 IDAHO CODE, TO REVISE PROVISIONS AND TO ESTABLISH ADDITIONAL PROVISIONS
5 RELATING TO THE POWERS AND DUTIES OF THE STATE BOARD OF PODIATRY AND TO
6 MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-606, IDAHO CODE, TO
7 REVISE PROVISIONS RELATING TO AN EXAMINATION FOR A PODIATRIST LICENSE
8 AND RELATED FEE, TO REMOVE PROVISIONS RELATING TO REEXAMINATION AND
9 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-607, IDAHO CODE,
10 TO REVISE PROVISIONS RELATING TO AN ORIGINAL LICENSE FEE AND TO MAKE
11 TECHNICAL CORRECTIONS; AMENDING SECTION 54-608, IDAHO CODE, TO PROVIDE
12 AN ADDITIONAL GROUND FOR DISCIPLINE OF A LICENSE AND TO MAKE TECHNICAL
13 CORRECTIONS; AND AMENDING SECTION 54-610, IDAHO CODE, TO REVISE A
14 CATCHLINE AND TO REMOVE CERTAIN PROVISIONS RELATING TO PROCEEDINGS FOR
15 SUSPENSION, REVOCATION OR OTHER DISCIPLINE OF A LICENSE.
16

17 Be It Enacted by the Legislature of the State of Idaho:

18 SECTION 1. That Section 54-604, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 54-604. ESTABLISHMENT OF STATE BOARD OF PODIATRY. (1) There is hereby
21 established in the department of self-governing agencies a state board of
22 podiatry to be composed of five (5) members to be appointed by the governor
23 in the manner hereinafter set forth. Four (4) ~~of said~~ members shall be po-
24 diatrists, duly licensed under the laws of the state of Idaho, and who shall
25 have been continuously engaged in the practice of podiatry for a period of
26 not less than five (5) years prior to his appointment. The fifth member of
27 the board shall be a layman, a resident of the state of Idaho for a period
28 of not less than five (5) years prior to his appointment. ~~With reference to~~
29 ~~the first board, the four (4) podiatrists shall be appointed for terms of one~~
30 ~~(1), two (2), three (3) and four (4) years, respectively. The lay board mem-~~
31 ~~ber shall be appointed for a term of three (3) years. Thereafter, a~~ All ap-
32 pointments to the board shall be made for terms of four (4) years. Vacan-
33 cies upon the board, occurring for any reason, shall be filled by the gov-
34 ernor. The governor in making appointments shall give consideration to but
35 shall not be bound by the recommendations received from the Idaho Podiatric
36 ~~M~~medical ~~A~~ssociation.

37 (2) Within thirty ~~(30)~~ days from the appointment of the board by the
38 governor, ~~t~~The board shall organize itself, select a chairman, and a vice
39 chairman and ~~secretary~~ annually. The chairman and ~~the secretary~~ shall be
40 a podiatrists. The board shall meet at least annually for the purpose of
41 ~~conducting examinations and transacting any other~~ business which may law-
42 fully come before it. The board may meet in special session at the call of the

1 chairman, or at the call of not less than two-thirds (2/3) of the membership
2 of the board. The members of the board shall each be compensated as provided
3 by section 59-509(m), Idaho Code.

4 (3) Examinations of applicants may be conducted by the board, or by des-
5 ignated representatives of the board.

6 (4) A quorum will consist of at least three (3) members of the board.
7 The chairman, or person acting as such, will vote only in the case of a tie.

8 SECTION 2. That Section 54-605, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 54-605. POWERS AND DUTIES OF STATE BOARD OF PODIATRY. The state board
11 of podiatry, herein referred to as the board, shall have the following pow-
12 ers:

13 (1-) To ~~conduct~~ approve examinations to ascertain the qualifications
14 and fitness of applicants to practice podiatry; to pass upon the qualifica-
15 tions of applicants for licenses by endorsement; and to establish, by rule,
16 the specific examinations to be required of each applicant for licensure ~~and~~
17 ~~the dates, times and locations of those examinations.~~

18 (2-) To prescribe rules defining for the podiatrists what shall consti-
19 tute a reputable school, college or university, or department of a univer-
20 sity or other institution in good standing, and to determine the reputabil-
21 ity of good standing of a school, college or university, or department of a
22 university or other institution, by reference to compliance with such rules.

23 (3-) To establish a standard of preliminary education deemed requisite
24 for admission to a school, college or university teaching podiatry, and to
25 require satisfactory proof of the enforcement of such standards by schools,
26 colleges and universities.

27 (4-) To prescribe rules for a fair and wholly impartial method of exami-
28 nation of candidates to practice podiatry.

29 (5-) To conduct hearings and proceedings ~~to suspend or revoke licenses~~
30 ~~of persons practicing podiatry, and to suspend or revoke such licenses for~~
31 ~~due cause for discipline of licensees as set forth in this chapter.~~

32 (6-) To make and promulgate rules when required in this ~~act~~ chapter to
33 be administered.

34 (7-) To make and promulgate rules prescribing the standards for the
35 ethical practice of podiatry in the state.

36 (8-) To authorize, by written agreement, the bureau of occupational li-
37 censes as agent to act in its interest.

38 (9-) To make and promulgate rules defining and requiring a podiatric
39 residency as a condition of licensure.

40 (10) To promulgate rules establishing an inactive license status and an
41 inactive license fee.

42 SECTION 3. That Section 54-606, Idaho Code, be, and the same is hereby
43 amended to read as follows:

44 54-606. STATE BOARD OF PODIATRY -- EXAMINATION FOR LICENSES. (1) Every
45 person, except as hereinafter provided, desiring to commence the practice
46 of podiatry within this state, shall make written application to the state
47 board of podiatry, upon forms to be prescribed and furnished by the board,

1 for a license so to do. Such applications shall be accompanied by a fee as
 2 established by board rule not to exceed four hundred dollars (\$400). Each
 3 applicant shall be at least twenty-one (21) years of age, of good moral char-
 4 acter, have completed an accredited podiatric residency, as defined by board
 5 rule, and be a graduate of some reputable school of podiatry accredited by
 6 the board. A reputable school of podiatry for the purposes herein shall mean
 7 a school of podiatry requiring for graduation the graduation from an accred-
 8 ited high school, credits granted for at least two (2) full years of general
 9 college study in a college or university of recognized standing, and four (4)
 10 full years of study in such school of podiatry or its equivalent.

11 ~~(2) Except as herein otherwise provided, each applicant shall be exam-~~
 12 ~~ined by the board to determine his knowledge of the subjects taught in rep-~~
 13 ~~utable schools of podiatry, and which examinations shall include the fol-~~
 14 ~~lowing subjects: Anatomy, histology, pathology, bacteriology, physiology,~~
 15 ~~surgery, roentgenology, podiatric medicine, chemistry, dermatology, mate-~~
 16 ~~ria medica, diagnosis, therapeutics, clinical and orthopedic podiatry, lim-~~
 17 ~~ited in scope to podiatry. Additional subjects may be prescribed from time~~
 18 ~~to time by the board. Examinations may be in one (1) or more of the follow-~~
 19 ~~ing formats: written, oral and practical. A candidate for licensure may be~~
 20 ~~required to take and pass one (1) or more examinations as set forth in board~~
 21 ~~rule take and pass a competency exam approved by board rule. The examination~~
 22 ~~shall test for entry level competency to provide podiatric medical services.~~

23 ~~(3) The board shall also collect a separate fee from all applicants~~
 24 ~~for examination. The examination fee shall not exceed six hundred dollars~~
 25 ~~(\$600), together with an additional twenty-five dollar (\$25.00) adminis-~~
 26 ~~tration fee the amount charged by the board approved exam provider. The~~
 27 ~~applicant shall pay the examination fee directly to the exam provider.~~

28 ~~No applicant shall be granted a license who shall fail to obtain a satis-~~
 29 ~~factory score as established by the board on all the subjects examined upon.~~
 30 ~~Should any applicant fail on such examination and by reason thereof be re-~~
 31 ~~fused a license, he shall be entitled within six (6) months of such refusal~~
 32 ~~to a reexamination upon payment of an additional fee as established by board~~
 33 ~~rule not to exceed four hundred dollars (\$400) to the board; provided, how-~~
 34 ~~ever, that two (2) such reexaminations shall exhaust his privilege under his~~
 35 ~~original application.~~

36 SECTION 4. That Section 54-607, Idaho Code, be, and the same is hereby
 37 amended to read as follows:

38 54-607. LICENSES -- ISSUANCE -- RENEWALS -- DISPLAY. (1) If the appli-
 39 cant ~~shall passes~~ a satisfactory examination, and ~~shall shows~~ that he is a
 40 person of good moral character and he possesses the qualifications required
 41 by this chapter to entitle him to a license as a podiatrist, he shall be en-
 42 titled to a license authorizing him to practice podiatry within the state
 43 of Idaho. ~~Said~~ The successful applicant shall be issued his license by the
 44 board upon payment of the original license fee ~~which that shall be the same~~
 45 ~~fee as required for renewal~~ established by board rule and shall not exceed
 46 the annual renewal fee.

47 (2) All licenses issued under the provisions of this chapter shall be
 48 subject to annual renewal and shall expire unless renewed in the manner pre-
 49 scribed by the board regarding applications for renewal, continuing educa-

1 tion, and fees. License renewal and reinstatement shall be in accordance
 2 with section 67-2614, Idaho Code. An annual renewal license fee established
 3 by board rule shall not exceed six hundred fifty dollars (\$650) for podia-
 4 trists. Payment of fees herein provided, and satisfactory evidence of hav-
 5 ing complied with continued education requirements as established by board
 6 rules are a conditions precedent for issuance of a license.

7 (3) Every person to whom a license is granted shall have such license
 8 displayed continuously in a conspicuous part of his office wherein his prac-
 9 tice of podiatry is conducted.

10 (4) The board shall keep on file a register of all applicants for li-
 11 cense, rejected applicants, and licensees.

12 (5) The fee for reinstatement of a license shall be as provided in sec-
 13 tion 67-2614, Idaho Code. All fees shall be paid to the bureau of occupa-
 14 tional licenses.

15 SECTION 5. That Section 54-608, Idaho Code, be, and the same is hereby
 16 amended to read as follows:

17 54-608. GROUNDS FOR SUSPENSION, DENIAL, REFUSAL TO RENEW OR REVOCA-
 18 TION OF LICENSE. No license may be issued, and a license previously issued
 19 may be suspended, ~~or~~ revoked or otherwise disciplined, if the person apply-
 20 ing, or the person licensed is:

21 (1-) Found guilty by a court of competent jurisdiction of a felony or
 22 any offense involving moral turpitude;

23 (2-) Found by the board to be a repeated and excessive abuser of any
 24 drug, including alcohol, or any controlled substance;

25 (3-) Found by the board to be in violation of any provision of this ~~act~~
 26 chapter or the rules promulgated pursuant thereto;

27 (4-) Found by the board to have used fraud or deception in the procuring
 28 of any license;

29 (5-) Found by the board to have had any action, including denial of a
 30 license or the voluntary surrender of or voluntary limitation on a license,
 31 taken against the licensee by any peer review body, any health care institu-
 32 tion, any professional medical society or association or any court, law en-
 33 forcement or governmental agency; ~~or~~

34 (6-) Found by the board to have been unethical, unprofessional or dis-
 35 honorable in the practice of healing the sick; or

36 (7) Found by the board to have failed to comply with an order issued by
 37 the board.

38 SECTION 6. That Section 54-610, Idaho Code, be, and the same is hereby
 39 amended to read as follows:

40 54-610. PROCEEDINGS FOR SUSPENSION, ~~OR~~ REVOCATION OR OTHER DISCIPLINE
 41 OF LICENSE. (1) Proceedings for the suspension, ~~or~~ revocation or other dis-
 42 cipline of a license shall be conducted in accordance with the provisions of
 43 chapter 52, title 67, Idaho Code. ~~Such proceedings may be initiated upon the~~
 44 ~~information and accusation of any person. All accusations must be made in~~
 45 ~~writing, signed and verified by the person familiar with the facts therein~~
 46 ~~charged, and three (3) copies thereof must be filed with the board. Upon re-~~
 47 ~~ceiving the accusation the board shall, either as a board or through its sec-~~

1 ~~retary, make a preliminary examination of all the facts and circumstances~~
2 ~~connected with such charge. Such preliminary examination and papers in con-~~
3 ~~nection therewith shall not constitute public records. If the accusation be~~
4 ~~deemed insufficient by the board, no further action shall be taken. Should~~
5 ~~the board deem the complaint set forth in the accusation sufficient to re-~~
6 ~~quire formal action, the board shall make an order setting the same for hear-~~
7 ~~ing at a specified time and place. The board shall cause a copy of such order~~
8 ~~and a copy of the verified accusation to be served upon the licensed person~~
9 ~~accused not less than twenty (20) days prior to the day appointed in the order~~
10 ~~for said hearing. The board, the person accusing and the licensed person ac-~~
11 ~~cused may be represented by counsel at such hearing.~~

12 (2) The board shall have the power to administer oaths, take deposi-
13 tions of witnesses within or without the state in the manner provided by law
14 in civil cases, and shall have power throughout the state of Idaho to require
15 the attendance of such witnesses and the production of such books, records
16 and papers as it may desire, relevant to any hearing before it of any matter
17 which it has authority to investigate, and for that purpose the board may is-
18 sue a subpoena for any witness or a subpoena duces tecum to compel the pro-
19 duction of books, records or papers, directed to the sheriff of any county of
20 the state of Idaho where such witness resides or may be found, which shall be
21 served and returned in the same manner as a subpoena in a criminal case. Fees
22 and mileage of the witnesses shall be the same as that allowed in the district
23 courts in criminal cases, and shall be paid from any funds in the state trea-
24 sury in the same manner as other expenses of the board are paid. In the event
25 of disobedience to or neglect of any subpoena or subpoena duces tecum served
26 upon any person, or the refusal of any witness to testify to any matter re-
27 garding which he may be lawfully interrogated, it shall be the duty of the
28 district court of any county in this state in which such disobedience, ne-
29 glect or refusal occurs, or any judge thereof, on application by the board,
30 to compel obedience by proceedings for contempt as in the case of disobedi-
31 ence of the requirements of a subpoena issued from such court or for refusal
32 to testify therein. The licensed person accused shall have the same right of
33 subpoena upon making application to the board therefor.

34 (3) If the board shall find that the licensed person accused has vio-
35 lated any of the provisions of this act, the board may enter an order sus-
36 pending his license for not less than thirty (30) days nor more than two (2)
37 years. A suspended license may not be reinstated during the term of the sus-
38 pension except upon order of a district court reversing the board, or upon
39 order of the board itself after hearing new or additional evidence not avail-
40 able at the original proceedings. A revoked license may not be reinstated
41 except upon order of a district court reversing the board.