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Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. TCA Section 4-5-205

Agency/Board/Commission:	Board of Podiatric Medical Examiners
Division:	
Contact Person:	Christopher M. Smith
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Revision Type (check all that apply):
X Amendment
___ New
___ Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only **ONE** Rule Number/Rule Title per row)

Chapter Number	**Chapter Title**
1155-02	General Rules and Regulations Governing the Practice of Podiatry
Rule Number	**Rule Title**
1155-02-.04	Qualifications for Licensure
1155-02-.05	Procedures for Licensure
1155-02-.07	Application Review, Approval, Denial, Interviews
1155-02-.08	Examinations
1155-02-.09	Licensure Renewal
1155-02-.11	Retirement and Reactivation of License
1155-02-.12	Continuing Education
1155-02-.14	Academic License

Chapter Number	**Chapter Title**
1155-03	General Rules Governing Podiatry X-Ray Operators
Rule Number	**Rule Title**
1155-03-.02	Education, Training, and Examination Requirements
1155-03-.05	Renewal
1155-03-.07	Retirement and Reactivation

Chapter Number	**Chapter Title**
1155-04	General Rules Governing Orthotists, Prosthetists, and Pedorthists
Rule Number	**Rule Title**
0055-04-.10	Renewal of Licensure
1155-04-.11	Retirement and Reactivation

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to http://state.tn.us/sos/rules/1360/1360.htm)

Rulemaking Hearing Rules
Board of Podiatric Medical Examiners
Division of Health Related Boards

Chapter 1155-02
General Rules and Regulations Governing the Practice of Podiatry

Amendments

Rule 1155-02-.04 Qualifications for Licensure is amended by deleting the language in paragraph (1) in its entirety and substituting it instead with the following so that, as amended, the new paragraph (1) shall read:

(1) To qualify for licensure in podiatry, all applicants must:

(a) Provide evidence of good moral character and professional ethics (rule 1155-02-.05);

(b) Provide proof of being at least 18 years of age;

(c) Graduate from a podiatric medical college accredited by the Council on Podiatric Medical Education and the American Podiatric Medical Association. The educational requirements must be completed prior to the date of application;

(d) Successfully complete all examinations required by rule 1155-02-.08; and

(e) Complete at least a one-year residency program approved by the Council on Podiatric Medical Education or its successor organization.

Authority: T.C.A. §§ 63-3-106, 63-3-109 and 63-3-110.

Rule 1155-02-.05 Procedures for Licensure is amended by deleting the language in subparagraph (1)(h) in its entirety and substituting it instead with the following so that, as amended, the new subparagraph (1)(h) shall read:

(h) An applicant shall submit evidence of having completed at least a one (1) year residency program approved by the Council on Podiatric Medical Education or its successor organization on forms approved by the Board directly to the Board office.

Authority: T.C.A. §§ 63-3-106, 63-3-109.

Rule 1155-02-.07 Application Review, Approval, Denial, Interviews is amended by inserting the following language as new paragraph (11), so that as amended, the new paragraph (11) shall read:

(11) An applicant who holds a license in good standing in another state and indicates an intended residence outside the State of Tennessee but proposes to practice intermittently within the physical boundaries of the State of Tennessee, shall in the discretion of the Board be issued a Locum Tenens license.

(a) To obtain a Locum Tenens license, an applicant shall compile the following and when completed, submit them to the Board Administrative Office:

1. A Board approved application form;

2. An applicant shall submit with the application the application fee as provided in rule 1155-02-.06(b) and the state regulatory fee as provided in rule 1155-02-.06(f).

3. If an applicant has ever held a license to practice podiatry in any other state or Canada, the applicant shall submit or cause to be submitted the equivalent of a Tennessee Certificate of Endorsement from each such licensing board which indicates the applicant either holds a current active podiatric license and whether it is in good standing, or has held a podiatric license which is currently inactive and whether it was in good standing at the time it became inactive;

4. All applicants shall disclose the following events and provide any additional documentation, proof or explanation that explains the event(s):

   (i) Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.

   (ii) The denial of licensure application by any other state or the discipline of licensure in any state.

   (iii) Loss or restriction of hospital privileges.

   (iv) Any other civil suit judgment or civil suit settlement in which the applicant was a party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity or any other civil action remedy recognized under any country's or state's statutory, common, or case law.

   (v) Failure of any podiatric licensure examination.

5. Any applicant for any type of licensure authorized by this rule shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.

(b) Any podiatrist holding a Locum Tenens license shall notify the Board of the location and duration of each Tennessee practice as soon as reasonably possible under the circumstances before that practice occurs.

(c) All Locum Tenens licenses must be renewed, inactivated, or retired according to the same procedures as active unrestricted licenses.

(d) Each Locum Tenens practice must be no more than ninety (90) days in duration.

(e) An applicant may obtain a maximum of two Locum Tenens licenses per lifetime.

(f) All Locum Tenens licenses are subject to discipline for the same causes and pursuant to the same procedures as active unrestricted licenses.

Authority: T.C.A.§§ 63-3-106, 63-3-109, 63-3-115 and 63-3-119.

Rule 1155-02-.08 Examinations is amended by deleting paragraph (4) and its subparagraphs and inserting the following language as new paragraph (4), so that as amended, the new paragraph (4) shall read:

(4) Examination scores obtained by an applicant in order to apply for licensure as a podiatrist shall be effective for five (5) years from the date that the applicant took the examination or the last part of the examination, should the examination be given in multiple parts.

Authority: T.C.A.§§ 63-3-106, 63-3-109, 63-3-111, 63-3-112, and 63-3-114.

Rule 1155-02-.09 Licensure Renewal is amended by inserting the following language as new subparagraph (2)(b) and renumbering the subsequent subparagraphs accordingly, so that, as amended, the new subparagraph (2)(b) shall read:

(b) An individual who has a podiatry license that has been expired for at least twelve (12) months shall submit to a criminal background check and cause the results to be submitted to the Board office before the license can be reinstated.

Authority: T.C.A.§§ 63-1-116, 63-3-106, 63-3-115 and 63-3-116.

Rule 1155-02-.11 Retirement and Reactivation of License is amended by inserting the following language as new subparagraph (3)(e) so that the new subparagraph (3)(e) shall read:

(e) An individual who has a podiatry license that has been retired for at least twelve (12) months shall submit to a criminal background check and cause the results to be submitted to the Board office before the license can be reactivated.

Authority: T.C.A.§§ 63-1-116, 63-3-106, 63-3-115 and 63-3-116.

Rule 1155-02-.12 Continuing Education is amended by deleting paragraph (5) in its entirety and substituting it instead with the following so that, as amended, the new paragraph (5) shall read:

(5) Persons who are full-time residents in a graduate training program approved by the Council on Podiatric Medical Education and individuals who have been students of a Podiatry College during the year they obtain their Tennessee license shall be exempt from the CME requirements during that calendar year.

Authority: T.C.A. §§ 63-3-106 and 63-3-109.

Rule 1155-02-.14 Academic License is amended by deleting subparagraph (h) of paragraph (4) in its entirety and substituting it instead with the following so that, as amended, the new subparagraph (4)(h) shall read:

(h) An applicant shall submit verification of enrollment in an approved minimum one (1) year residency program on a form provided by the Board that must be completed and returned to the Board's administrative office.

Rule 1155-02-.14 Academic License is amended by deleting paragraph (5) in its entirety and substituting it instead with the following so that, as amended, the new paragraph (5) shall read:

(5) If an academic license holder terminates or is discharged from a residency program, the academic license shall become null and void.

Rule 1155-02-.14 Academic License is amended by deleting the language contained in paragraph (6) and substituting it instead with the following so that, as amended, the new paragraph (6) shall read:

(6) An academic license holder who enters a different residency program shall reapply for a new academic license by submitting a new application, fee and all supporting documents.

Authority: T.C.A. §§ 63-3-106 and 63-3-109.

Chapter 1155-03
General Rules Governing Podiatry X-Ray Operators

Amendments

Rule 1155-03-.02 Education, Training, and Examination Requirements is amended by deleting subparagraph (3)(a) and substituting it instead with the following so that, as amended, the new subparagraph (3)(a) shall read:

(a) In order to be certified pursuant to this Chapter, the applicant must successfully complete an examination approved by the Board and shall achieve a minimum score of 70. Examination scores obtained by an applicant in order to apply for certification shall be

effective for five (5) years from the date that the applicant took the examination or the last part of the examination, should the examination be given in multiple parts.

Authority: T.C.A.§§ 63-3-106 and 63-3-125.

Rule 1155-03-.05 Renewal is amended by inserting the following language as new subparagraph (7)(d)so that, the new subparagraph (7)(d) shall read:

(d) An individual who has a certificate that has been expired for at least twelve (12) months shall submit to a criminal background check and cause the results to be submitted to the Board office before the certificate can be reinstated.

Authority: T.C.A.§§ 63-1-107, 63-1-116, 63-3-106, 63-3-115 and 63-3-125.

Rule 1155-03-.07 Retirement and Reactivation is amended by inserting the following language as new subparagraph (3)(d), so that the new subparagraph (3)(d) shall read:

(d) An individual having a certificate that has been retired for at least twelve (12) months shall submit to a criminal background check and cause the results to be submitted to the Board office before the certificate can be reactivated.

Authority: T.C.A.§§ 63-1-111, 63-1-116, 63-3-106 and 63-3-125.

Chapter 1155-04
General Rules Governing Orthotists, Prosthetists, and Pedorthists

Amendments

Rule 1155-04-.10 Renewal of Licensure is amended by inserting the following language as new subparagraph (6)(d) so that the new subparagraph (6)(d) shall read:

(d) An individual having a license that has been expired for at least twelve (12) months shall submit to a criminal background check and cause the results to be submitted to the Board office before the license can be reinstated.

Authority: T.C.A.§§ 63-1-116, 63-3-106, 63-3-202 and 63-3-203.

Rule 1155-04-.11 Retirement and Reactivation is amended by inserting the following language as new subparagraph (3)(d) so that the new subparagraph (3)(d) shall read:

(d) An individual having a license that has been retired for at least twelve (12) months shall submit to a criminal background check and cause the results to be submitted to the Board office before the license can be reinstated.

Authority: T.C.A.§§ 63-1-116, 63-3-106, 63-3-202 and 63-3-203.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Dr. Lawrence Burns	X				
Dr. Paul Somers, Jr.	X				
Dr. David Long	X				
Michael Fillauer	X				
Dr. Kathryn Riffe	X				
Karen Garner				X	

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Board of Podiatric Medical Examiners on 08/25/2010, and is in compliance with the provisions of TCA 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: *06/18/10*

Rulemaking Hearing(s) Conducted on: (add more dates). *08/25/10*

Date: 9/7/2010

Signature:

Name of Officer: Anthony K. Czerniak

Title of Officer: Assistant General Counsel
Department of Health

Subscribed and sworn to before me on: 9/7/2010

Notary Public Signature: Theodora P. Wilkins

My commission expires on: 11/7/2011

THEODORA P. WILKINS NOTARY PUBLIC AT LARGE DAVIDSON COUNTY, TENN.

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Robert E. Cooper, Jr.
Attorney General and Reporter

11-10-11
Date

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Filed with the Department of State on: 01/20/2012

Effective on: 04/19/2012

Tre Hargett
Secretary of State

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. §4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

Public Hearing Comments

Board of Podiatric Medical Examiners

August 25, 2010

The rulemaking hearing for the Board of Podiatric Medical Examiners took place on August 25, 2010 in the Department of Health Conference Center's Iris Room on the First Floor of the Heritage Place Building in MetroCenter, Nashville, Tennessee. Assistant General Counsel Anthony K. Czerniak presided over the hearing.

No members of the public attended the rulemaking hearing. No written or oral comments were received prior to or at the rulemaking hearing.

Regulatory Flexibility Addendum
Pursuant to T.C.A. § 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 2007, 2007 Pub. Acts, c. 464, § 4, eff. June 21, 2007, the Department of Health submits the following regulatory flexibility analysis:

(1) The proposed rule amendments do not overlap, duplicate, or conflict with other federal, state, and local governmental rules;

(2) The proposed rule amendments exhibit clarity, conciseness, and lack of ambiguity;

(3) The proposed rule amendments provide flexible compliance and reporting requirements for small businesses;

(4) The proposed rule amendments regarding Locum Tenens licenses establish limits on the duration of such licenses that are friendly and reasonable; the other proposed rule amendments do not affect any schedules or deadlines for compliance and/or reporting requirements for small businesses;

(5) The proposed rule amendments do not contain reporting requirements;

(6) The proposed rule amendments do not establish design or operational standards; and

(7) The proposed rule amendments do not create entry barriers or other effects that stifle entrepreneurial activity, curb innovation, and should only slightly increase costs.

(1) Type or types of small businesses subject to the proposed rule that would bear the cost of, and/or directly benefit from the proposed rule:

Amendments regarding the scope of practice for podiatrists: Podiatrists licensed in the State of Tennessee.

Amendments regarding qualifications for licensure, procedures for licensure; application review, approval, denial, interviews; examinations: Applicants who seek to obtain a Tennessee podiatric license.

Amendments regarding retirement and reactivation of licenses for Podiatrists, Podiatry X-Ray Operators, Orthotists, Prosthetists, and Pedorthists: Podiatrists, Podiatry X-Ray Operators, Orthotists, Prosthetists, and Pedorthists licensed in the State of Tennessee or who have at some time been licensed as such in the State of Tennessee.

Amendments regarding continuing education: Podiatrists licensed in the State of Tennessee.

Amendments regarding Academic Licenses: Podiatry students.

Amendments Regarding Exam Requirements for Podiatry X-Ray Operators: Applicants who seek to obtain a Tennessee Podiatry X-Ray Operator license.

Amendments Regarding Exam Requirements for Orthotists, Prosthetists, and Pedorthists: Applicants who seek to obtain a Tennessee Orthotist, Prosthetist or Pedorthist license.

(2) Identification and estimate of the number of small businesses subject to the proposed rule:

None

(3) Projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record:

The proposed amendments which have economic impact on small businesses have no increased or new reporting, recordkeeping and other administrative costs that are required for compliance.

(4) Statement of the probable effect on impacted small businesses and consumers:

Amendments regarding the scope of practice for podiatrists: This amendment does not substantively change the scope of practice rule and thus is not expected to impact small businesses and consumers.

Amendments regarding qualifications for licensure, procedures for licensure; application review, approval, denial, interviews; examinations: While this amendment eliminates previously accepted alternatives to the residency requirement, this rule amendment was necessary due to a statutory change and is not expected to have a substantial impact on small businesses.

Amendments regarding retirement and reactivation of licenses for Podiatrists, Podiatry X-Ray Operators, Orthotists, Prosthetists, and Pedorthists: The new requirement for a criminal background check will have a minimal economic impact on small businesses.

Amendments regarding continuing education: This amendment should not have an economic impact on small businesses.

Amendments regarding Academic Licenses: This amendment should not have an economic impact on small businesses.

Amendments Regarding Exam Requirements for Podiatry X-Ray Operators: This amendment should not have an economic impact on small businesses.

Amendments Regarding Exam Requirements for Orthotists, Prosthetists, and Pedorthists: This amendment should not have an economic impact on small businesses.

(5) Description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule that may exist, and to what extent, such alternative means might be less burdensome to small business:

Amendments regarding the scope of practice for podiatrists: This amendment does not substantively change the scope of practice rule and thus is not expected to impact small businesses and consumers.

Amendments regarding qualifications for licensure, procedures for licensure; application review, approval, denial, interviews; examinations: While this amendment eliminates previously accepted alternatives to the residency requirement, this was necessary due to a statutory change and is not expected to have a substantial impact on small businesses.

Amendments regarding retirement and reactivation of licenses for Podiatrists, Podiatry X-Ray Operators, Orthotists, Prosthetists, and Pedorthists: The new requirement for a criminal background check will have a minimal impact on small businesses.

Amendments regarding continuing education: This amendment should not have an economic impact on small businesses.

Amendments regarding Academic Licenses: This amendment should not have an economic impact on small businesses.

Amendments Regarding Exam Requirements for Podiatry X-Ray Operators: This amendment should not have an economic impact on small businesses.

Amendments Regarding Exam Requirements for Orthotists, Prosthetists, and Pedorthists: This amendment should not have an economic impact on small businesses.

(6) Comparison of the proposed rule with any federal or state counterparts:

Federal: The Board is not aware of any federal counterparts.

State: The Board is not aware of any State counterparts.

(7) It is not possible to exempt the impacted small businesses from all or any part of the requirements contained in the proposed rule because the impacted small businesses are the Board's licensees and applicants. If there were to be an exemption, the proposed rule amendments would have no actual effect.

Impact on Local Governments

Pursuant to T.C.A. 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (http://state.tn.us/sos/acts/106/pub/pc1070.pdf) of the 2010 Session of the General Assembly)

These amendment to the rules are not expected to have any impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to TCA 4-5-226(i)(1).

(A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Rule 1155-02-.04 Qualifications for Licensure — The current rule sets forth the qualifications for licensure including preceptorship. Pursuant to Public Chapter No. 422, which passed on June 2, 2009, a preceptorship is no longer an option. The new rule has been amended to reflect this change.

Rule 1155-02-.05(1) Procedures for Licensure — The current rule requires submission evidence of completion of a preceptorship if applicable. Pursuant to Public Chapter No. 422, which passed on June 2, 2009, a preceptorship is no longer an option. The new rule has been amended to reflect this change.

Rule 1155-02-.07 Application Review, Approval, Denial, Interviews — Pursuant to Public Chapter No. 422, which passed on June 2, 2009, the Board now has the authority to issue Locum Tenens licenses and has amended Rule 1155-02-.07 to include these licenses and the requirements thereof.

Rule 1155-02-.08 Examinations —The current rule does not take into account that the National Board of Podiatric Medical Examiners (NBPME) examination is given in three parts. The new rule has been amended to establish that the time limit for effectiveness for exam scores is five years from the date of the last portion of the exam, when applicable.

Rule 1155-02-.09 Licensure Renewal —The current rule does not require a criminal background check to renew a license if it has failed to be renewed for more than twelve (12) months. The new rule has been amended to require that all licensees are subject to a criminal background check if the licensee's license has been in failed-to-renew status for more than twelve months.

Rule 1155-02-.11 Retirement and Reactivation of License —The current rule does not require a criminal background check to reactivate a license. The new rule has been amended to require that all licensees are subject to a criminal background check if the licensee's license has been retired for more than twelve months.

Rule 1155-02-.12 Continuing Education —The current rule sets forth the qualifications for exemption from CME requirements pursuant to a current graduate training program or preceptorship. Pursuant to Public Chapter No. 422, which passed on June 2, 2009, a preceptorship is no longer an option. The new rule has been amended to reflect this change.

Rule 1155-02-.14 Academic License —The current rule sets forth the qualifications for an academic license which includes preceptorship. Pursuant to Public Chapter No. 422, which passed on June 2, 2009, only residency programs now qualify a person for an academic license. The new rule has been amended to reflect this change.

Rule 1155-03-.02 Education, Training and Examination Requirements —The current rule does not set the time limit for effectiveness of exam scores. The new rule has been amended to establish that the time limit for effectiveness for exam scores is five years from the date of the last portion of the exam.

Rule 1155-03-.05 Renewal – The current rule does not require a criminal background check to renew a certificate if it has failed to be renewed for more than twelve (12) months. The new rule has been amended to require that all certificates are subject to a criminal background check if the individual's certificate has been in failed-to-renew status for more than twelve months.

Rule 1155-03-.07 Retirement and Reactivation — The current rule does not require a criminal background check to reactivate a certificate if it has been retired for twelve (12) months or more. The new rule has been amended to require that all certificates are subject to a criminal background check if the individual's certificate has been retired status for more than twelve months.

Rule 1155-04-.10 Renewal of Licensure -- The current rule does not require a criminal background check to renew a license if it has failed to be renewed for more than twelve (12) months. The new rule has been amended to require that all licensees are subject to a criminal background check if the licensee's license has been in failed-to-renew status for more than twelve months.

Rule 1155-04-.11 Retirement and Reactivation — The current rule does not require a criminal background check to reactivate a license if it has been retired for twelve (12) months or more. The new rule has been amended to require that all licensees are subject to a criminal background check if the licensee's license has been retired for more than twelve months.

(B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

Authority for these amendments comes from state statutes regarding Podiatry, T.C.A. §§ 63-3-101, et seq.

(C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Individuals most directly affected by these rules are any licensees or individuals seeking temporary licensure.

(D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

There are no known opinions of the attorney general or any judicial ruling which relates to these rules.

(E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars ($500,000), whichever is less;

There is estimated to be no increase or decrease in revenues or expenditures because of these rule amendments.

(F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Christopher M. Smith, Assistant General Counsel, Office of General Counsel, Department of Health

(G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Christopher M. Smith, Assistant General Counsel, Office of General Counsel, Department of Health

(H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

220 Athens Way, Suite 210, Plaza I, MetroCenter, Nashville, TN 37243, (615) 741-1611.
Christopher.M.Smith@tn.gov

(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

(Rule 1155-02-.02, continued)

implementing universal precautions for the prevention of HIV transmission for health care workers under its jurisdiction.

(3) A licensed podiatrist may perform ankle surgery subject to the provisions of T.C.A. § 63-3-101. Those licensees intending to perform such ankle surgery shall maintain their proof of compliance with T.C.A. § 63-3-101 at their practice location, as it may be inspected by the Board or its authorized representative.

(4) A licensed podiatrist may order diagnostic tests from licensed medical laboratories and may receive results of such tests, provided the need for such tests is relevant to the practice of podiatry.

Authority: *T.C.A. §§ 4-5-202, 4-5-204, 63-3-101, 63-3-106, 63-3-107, 63-6-117, and 68-11-222.* ***Administrative History:*** *Original rule filed March 7, 1989; effective April 21, 1989. (Formerly 1155-02-.01) Amendment filed October 3, 1990; effective November 17, 1990. Repeal and new rule filed November 10, 1998; effective January 14, 1999. Amendment filed October 28, 1999; effective January 11, 2000. Amendment filed March 19, 2001; effective June 2, 2001. Amendment filed April 26, 2006; effective July 10, 2006.*

1155-02-.03 NECESSITY OF LICENSURE.

(1) Prior to the engagement of the practice of podiatry in Tennessee, a person must hold a current and valid Tennessee license in podiatry subject to the exemption of T.C.A. § 63-3-108.

(2) It is unlawful for any person who is not licensed in the manner prescribed in T.C.A. §§ 63-3-101, et seq., to represent himself as a licensed podiatrist or to hold himself out to the public as being licensed by means of using a title on signs, mailboxes, address plates, stationary, announcements, telephone listings, calling cards, or other instruments of professional identification.

(3) Use of Titles - Any person who possesses a valid, unsuspended and unrevoked license issued by the Board has the right to use the titles and or initials "Podiatrist," " Podiatric Physician," "Doctor of Podiatry," "Doctor of Podiatric Medicine," "Doctor of Podiatric Medicine and Surgery," or "D.P.M." and to practice as a licensed podiatrist, as defined in T.C.A. §§ 63-3-101. Violation of this rule or T.C.A. § 63-3-119 (a) (15) regarding use of titles shall constitute unprofessional conduct and subject the licensee to disciplinary action.

(4) Podiatry is one of the healing arts, and as such, its practice is restricted to those persons licensed by the board. Persons engaging in the practice of podiatry without being licensed or expressly exempted by the law are in violation of T.C.A. § 63-1-123 and T.C.A. § 63-3-107.

Authority: *T.C.A. §§ 4-5-202, 4-5-204, 63-1-123, 63-1-145, 63-1-146, 63-3-101, 63-3-106, 63-3-107, 63-3-119, and 63-3-123.* ***Administrative History:*** *Original rule filed March 7, 1989; effective April 21, 1989. (Formerly 1155-02-.02) Amendment filed October 3, 1990; effective November 17, 1990. Repeal and new rule filed November 10, 1998; effective January 14, 1999. Amendment filed March 23, 2007; effective June 6, 2007.*

1155-02-.04 QUALIFICATION FOR LICENSURE.

~~(1) To qualify for licensure in podiatry, all applicants must:~~

~~(a) Provide evidence of good moral character and professional ethics (rule 1155-02-.05).~~

~~(b) Provide proof of being at least 18 years of age (rule 1155-02-.05).~~

(Rule 1155-02-.04, continued)

~~(c) Education. Graduate from a podiatric medical college accredited by the Council on Podiatric Medical Education and the American Podiatric Medical Association. The educational requirements must be completed prior to the date of application.~~

~~(d) Examination. Successfully complete all examinations required by rule 1155-02-.08.~~

~~(e) Applicants must also meet one of the following:~~

~~1. Completion of a one-year residency program approved by the Council of Podiatric Medical Education;~~

~~2. Completion of a two-year preceptorship program approved by an accredited college of podiatric medicine;~~

~~3. Serving as a podiatric physician for three (3) years in active duty with a branch of this country's armed services; or~~

~~4. Practicing podiatric medicine for ten (10) years as a licensed podiatric physician in another state prior to 1990.~~

(1) To qualify for licensure in podiatry, all applicants must:

(a) Provide evidence of good moral character and professional ethics (rule 1155-02-.05);

(b) Provide proof of being at least 18 years of age;

(c) Graduate from a podiatric medical college accredited by the Council on Podiatric Medical Education and the American Podiatric Medical Association. The educational requirements must be completed prior to the date of application;

(d) Successfully complete all examinations required by rule 1155-02-.08; and

(e) Complete at least a one-year residency program approved by the Council on Podiatric Medical Education or its successor organization.

(2) Licensure by Reciprocity. All reciprocity applicants must complete the requirements for licensure in paragraph (1) of this rule.

Authority: *T.C.A. §§ 4-5-202, 4-5-204, 63-3-105, 63-3-106, 63-3-109, 63-3-110, 63-3-111, 63-3-113, and 63-3-114.* ***Administrative History:*** *Original rule filed March 7, 1989; effective April 21, 1989. (Formerly 1155-02-.03) Amendment filed October 3, 1990; effective November 17, 1990. Repeal and new rule filed November 10, 1998; effective January 14, 1999. Amendment filed April 26, 2006; effective July 10, 2006. Amendment filed May 5, 2006; effective July 19, 2006.*

1155-02-.05 PROCEDURES FOR LICENSURE - To become licensed as a podiatrist in Tennessee, a person must comply with the following procedures and requirements:

(1) Licensure by Examination

(a) An application packet shall be requested from the board's administrative office.

(b) An applicant shall respond truthfully and completely to every question or request for information contained in the application form and submit it along with all documentation

(Rule 1155-02-.05, continued)

and fees required by the form and these rules to the Board's administrative office. It is the intent of this rule that all steps necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all documentation be filed simultaneously.

(c) Applications will be accepted throughout the year. Supporting documents requested in these instructions must be received in the board office within 60 days of receipt of the application or the file will be closed.

(d) An applicant shall submit with his application a signed passport type photograph taken within the preceding 12 months. (The photo is to be signed by the applicant.)

(e) It is the applicant's responsibility to request that a graduate transcript from his degree granting institution, pursuant to T.C.A. § 63-3-110, be submitted directly from the school to the board's administrative office. The institution granting the degree must have been accredited at the time the degree was granted. The transcript must show that the degree has been conferred and carry the official seal of the institution and reference the name under which the applicant has applied for licensure. The educational requirements contained in these rules must be completed prior to the date of the application for licensure.

(f) An applicant shall submit evidence of good moral character. Such evidence shall be three recent (within the preceding 12 months) original letters, two of which must be from licensed podiatrists, medical doctors or osteopathic physicians attesting to the applicant's personal character and professional ethics on the signator's letterhead.

(g) An applicant shall submit proof of being eighteen (18) years of age or older. Acceptable proof is a notarized copy of the applicant's birth certificate, driver's license, or voter registration card.

~~(h) An applicant must submit, on forms provided by the Board, directly to the Board's administrative office, evidence of:~~

~~1. Enrollment in or completion of a one-year residency program approved by the Council on Podiatric Medical Education, or~~

~~2. Completion of a two-year preceptorship program approved by an accredited college of podiatric medicine or~~

~~3. An original letter from the branch of service verifying three years active service practicing as a podiatrist in the U.S. Armed Services.~~

(h) An applicant shall submit evidence of having completed at least a one (1) year residency program approved by the Council on Podiatric Medical Education or its successor organization on forms approved by the Board directly to the Board office.

(i) An applicant shall request that his/her scores from Parts I and II of the National Board of Podiatric Medical Examiners (NBPME) examinations be sent directly to the Board's administrative office from the testing agency.

(j) An applicant shall request that his/her scores, if taken in another state, from Part III of the NBPME examinations (formerly known as the Podiatric Medical Licensing Examination for States [PMLexis]) be sent directly to the Board's administrative office from the Federation of Podiatric Medical Boards.

(Rule 1155-02-.05, continued)

(k) An applicant shall disclose the circumstances surrounding any of the following:

1. Conviction of any criminal law violation of any country, state or municipality, except minor traffic violations.

2. The denial of licensure application by any other state or the discipline of licensure in any state.

3. Loss or restriction of licensure.

4. Any civil suit judgment, civil suit settlement or pending civil suit in which the applicant was/is a party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity or any other civil action remedy recognized under the country's or state's statutory common, or case law.

(l) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.

(m) If an applicant holds or has ever held a license to practice as a podiatrist in any other state, the applicant shall cause to be submitted the equivalent of a Tennessee Certificate of Endorsement (verification of license) from each such licensing board which indicates the applicant holds or held an active license and whether it is in good standing presently or was at the time it became inactive.

(n) When necessary, all required documents shall be translated into English and such translation and original document shall be certified as to authenticity by the issuing source. Both versions must be submitted.

(o) Personal resumes are not acceptable and will not be reviewed.

(p) Application review and licensure decisions shall be governed by rule 1155-02-.07.

(q) The burden is on the applicant to prove by a preponderance of the evidence that his course work, supervision, and experience are equivalent to the Board's requirements.

(2) Licensure by Reciprocity. All reciprocity applicants must complete the procedures for licensure in paragraph (1) of this rule.

Authority: *T.C.A. §§ 4-5-202, 4-5-204, 63-3-106, 63-3-109, 63-3-110, 63-3-111, 63-3-114, and 63-3-119.* ***Administrative History:*** *Original rule filed March 7, 1989; effective April 21, 1989. (Formerly 1155-02-.04) Amendment filed October 3, 1990; effective November 17, 1990. Repeal and new rule filed November 10, 1998; effective January 14, 1999. Amendment filed May 5, 2006; effective July 19, 2006.*

1155-02-.06 FEES.

(1) The fees are as follows:

(a) Academic License fee - A non-refundable fee to be paid by all applicants for an academic license. This fee pays for licensure during the postgraduate training period and the initial period of full licensure.

(Rule 1155-02-.06, continued)

(b) Application fee - A non-refundable fee to be paid by all applicants for licensure except applicants for an academic license, and must be paid each time an application for licensure is filed.

(c) Late Renewal fee - A non-refundable fee to be paid when an individual fails to timely renew a license.

(d) Renewal fee - A non-refundable fee to be paid by all licensees. This fee also applies to individuals who reactivate a retired or lapsed license.

(e) Replacement license fee - A non-refundable fee to be paid when an individual requests a replacement for a lost or destroyed "artistically designed" license.

(f) State Regulatory fee - To be paid by all individuals at the time of application and with all renewal applications.

(2) All fees shall be established by the Board. Fees may be reviewed and changed at the discretion of the Board.

(3) All fees must be submitted to the board's administrative office by certified, personal check or money order. Checks or money orders are to be made payable to the Board of Registration in Podiatry.

(4)

Fee Schedule:		Amount
(a)	Academic License	$440.00
(b)	Application	$440.00
(c)	Renewal (biennial)	$350.00
(d)	Late Renewal	$150.00
(e)	Replacement License	$ 25.00
(f)	State Regulatory (biennial)	$ 10.00

Authority: *T.C.A. §§ 4-3-1011, 4-5-202, 4-5-204, 63-1-103, 63-1-107, 63-3-106, 63-3-106(1), 63-3-109, 63-3-111, 63-3-112, 63-3-114, 63-3-115, and 63-3-116.* ***Administrative History:*** *Original rule filed March 7, 1989; effective April 21, 1989. (Formerly 1155-02-.05) Amendment filed October 3, 1990; effective November 17, 1990. Repeal and new rule filed November 10, 1998; effective January 14, 1999. Amendment filed December 13, 2000; effective February 26, 2001. Amendment filed December 16, 2002; effective March 1, 2003. Amendment filed August 25, 2009; effective November 23, 2009.*

1155-02-.07 APPLICATION REVIEW, APPROVAL, DENIAL, INTERVIEWS. This rule determines the procedure the Board shall use to make decisions for applicants seeking to practice podiatry pursuant to this chapter and for applicants seeking to operate x-ray equipment for diagnostic purposes in podiatrists' offices pursuant to Chapter 1155-03.

(1) An application packet shall be requested from the Board's administrative office.

(2) Review of all applications to determine whether or not the application file is complete may be delegated to the Board's administrator.

(Rule 1155-02-.07, continued)

(3) If an application is incomplete when received in the Board's administrative office, a deficiency letter will be sent to the applicant notifying him of the deficiency. The requested information must be received in the Board's administrative office on or before the sixtieth (60th) day after the applicant's receipt of the notification.

(a) Such notification shall be sent certified mail, return receipt requested, from the Board's administrative office.

(b) If the requested information is not received on or before the sixtieth (60th) day prior to the examination, the application file shall become inactive and the applicant notified. No further board action will take place until the application is completed pursuant to the rules governing the application process.

(4) An individual who has a complete application, application fees, and all supporting documents on file in the Board's administrative office at least sixty (60) days prior to the examination date will be scheduled and notified to take the examination.

(5) If a completed application has been denied and ratified as such by the Board or its designee, the action shall become final and the following shall occur:

(a) A notification of the denial shall be sent by the Board's administrative office by certified mail, return receipt requested. Specific reasons for denial will be stated, such as incomplete information, unofficial records, examination failure, or other matters judged insufficient for licensure, and such notification shall contain all the specific statutory or rule authorities for the denial.

(b) The notification, when appropriate, shall also contain a statement of the applicant's right to request a contested case hearing under the Tennessee Administrative Procedures Act (T.C.A. §§ 4-5-301, et seq.) to contest the denial and the procedure necessary to accomplish that action.

(c) An applicant has a right to a contested case hearing only if the licensure denial is based on subjective or discretionary criteria.

(d) An applicant may be granted a contested case hearing if licensure denial is based on an objective, clearly defined criteria only if after review and attempted resolution by the Board's administrative staff, the licensure application cannot be approved and the reasons for continued denial present a genuine issue of fact and/or law which is appropriate for appeal. Such request must be made in writing to the Board within thirty (30) days of the receipt of the notice of denial from the Board.

(6) The Board or its designee may delay a decision on eligibility to take the examination for any applicant for whom the board wishes additional information for the purpose of clarifying information previously submitted. This request is to be in writing and sent by certified mail, return receipt requested. The applicant's response must be made and received at the Board's administrative office within sixty (60) days from the date of the official review of the application or the application will be closed.

(7) If the Board finds it has erred in the issuance of a license, the board will give written notice by certified mail of its intent to revoke the license. The notice will allow the applicant the opportunity to meet the requirements of licensure within thirty (30) days from the date of receipt of the notification. If the applicant does not concur with the stated reason and the intent to revoke the license, the applicant shall have the right to proceed according to rule 1155-02-.07(5).

(Rule 1155-02-.07, continued)

(8) Whenever requirements for examination are not completed sixty (60) days before the date of the examination, a written notification will be mailed to the applicant and the application file will become inactive. An applicant whose file has become inactive shall subsequently be considered for licensure only upon completion of his application and payment of all appropriate fees.

(9) Abandonment of Application

(a) An application shall be deemed abandoned and closed if the application has not been completed by the applicant within sixty (60) days from the date it was initially reviewed.

(b) The above action must be ratified by the Board.

(c) An application submitted subsequent to the abandonment of a prior application shall be treated as a new application.

(10) If an applicant requests one means for licensure, and wishes to change that application to a different means of obtaining licensure, a new application, with supporting documents and appropriate fee(s) must be submitted, i.e., reciprocity to examination.

(11) An applicant who holds a license in good standing in another state and indicates an intended residence outside the State of Tennessee but proposes to practice intermittently within the physical boundaries of the State of Tennessee, shall in the discretion of the Board be issued a Locum Tenens license.

(a) To obtain a Locum Tenens license, an applicant shall compile the following and when completed, submit them to the Board Administrative Office:

1. A Board approved application form;

2. An applicant shall submit with the application the application fee as provided in rule 1155-02-.06(b) and the state regulatory fee as provided in rule 1155-02-.06(f).

3. If an applicant has ever held a license to practice podiatry in any other state or Canada, the applicant shall submit or cause to be submitted the equivalent of a Tennessee Certificate of Endorsement from each such licensing board which indicates the applicant either holds a current active podiatric license and whether it is in good standing, or has held a podiatric license which is currently inactive and whether it was in good standing at the time it became inactive;

4. All applicants shall disclose the following events and provide any additional documentation, proof or explanation that explains the event(s):

(i) Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.

(ii) The denial of licensure application by any other state or the discipline of licensure in any state.

(iii) Loss or restriction of hospital privileges.

(iv) Any other civil suit judgment or civil suit settlement in which the applicant was a party defendant including, without limitation,

(Rule 1155-02-.07, continued)

actions involving malpractice, breach of contract, antitrust activity or any other civil action remedy recognized under any country's or state's statutory, common, or case law.

(v) Failure of any podiatric licensure examination.

5. Any applicant for any type of licensure authorized by this rule shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.

(b) Any podiatrist holding a Locum Tenens license shall notify the Board of the location and duration of each Tennessee practice as soon as reasonably possible under the circumstances before that practice occurs.

(c) All Locum Tenens licenses must be renewed, inactivated, or retired according to the same procedures as active unrestricted licenses.

(d) Each Locum Tenens practice must be no more than ninety (90) days in duration.

(e) An applicant may obtain a maximum of two Locum Tenens licenses per lifetime.

(f) All Locum Tenens licenses are subject to discipline for the same causes and pursuant to the same procedures as active unrestricted licenses.

Authority: *T.C.A. §§ 4-5-202, 4-5-204, 4-5-301, 63-3-106, 63-3-109, 63-3-110, 63-3-111, 63-3-112, 63-3-114, 63-3-115, 63-3-119, and 63-3-125.* ***Administrative History:*** *Original rule filed March 7, 1989; effective April 21, 1989. (Formerly 1155-02-.06) Amendment filed October 3, 1990; effective November 17, 1990. Repeal and new rule filed November 10, 1998; effective January 14, 1999. Amendment filed December 13, 2000; effective February 26, 2001.*

1155-02-.08 EXAMINATIONS. All applicants for licensure by examination and reciprocity must successfully complete the examinations described in paragraphs (1), (2) and (3) of this rule.

(1) Parts I and II of the National Board of Podiatric Medical Examiners (NBPME) examinations.

(a) The Board adopts as its passing scores for Parts I and II the NBPME's recommended passing score as determined by the criterion-referenced method approved by the NBPME.

(b) The passing scores for Parts I and II are to be achieved independently of each other and shall not be combined together for an average passing score.

(c) The examinations shall be administered by the NBPME's authorized testing agency.

(2) Part III of the NBPME examinations (formerly known as the Podiatric Medical Licensing Examination for States [PMLexis]).

(a) The Board adopts as its passing score for Part III the NBPME's recommended passing score as determined by the criterion-referenced method approved by the NBPME.

(b) An applicant for licensure shall successfully complete Parts I and II before applying to the Board to take Part III.

(Rule 1155-02-.08, continued)

(c) The examination shall be administered by the NBPME's authorized testing agency.

(3) Jurisprudence examination.

(a) The Board shall include a jurisprudence examination with all applications for licensure that are mailed from the Board's administrative office, or the applicant may obtain the jurisprudence examination from the Board's Internet web page that can be accessed at www.Tennessee.gov/health.

(b) The applicant shall include a completed jurisprudence examination when his/her completed application for licensure is returned to the Board's administrative office.

(c) There is no fee for the jurisprudence examination.

(d) The scope and content of the examination shall be determined by the Board but limited to statutes and regulations governing the practice of podiatry (T.C.A. §§ 63-3-101, et seq., and Chapter 1155-02 of the Official Compilation, Rules and Regulations of the State of Tennessee) and the American Podiatric Medical Association (APMA) Code of Ethics. Copies of the applicable statutes, regulations, and the APMA Code of Ethics are available upon request from the Board's administrative office.

(e) The format of the examination shall be "open-book."

Correctly answering ninety percent (90%) of the examination questions shall constitute successful completion of the jurisprudence exam.

~~(4) Time limit for effectiveness of scores~~

~~(a) The effectiveness of any examination required by this rule for purposes of measuring competency and fitness to practice podiatry and therefore eligibility for licensure is five (5) years from the date on which the examination was successfully completed. This is the date on which the applicant took the exam and not the date on which passing scores were reported to the Board.~~

~~(b) An applicant's test score on an examination required by this rule which was taken more than five (5) years before application was for Tennessee licensure will be considered by the Board on a case by case basis after the applicant appears before the Board for an interview.~~

(4) Examination scores obtained by an applicant in order to apply for licensure as a podiatrist shall be effective for five (5) years from the date that the applicant took the examination or the last part of the examination, should the examination be given in multiple parts.

(5) The Board's administrative office will notify applicants in writing within forty-five (45) days of the date the written test scores are made available to the Board.

(6) Re-Examination

(a) Applicants who fail Part III of the NBPME examinations shall be entitled to retake the next regularly scheduled examination upon sending a written request to the Board's administrative office at least sixty (60) days prior to the examination.

(b) Applicants who fail to successfully complete the jurisprudence examination must continue to retake the examination until it has been successfully completed before the application will be deemed complete and presented to the Board for consideration.

(Rule 1155-02-.08, continued)

(c) If an applicant neglects, fails or refuses to take the examination or fails to pass the examination for licensure under these rules within 12 months after being deemed eligible to sit for the state examination, the application file will be closed. However, such an applicant may thereafter make a new application accompanied by the required fee and supporting documents. The applicant shall meet the requirements in effect at the time of the new application.

Authority: *T.C.A. §§ 4-5-202, 4-5-204, 63-3-106, 63-3-109, 63-3-111, 63-3-112, and 63-3-114.* ***Administrative History:*** *Original rule filed February 4, 1988; effective March 20, 1988. (Formerly 1155-02-.07) Amendment filed October 3, 1990; effective November 17, 1990. Amendment filed December 20, 1990; effective February 3, 1991. Repeal and new rule filed November 10, 1998; effective January 14, 1999. Amendment filed December 13, 2000; effective February 26, 2001. Amendment filed April 26, 2006; effective July 10, 2006. Amendment filed May 5, 2006; effective July 19, 2006. Amendment filed August 9, 2007; effective October 23, 2007.*

1155-02-.09 LICENSURE RENEWAL.

(1) Renewal Application

(a) The due date for renewal is the last day of the month in which a licensee's birthday falls pursuant to the Division of Health Related Board's biennial birthdate renewal system as contained as the expiration date on renewal certificates.

(b) Methods of Renewal

1. Internet Renewals - Individuals may apply for renewal and pay the necessary fees via the Internet. The application to renew can be accessed at:

www.tennesseeanytime.org

2. Paper Renewals - For individuals who have not renewed their license online via the Internet, a renewal application form will be mailed to each individual licensed by the Board to the last address provided to the Board. Failure to receive such notification does not relieve the licensee from the responsibility of meeting all requirements for renewal.

(c) A license issued pursuant to these rules is renewable by the expiration date. To be eligible for renewal an individual must submit to the Division of Health Related Boards on or before the expiration date the following:

1. A completed and signed renewal application form.

2. The renewal and state regulatory fees as provided in rule 1155-02-.06.

(d) To be eligible for renewal an individual must have completed the continuing education requirements provided in rule 1155-02-.12 and who so indicates completion by signing the renewal application. An individual who fails to obtain continuing education hours, pursuant to rule 1155-02-.12 may be subject to disciplinary action by the board.

(e) Licensees who fail to comply with the renewal rules or notification received by them concerning failure to timely renew shall have their licenses processed pursuant to rule 1200-10-01-.10.

(Rule 1155-02-.09, continued)

(f) Licensees whose licenses have expired as a result of the licensee's failure to renew pursuant to rule 1200-10-01-.10 may be reinstated upon meeting the conditions as provided in rule 1155-02-.09 (2).

(2) Reinstatement of an Expired License

(a) Reinstatement of a license that has expired as a result of failure to timely renew in accordance with rule 1200-10-01-.10 may be accomplished upon meeting the following conditions:

1. Payment of all past due renewal fees; and

2. Payment of the late renewal fee provided in rule 1155-02-.06.

3. Compliance with continuing education requirements pursuant to Rule 1155-02-.12.

(b) An individual who has a podiatry license that has been expired for at least twelve (12) months shall submit to a criminal background check and cause the results to be submitted to the Board office before the license can be reinstated.

(~~b~~c) Renewal issuance decisions pursuant to this rule may be made administratively, upon review by the board or the board's designee.

(~~c~~d) Anyone submitting a signed renewal form or letter which is found to be untrue may be subjected to disciplinary action as provided in rule 1155-02-.15.

Authority: *T.C.A. §§ 4-5-202, 4-5-204, 63-1-107, 63-1-116, 63-3-106, 63-3-109, 63-3-115, 63-3-116, and 63-3-119.* ***Administrative History:*** *Original rule filed August 21, 1990; effective October 5, 1990. (Formerly 1155-02-.08) Amendment filed October 3, 1990; effective November 17, 1990. Repeal and new rule filed November 10, 1998; effective January 14, 1999. Amendment filed July 22, 2002; effective October 5, 2002.*

1155-02-.10 RESERVED.

1155-02-.11 RETIREMENT AND REACTIVATION OF LICENSE.

(1) A person who holds a current license and does not intend to practice as a "licensed podiatrist" may apply to convert an active license to inactive ("retired") status. An individual who holds a retired license will not be required to pay the renewal fee.

(2) A person who holds an active license may apply for retired status in the following manner:

(a) Obtain, complete, and submit to the Board's administrative office an affidavit of retirement form.

(b) Submit any documentation which may be required to the Board's administrative office.

(3) A licensee whose license has been retired may re-enter active status by doing the following:

(a) Obtain complete and submit to the Board's administrative office a reactivation/reinstatement application.

(b) Pay the licensure renewal fees and state regulatory fees as provided in rule 1155-02-.06. If retirement reactivation is requested prior to the expiration of one year from the date of retirement, the Board will require payment of the late renewal fee and past due renewal fees.

(c) Submit verification of successful completion of continuing medical education hours, pursuant to rule 1155-02-.12.

(d) Retake and pass the Board's oral exam if the license has been retired for five (5) years or more.

(e) An individual who has a podiatry license that has been retired for at least twelve (12) months shall submit to a criminal background check and cause the results to be submitted to the Board office before the license can be reactivated.

(4) Licensure reactivation applications shall be treated as licensure applications, and review decisions shall be governed by rule 1155-02-.07.

Authority: *T.C.A. §§ 4-5-202, 4-5-204, 63-1-116, 63-3-106, 63-3-115 and 63-3-116.* ***Administrative History:*** *Original rule filed November 10, 1998; effective January 14, 1999. Amendment filed March 23, 2007; effective June 6, 2007.*

1155-02-.12 CONTINUING EDUCATION.

(1) The Board requires each licensed podiatrist to complete fifteen (15) clock hours of continuing education each calendar year (January 1 – December 31).

(a) Twelve (12) hours of the fifteen (15) clock hour requirement shall be clinical, scientific, or related to patient care. If the licensee is performing ankle surgery pursuant to T.C.A. § 63-3-101 (b) (1), ten (10) of these twelve (12) hours shall pertain to the ankle surgery.

(b) Beginning January 1, 2008, at least one (1) hour of the annual fifteen (15) hour requirement shall, every other calendar year, be a course designed specifically to address prescribing practices.

(Rule 1155-02-.12, continued)

(c) Ten (10) hours of the fifteen (15) clock hour requirement must be completed in the traditional "lecture / classroom" format.

(d) Five (5) hours of the fifteen (15) clock hour requirement may be completed in any of the following multi-media formats:

1. The Internet
2. Closed circuit television
3. Satellite broadcasts
4. Correspondence courses
5. Videotapes
6. CD-ROM
7. DVD
8. Teleconferencing
9. Videoconferencing
10. Distance learning

(2) Acceptable continuing education shall consist of courses provided or sponsored by the APMA, APMA approved colleges of podiatric medicine, state, regional (zone), national and affiliated specialty groups, the U.S. federal government, or other education programs approved by the Board.

(3) Course Approval

(a) Courses to be offered for credit toward the required continuing education hours must, unless otherwise provided pursuant to 1155-02-.12 (2), receive prior approval from the Board.

(b) Prior approval of a course may be obtained by submitting the following information to the Board's administrative office at least forty-five (45) days prior to the scheduled date of the course.

1. A course description or outline;
2. Names of all lecturers;
3. Brief resume of all lecturers;
4. Number of hours of educational credit requested;
5. Date of course;
6. How certification of attendance is to be documented.

(4) Documentation

(Rule 1155-02-.12, continued)

(a) Each licensee must retain proof of attendance and completion of all continuing education requirements. This documentation must be retained for a period of four years from the end of the calendar year in which the continuing education was acquired. This documentation must be produced for inspection and verification, if requested in writing by the Board during its verification process.

(b) Each licensee must, within thirty (30) days of a request from the Board, provide evidence of continuing education requirements. Such evidence must be by submission of one or more of the following:

1. Certificates verifying the licensee's attendance at continuing education program(s). The certificate must include the following: continuing education program's sponsor, date, clock hours awarded (continuing education units must be converted to clock hours), program title, licensee's name, license number and social security number.

2. An original letter on official stationery from the continuing education program's sponsor indicating, date, clock hours awarded (CE units must be converted to clock hours), program title, licensee's name, license number and social security number.

(c) If a person submits documentation for training that is not clearly identifiable as appropriate continuing education, the Board will request a written description of the training and how it applies to the practice of podiatry. If the Board determines that the training cannot be considered appropriate continuing education, the individual will be given ninety (90) days to replace the hours not allowed. Those hours will be considered replacement hours and cannot be counted during the next renewal period.

~~(5) Persons who are full-time residents in a graduate training program approved by the Council on Podiatric Medical Education or full-time preceptors in a post-graduate training program approved by an accredited college of Podiatric Medicine and individuals who have been students of a Podiatry College during the year they obtain their Tennessee license shall be exempt from the CME requirements during that calendar year. The request for exemption shall be submitted in writing to the Board's administrative office at the beginning of the calendar year. A letter confirming residency or preceptorship participation from that respective director must be submitted with the request.~~

(5) Persons who are full-time residents in a graduate training program approved by the Council on Podiatric Medical Education and individuals who have been students of a Podiatry College during the year they obtain their Tennessee license shall be exempt from the CME requirements during that calendar year.

(6) Continuing education credit will not be allowed for the following:

(a) Regular work activities, administrative staff meetings, case staffing/reporting, etc.

(b) Membership in, holding office in, or participation on boards or committees, business meetings of professional organizations, or banquet speeches.

(7) Revocation of license for non-compliance with continuing education:

(a) If the continuing education requirement is not met, a letter is issued to the last known address of the individual requiring him to show cause why his license should not be revoked for failure to comply with the continuing education requirements.

(Rule 1155-02-.12, continued)

(b) The licensee has 30 days from the date of notification to respond to the show cause letter and prepare for any hearing on the matter

(8) Continuing Education for Reactivation of Retired or Revoked License.

(a) Reactivation of Retired Licensure

1. An individual whose license has been retired for less than one year will be required to fulfill continuing education requirements as outlined in this rule as a prerequisite to reinstatement. Those hours will be considered replacement hours and can not be counted toward meeting the calendar year end requirement.

2. Any individual requesting reactivation of a license which has been retired for one or more years must submit, along with the reactivation request, verification which indicates the attendance and completion of fifteen (15) hours of continuing education for each year in which the license was retired or the equivalent of this state's requirement multiplied by the number of years in retirement. The continuing education hours must have been begun and successfully completed before the date of reinstatement.

(b) Reactivation of Revoked License.

1. No person whose license has been revoked for failure to comply with continuing education may have his license reinstated without complying with all the requirements. The required clock hours of continuing education must have been begun and completed before the date of reinstatement.

(9) Violations

(a) Any licensee who falsely certifies attendance and completion of the required hours of continuing education requirements may be subject to disciplinary action.

(b) Any licensee who fails to show compliance with the required continuing education hours in response to the notice contemplated by subparagraph (7) (a) above may be subject to disciplinary action.

(10) Waiver of Continuing Education

(a) The Board may grant a waiver of the need to attend and complete the required hours of continuing education if it can be shown to the Board that the failure to comply was not attributed to or was beyond the physical capabilities of the person seeking the waiver.

(b) Waivers will be considered only on an individual basis and may be requested by submitting the following items to the Board's administrative office:

1. A written request for a waiver which specifies what requirements are sought to be waived and a written and signed explanation of the reason for the request.

2. Any documentation which supports the reason for the waiver requested or which is subsequently requested by the Board.

(c) A waiver approved by the Board is effective only for the calendar year for which the waiver is sought.

(Rule 1155-02-.12, continued)
Authority: *T.C.A. §§ 4-5-202, 4-5-204, 63-1-107, 63-3-101, 63-3-106, 63-3-109, 63-3-115, 63-3-116, and 63-3-119.* ***Administrative History:*** *Original rule filed November 10, 1998; effective January 14, 1999. Amendment filed August 23, 2001; effective November 6, 2001. Amendment filed July 22, 2002; effective October 5, 2002. Amendment filed April 26, 2006; effective July 10, 2006. Amendment filed March 23, 2007; effective June 6, 2007. Amendment filed August 9, 2007; effective October 23, 2007.*

1155-02-.13 PROFESSIONAL ETHICS. Immoral, unprofessional, unethical, or dishonorable conduct shall include, but not be limited to, the following:

(1) Conduct designed to, or likely to, deceive or harm the public.

(2) Being a party to or aiding and abetting the violation of these regulations or the laws of the State of Tennessee regulating the practice of podiatry.

(3) The intentional or negligent use of any false, fraudulent or forged statement, writing or document, or the use of any fraudulent, deceitful, dishonest, or immoral practice in connection with any of the licensing requirements of T.C.A. § 63-3-101, et seq.

Authority: *T.C.A. §§ 4-5-202, 4-5-204, 63-3-101, 63-3-106, 63-3-109 and 63-3-119.* ***Administrative History:*** *Original rule filed November 10, 1998; effective January 14, 1999.*

1155-02-.14 ACADEMIC LICENSE.

(1) An application for an academic license will be considered only after an individual has completed all the requirements for full and unrestricted licensure except postgraduate education and the examination requirements of paragraphs (2) and (3) of rule 1155-02-.08.

(2) An academic license authorizes the licensee to engage in the practice of podiatric medicine and surgery as part of a postgraduate educational program.

(3) A completed application must be approved by the Board or Board designee prior to the issuance of an academic license.

(4) To obtain an academic license a person must comply with the following procedures and requirements:

(a) An application packet shall be requested from the Board's administrative office.

(b) An applicant shall respond truthfully and completely to every question or request for information contained in the application form and submit it along with all fees required by the form and these rules to the Board's administrative office.

(c) Applications will be accepted throughout the year.

(d) An applicant shall submit with his application a signed passport type photograph taken within the preceding 12 months. (The photo is to be signed by the applicant.)

(e) It is the applicant's responsibility to request a transcript pursuant to T.C.A. § 63-3-110 which must be submitted directly from the school to the Board's administrative office. The podiatric institution granting the degree of Doctor of Podiatric Medicine must have been accredited at the time the degree was granted. The transcript must show that the degree has been conferred. The educational requirements contained in these rules must be completed prior to the date of application for licensure.

(Rule 1155-02-.14, continued)

(f) An applicant shall submit evidence of good moral character. Such evidence shall be three recent (within the preceding 12 months) original letters, two of which must be from licensed podiatrists, medical doctors or osteopathic physicians, attesting to the applicant's personal character and professional ethics on the signator's letterhead.

(g) An applicant shall submit proof of being eighteen (18) years of age or older. Acceptable proof is a notarized copy of the applicant's birth certificate, driver's license, or voters registration card.

~~(h) Verification of enrollment in an approved one-year residency program or two-year preceptorship on a form provided by the board, completed and returned to the Board's administrative office by the Director of the program.~~

(h) An applicant shall submit verification of enrollment in an approved minimum one (1) year residency program on a form provided by the Board that must be completed and returned to the Board's administrative office.

(i) Official verification that the residency program is approved by the Council on Podiatric Medical Education of the APMA, submitted by the APMA directly to the Board's administrative office on a form provided by the Board; or, official verification that the preceptorship program is approved by an accredited College of Podiatric Medicine, sent directly by the school to the Board's administrative office on a form provided by the Board.

(j) An applicant shall request that his/her scores from Parts I and II of the National Board of Podiatric Medical Examiners (NBPME) examinations be sent directly to the Board's administrative office from the testing agency.

(k) An applicant shall disclose the circumstances surrounding any of the following:

1. Conviction of any criminal law violation of any country, state or municipality, except minor traffic violations.

2. The denial of licensure application by any other state or the discipline of licensure in any state.

3. Loss or restriction of licensure.

4. Any civil suit judgment or civil suit settlement in which the applicant was a party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity or any other civil action remedy recognized under the country's or state's statutory common, or case law.

(l) An applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.

(m) If an applicant holds or has ever held a license to practice as a podiatrist in any other state, the applicant shall cause to be submitted the equivalent of a Tennessee Certificate of Endorsement (verification of license) from each such licensing board which indicates that the applicant holds or held an active license and whether it is in good standing presently or was at the time it became inactive.

(Rule 1155-02-.14, continued)

(n) When necessary, all required documents shall be translated into English, and such translation and original document shall be certified as to authenticity by the issuing source. Both versions must be submitted.

(o) Personal resumes are not acceptable and will not be reviewed.

(p) Application review and licensure decisions shall be governed by rule 1155-02-.07.

~~(5) If an academic license holder terminates or is discharged from a residency or preceptorship program, the academic license shall become null and void.~~

(5) If an academic license holder terminates or is discharged from a residency program, the academic license shall become null and void.

~~(6) If an academic license holder enters a different residency or preceptorship program, he shall reapply for a new academic license by submitting a new application, fee and all supporting documents.~~

(6) An academic license holder who enters a different residency program shall reapply for a new academic license by submitting a new application, fee and all supporting documents.

(7) The disciplinary provisions for Podiatry license shall also apply to the holder of an academic license.

(8) An academic license holder may be approved for a permanent license when he/she successfully completes the post-graduate educational program and the examination requirements of paragraphs (2) and (3) of rule 1155-02-.08.

Authority: *§§ 4-5-202, 4-5-204, 63-3-106, 63-3-109, 63-3-110, 63-3-111, 63-11-113, and 63-3-114.* ***Administrative History:*** *Original rule filed November 10, 1998; effective January 14, 1999. Amendment filed May 5, 2006; effective July 19, 2006.*

1155-02-.15 DISCIPLINARY ACTIONS, CIVIL PENALTIES, ASSESSMENT OF COSTS, AND SUBPOENAS.

(1) Upon a finding by the Board that a podiatrist has violated any provision of the Tennessee Code Annotated §§ 63-3-101, et seq., or the rules promulgated thereto, the Board may impose any of the following actions separately or in any combination deemed appropriate to the offense.

(a) Advisory Censure - This is a written action issued to the podiatrist for minor or near infractions. It is informal and advisory in nature and does not constitute a formal disciplinary action.

(b) Formal censure or reprimand - This is a written action issued to a podiatrist for one time and less severe violation(s). It is a formal disciplinary action.

(c) Probation - This is a formal disciplinary action which places a podiatrist on close scrutiny for a fixed period of time. This action may be combined with conditions which must be met before probation will be lifted and/or which restrict the individual's activities during the probationary period.

(d) Licensure Suspension - This is a formal disciplinary action which suspends an individual's right to practice for a fixed period of time. It contemplates the reentry of the individual into the practice under the licensure previously issued.

(Rule 1155-3-.01, continued)

January 28, 2000. Amendment filed December 13, 2000; effective February 26, 2001. Repeal and new rule filed August 23, 2001; effective November 6, 2001. Amendment filed May 5, 2006; effective July 19, 2006.

1155-3-.02 EDUCATION, TRAINING, AND EXAMINATION REQUIREMENTS.

(1) Education Requirement-The applicant shall cause to be submitted to the Board's administrative office official verification of attendance and successful completion of six (6) contact hours of didactic instruction in the field of x-ray operation.

(a) The instruction shall include, but not be limited to, radiographic imaging equipment, principles of radiographic exposure, radiation safety and protection, patient care and positioning, radiographic quality, radiographic film processing, radiographic image protection, and quality control methods.

(b) The six (6) contact hours of didactic instruction may be obtained by attending a course on x-ray operation provided or sponsored by the American Podiatric Medical Association (APMA), a state or regional affiliate of the APMA, an affiliated specialty group, the United States government, or a Board-approved course on x-ray operation. Requests for approval of coursework must be received in the Board's administrative office at least forty-five (45) days prior to commencement of the course.

(c) Verification of successful completion of the requirements of this paragraph must be sent directly to the Board by the course provider.

(2) Training Requirement-The applicant shall cause to be submitted to the Board's administrative office official verification of successful completion of at least sixty (60) hours of supervised clinical experience.

(a) The supervised clinical experience shall include, but not be limited to, training in radiographic methodology, technique, patient care and positioning, equipment maintenance, darkroom, x-ray processing, radiation protection and x-ray quality control.

(b) The x-ray operator, while attaining the supervised clinical experience, may take x-rays only in the presence of the supervising licensed podiatrist or a certified podiatric x-ray operator.

(c) Verification of successful completion of the requirements of this paragraph must be sent directly to the Board by the supervising licensed podiatrist on a form provided by the Board.

(3) Examination Requirement

~~(a) In order to be certified pursuant to this Chapter, the applicant must successfully complete an examination approved by the Board and must correctly answer at least seventy percent (70%) of the questions on that examination.~~

(a) In order to be certified pursuant to this Chapter, the applicant must successfully complete an examination approved by the Board and shall achieve a minimum score of 70. Examination scores obtained by an applicant in order to apply for certification shall be effective for five (5) years from the date that the applicant took the examination or the last part of the examination, should the examination be given in multiple parts.

(b) The examination administered by the Tennessee Podiatric Medical Association (TPMA) at its annual meeting and the Podiatric Medical Assistant, Certified (PMAC) examination given by the

(Rule 1155-3-.02, continued)

American Society of Podiatric Medical Assistants are two (2) examinations deemed adequate to meet the requirement of subparagraph (3) (a).

(4) Application review, approval, denial, and interview decisions shall be governed by Rule 1155-2-.07.

Authority: *T.C.A. §§4-5-202, 4-5-204, 63-3-106, and 63-3-125.* ***Administrative History:*** *Original rule filed April 30, 1997; effective July 14, 1997. Repeal and new rule filed September 14, 1999; effective January 28, 2000. Repeal and new rule filed August 23, 2001; effective November 6, 2001. Amendment filed August 21, 2002; effective November 4, 2002.*

1155-3-.03 RECIPROCITY.

(1) Reciprocity based on certification in another state - An applicant requesting certification as a podiatry x-ray operator in Tennessee based on certification in another state must be duly certified or licensed in another state, provided that state's requirements substantially meet or exceed Tennessee's requirements and further provided the applicant's certification or license in the other state is current and in good standing. To receive such certification an applicant must:

(a) submit a completed and notarized application form as supplied by the Board, a recent photograph and the non-refundable application fee as specified in 1155-3-.06; and

(b) cause to be submitted directly to the Board Administrative Office official verification of current certification/licensure from the other state; and

(c) submit a copy of the statutes and rules governing x-ray operators from each state in which the applicant holds certification/licensure.

(2) Reciprocity based on certification from a Tennessee licensing board - An applicant requesting certification as a podiatry x-ray operator in Tennessee based on certification from a Tennessee licensing board must be duly certified to take extremities x-rays by the Tennessee Board of Medical Examiners or the Tennessee Board of Osteopathic Examination, or must be duly certified by the Tennessee Board of Chiropractic Examiners as a chiropractic x-ray technologist. To receive such certification an applicant must:

(a) submit a completed and notarized application form as supplied by the Board, a recent photograph and the non-refundable application fee as specified in 1155-3-.06; and

(b) cause to be submitted directly to the Board Administrative Office official verification of current certification from the applicable Tennessee licensing board.

(3) Reciprocity based on certification from the American Registry of Radiological Technologists - An applicant requesting certification as a podiatry x-ray operator in Tennessee based on certification from the American Registry of Radiological Technologists must be currently registered as a registered technologist (RT). To receive such certification an applicant must:

(a) submit a completed and notarized application form as supplied by the Board, a recent photograph and the non-refundable application fee as specified in 1155-3-.06; and

(b) provide evidence of current registration from the American Registry of Radiological Technologists as a registered technologist (RT).

(4) Application review, approval, denial, and interview decisions shall be governed by 1155-2-.07.

1155-3-.04 CONTINUING EDUCATION.

(1) Each person certified by the Board must biennially complete four (4) hours of radiological related continuing education in courses provided or sponsored by the APMA, a state or regional affiliate of the APMA, an affiliated specialty group, the United States government, or other courses approved by the Board.

(2) Each licensee must retain proof of attendance and completion of all continuing education requirements. This documentation must be retained for a period of four (4) years from the end of the biennial time period in which the continuing education was required. This documentation must be produced for inspection and verification, if requested in writing by the Board during its verification process. The Board will not maintain continuing education files.

(3) The individual must, within thirty (30) days of a request from the Board, provide evidence of continuing education activities. Certificates verifying the individual's attendance or original letters from course providers are such evidence.

(4) The individual is exempt from the continuing education requirements for the calendar year that he/she completed the education and training requirements pursuant to Rule 1155-3-.02.

(5) Violations

(a) Any person who falsely attests to attendance and completion of the required hours of continuing education may be subject to decertification.

(b) Any person who fails to obtain the required continuing education hours may be subject to decertification.

(c) Education hours obtained as a result of compliance with the terms of a Board order in any disciplinary action shall not be counted toward the continuing education hours required to be obtained by paragraph (1) of this rule.

Authority: *T.C.A. §§4-5-202, 4-5-204, 63-3-106, and 63-3-125.* ***Administrative History:*** *Original rule filed April 30, 1997; effective July 14, 1997. Repeal and new rule filed September 14, 1999; effective January 28, 2000. Amendment filed December 13, 2000; effective February 26, 2001. Repeal and new rule filed August 23, 2001; effective November 6, 2001. Amendment filed August 21, 2002; effective November 4, 2002.*

1155-3-.05 RENEWAL.

(1) The due date for renewal is the last day of the month in which a certificate holder's birthday falls pursuant to the Division of Health Related Board's biennial birthdate renewal system as contained as the expiration date on renewal certificates.

(2) Methods of Renewal

(a) Internet Renewals - Individuals may apply for renewal and pay the necessary fees via the Internet. The application to renew can be accessed at:

www.tennesseeanytime.org

(b) Paper Renewals - For individuals who have not renewed their certificate online via the Internet, a renewal application form will be mailed to each individual certified by the Board to the last address provided to the Board. Failure to receive such notification does not relieve the certificate holder from the responsibility of meeting all requirements for renewal.

(Rule 1155-3-.05, continued)

(3) A certificate issued pursuant to these rules is renewable by the expiration date. To be eligible for renewal an individual must submit to the Division of Health Related Boards on or before the expiration date the following:

(a) A completed and signed renewal application form.

(b) The renewal and state regulatory fees as provided in Rule 1155-3-.06.

(4) To be eligible for renewal an individual must have completed the continuing education requirements provided in Rule 1155-3-.04 and must indicate completion by signing the renewal application. An individual who fails to obtain continuing education hours, pursuant to Rule 1155-3-.04, may be subject to disciplinary action by the Board.

(5) Certificate holders who fail to comply with the renewal rules or notification received by them concerning failure to timely renew shall have their certification processed pursuant to Rule 1200-10-1-.10.

(6) Certificate holders whose certificates have expired as a result of the certificate holder's failure to renew pursuant to Rule 1200-10-1-.10 may be reinstated upon meeting the conditions as provided in Rule 1155-3-.05 (7).

(7) Reinstatement of a certificate that has expired as a result of failure to timely renew in accordance with Rule 1200-10-1-.10 may be accomplished upon meeting the following conditions:

(a) Payment of all past due renewal fees;

(b) Payment of the late renewal fee provided in Rule 1155-3-.06; and

(c) Compliance with continuing education requirements pursuant to Rule 1155-3-.04.

(d) An individual who has a certificate that has been expired for at least twelve (12) months shall submit to a criminal background check and cause the results to be submitted to the Board office before the certificate can be reinstated.

(8) Renewal decisions shall be governed by Rule 1155-2-.07.

Authority: *T.C.A. §§4-5-202, 4-5-204, 63-1-107, 63-1-116, 63-3-106, and 63-3-125.* ***Administrative History:*** *Original rule filed April 30, 1997; effective July 14, 1997. Repeal and new rule filed September 14, 1999; effective January 28, 2000. (Formerly 1155-3-.04). Amendment filed December 13, 2000; effective February 26, 2001. Repeal and new rule filed August 23, 2001; effective November 6, 2001. Amendment filed July 22, 2002; effective October 5, 2002.*

1155-3-.06	**FEES.**	Amounts
(1)	Application	$50.00
(2)	Renewal (biennial)	$30.00
(3)	Late Renewal	$20.00
(4)	State Regulatory (biennial)	$10.00

Authority: *T.C.A. §§4-3-1011, 4-5-202, 4-5-204, 63-3-106, and 63-3-125.* ***Administrative History:*** *Original rule filed April 30, 1997; effective July 14, 1997. (Formerly 1155-3-.05) Repeal and new rule filed September 14, 1999;*

1155-3-.07 RETIREMENT AND REACTIVATION.

(1) A person who holds a current certificate and does not intend to practice as a certified podiatric x-ray operator may apply to convert an active certificate to inactive ("retired") status. An individual who holds a retired certificate will not be required to pay the renewal fee.

(2) A person who holds an active certificate may apply for retired status in the following manner:

(a) Obtain, complete, and submit to the Board's administrative office an affidavit of retirement form.

(b) Submit any documentation which may be required to the Board's administrative office.

(3) A podiatric x-ray operator whose certificate has been retired may re-enter active status by doing the following:

(a) Obtain complete and submit to the Board's administrative office a reactivation/reinstatement application.

(b) Pay the renewal fees and state regulatory fees as provided in Rule 1155-3-.06. If retirement reactivation is requested prior to the expiration of one (1) year from the date of retirement, the Board will require payment of the late renewal fee and past due renewal fees.

(c) Submit verification of successful completion of continuing education hours for the period of retirement, pursuant to Rule 1155-3-.04.

(d) An individual having a certificate that has been retired for at least twelve (12) months shall submit to a criminal background check and cause the results to be submitted to the Board office before the certificate can be reactivated.

(4) Certificate reactivation applications shall be treated as certificate applications, and review decisions shall be governed by Rule 1155-2-.07.

Authority: *T.C.A. §§4-3-1011, 4-5-202, 4-5-204, 63-1-107, 63-1-111, 63-1-116, 63-3-106, and 63-3-125.* ***Administrative History:*** *Original rule filed April 30, 1997; effective July 14, 1997. (Formerly 1155-3-.06) Repeal and new rule filed September 14, 1999; effective January 28, 2000. Amendment filed December 13, 2000; effective February 26, 2001. Repeal and new rule filed August 23, 2001; effective November 6, 2001.*

1155-3-.08 DISCIPLINARY ACTION. Any violation of this chapter could result in disciplinary action against the x-ray operator and the supervising podiatrist, pursuant to Rule 1155-2-.15.

Authority: *T.C.A. §§4-5-202, 4-5-204, 63-3-106, and 63-3-125.* ***Administrative History:*** *Original rule filed September 14, 1999; effective January 28, 2000. Amendment filed December 13, 2000; effective February 26, 2001. Repeal and new rule filed August 23, 2001; effective November 6, 2001.*

1155-3-.09 CHANGE OF ADDRESS AND/OR NAME.

(1) Change of Name - An individual registered with the Board shall notify the Board in writing within thirty (30) days of a name change and will provide both the old and new names. A request for name change must also include a copy of the official document involved and reference the individual's profession and certificate number.

(Rule 1155-04-.08, continued)

(h) Applicants who fail to successfully complete the jurisprudence examination must continue to retake the examination until it has been successfully completed before the application will be deemed complete and presented to the Board for consideration.

Authority: *T.C.A. §§ 4-5-202, 4-5-204, 63-3-106, 63-3-202, 63-3-203, and 63-3-205.* ***Administrative History:*** *Original rule filed July 13, 2006; effective September 26, 2006.*

1155-04-.09 FEES. All fees except the State Regulatory fee are non-refundable.

(1)	Application	$300.00
(2)	Renewal (biennial)	$200.00
(3)	Late Renewal	$100.00
(4)	Reinstatement	$300.00
(5)	Duplicate or Replacement License	$25.00
(6)	Continuing Education Course Accreditation	$50.00
(7)	State Regulatory (biennial)	$10.00

Authority: *T.C.A. §§4-5-202, 4-5-204, 63-3-106, 63-3-106(1), 63-3-202, 63-3-203, and 63-3-205.* ***Administrative History:*** *Original rule filed July 13, 2006; effective September 26, 2006. Amendment filed August 25, 2009; effective November 23, 2009.*

1155-04-.10 RENEWAL OF LICENSURE.

(1) The due date for renewal is the last day of the month in which a licensee's birthday falls pursuant to the Division of Health Related Board's biennial birthdate renewal system, which is the expiration date shown on the licensee's renewal certificate.

(2) Methods of Renewal

(a) Internet Renewals - Individuals may apply for renewal and pay the necessary fees via the Internet. The application to renew can be accessed at:

www.tennessee.gov

(b) Paper Renewals - For individuals who have not renewed their license online via the Internet, a renewal application form will be mailed to each individual licensed by the Board to the last address provided to the Board. Failure to receive such notification does not relieve the licensee from the responsibility of meeting all requirements for renewal.

(3) A license issued pursuant to these rules is renewable by the expiration date. To be eligible for renewal an individual must submit to the Division of Health Related Boards on or before the expiration date the following:

(a) A completed renewal application form; and

(b) The renewal and state regulatory fees as provided in Rule 1155-04-.09.

(Rule 1155-04-.10, continued)

(4) To be eligible for renewal an individual must have completed the continuing education requirements provided in Rule 1155-04-.12 and must attest to such completion on the renewal application. An individual who fails to obtain continuing education hours, pursuant to Rule 1155-04-.12, may be subject to disciplinary action by the Board.

(5) Licensees who fail to comply with the renewal rules or notification received by them concerning failure to timely renew shall have their license processed pursuant to Rule 1200-10-01-.10.

(6) Reinstatement of a license that has expired as a result of failure to timely renew in accordance with Rule 1200-10-01-.10 may be accomplished upon meeting the following conditions:

(a) Payment of all past due renewal and state regulatory fees;

(b) Payment of the late renewal fee provided in Rule 1155-04-.09; and

(c) Compliance with continuing education requirements pursuant to Rule 1155-04-.12.

(d) An individual having a license that has been expired for at least twelve (12) months shall submit to a criminal background check and cause the results to be submitted to the Board office before the license can be reinstated.

(7) Renewal applications shall be treated as licensure applications, and shall be governed by Rule 1155-02-.07.

Authority: *T.C.A. §§ 4-5-202, 4-5-204, 63-1-116, 63-3-106, 63-3-202, 63-3-203, and 63-3-205.* ***Administrative History:*** *Original rule filed July 13, 2006; effective September 26, 2006.*

1155-04-.11 RETIREMENT AND REACTIVATION.

(1) A person who holds a current license and does not intend to practice as an orthotist, prosthetist or pedorthist may apply to convert an active license to retired ("inactive") status. An individual who holds a retired license will not be required to pay the renewal fee.

(2) A person who holds an active license may apply for retired status in the following manner:

(a) Obtain, complete, and submit to the Board's administrative office an affidavit of retirement form; and

(b) Submit any other documentation which may be required to the Board's administrative office.

(3) A licensee whose license has been retired may re-enter active status by doing the following:

(a) Obtain complete and submit to the Board's administrative office a reactivation application; and

(b) Pay the renewal fees and state regulatory fees as provided in Rule 1155-04-.09. If reactivation is requested prior to the expiration of one (1) year from the date of retirement, the Board will require payment of the late renewal fee and past due renewal fees; and

(Rule 1155-04-.11, continued)

(c) Submit verification of successful completion of continuing education hours for the period of retirement, pursuant to Rule 1155-04-.12.

(d) An individual having a license that has been retired for at least twelve (12) months shall submit to a criminal background check and cause the results to be submitted to the Board office before the license can be reinstated.

(4) Reactivation applications shall be treated as licensure applications, and shall be governed by Rule 1155-02-.07.

Authority: *T.C.A. §§ 4-5-202, 4-5-204, 63-1-116, 63-3-106, 63-3-202, 63-3-203, and 63-3-205.* ***Administrative History:*** *Original rule filed July 13, 2006; effective September 26, 2006.*

1155-04-.12 CONTINUING EDUCATION.

(1) Each licensed orthotist, prosthetist and pedorthist must annually complete fifteen (15) hours of continuing education in courses applicable to his/ her profession. At least six (6) hours of the continuing education each year must be obtained by each licensee from providers in the state of Tennessee. No more than five (5) hours of the annual requirement shall be completed by any of the means listed in Rule 1155-02-.12 (1) (c).

(a) A person who is licensed in more than one (1) profession under these rules shall annually complete a total of twenty (20) hours of continuing education.

(b) Of the twenty (20) hours required by subparagraph (a), six (6) hours shall be subjects pertaining to each profession in which he/she is licensed. For example, a person who is licensed as a orthotist and as a prosthetist is required to complete six (6) hours pertaining to orthotics and six (6) hours pertaining to prosthetics. The remaining eight (8) hours required could pertain to either orthotics or prosthetics.

(2) Acceptable continuing education shall consist of courses provided, approved, or sponsored by:

(a) The American Board for Certification in Orthotics and Prosthetics, Inc.;

(b) The Board for Orthotist/Prosthetist Certification;

(c) The Board for Certification in Pedorthics;

(d) The Pedorthic Footwear Association;

(e) Tennessee Orthotic and Prosthetic Facilities, Inc.;

(f) The Tennessee Podiatric Medical Association; and

(g) any other entity whose education programs have been approved by the Board.

(3) Course Approval

(a) Courses to be offered for credit toward the required continuing education hours must, unless provided, approved or sponsored by an entity listed in paragraph (2), receive prior approval from the Board.