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312 Rosa L. Parks, 8th Floor Snodgrass/TN Tower
Nashville, TN 37243
Phone: 615.741.2650
Fax: 615.741.5133
Email: register.information@tn.gov

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Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Board of Podiatric Medical Examiners
Division:	
Contact Person:	Anthony K. Czerniak
Address:	Office of General Counsel 220 Athens Way, Suite 210 Nashville, TN 37243
Phone:	(615) 741-1611
Email:	Anthony.K.Czerniak@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator
Address:	227 French Landing, Suite 300 Nashville, TN 37243
Phone:	(615) 532-3202 or (800) 778-4123
Email:	

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Poplar Board Room, Suite 150 Heritage Place, MetroCenter		
Address 2:	227 French Landing		
City:	Nashville Tennessee		
Zip:	37243		
Hearing Date :	08/25/10		
Hearing Time:	9:00 a.m.	<input checked="" type="checkbox"/> _X_ CST	<input type="checkbox"/> __EST

Additional Hearing Information:

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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. 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	Examination
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 and Regulations Governing Podiatry X-Ray Operators
Rule Number	Rule Title
1155-03-.02	Education, Training, and Examination Requirements
1155-03-.07	Retirement and Reactivation

Chapter Number	Chapter Title
1155-04	General Rules and Regulations Governing Orthotists, Prosthetists, and Pedorthists
Rule Number	Rule Title
1155-04-.08	Examinations
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>)

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

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

Paragraph (1) in Rule 1155-02-.04 is amended by deleting the language in the paragraph in its entirety and substituting it instead with the following:

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

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

Subparagraph (h) of paragraph (1) in Rule 1155-02-.05 is amended by deleting the language in subparagraph (h) in its entirety and substituting it instead with the following:

- (h) An applicant shall submit evidence of having completed at least a one (1)-year residency program approved by the Council of Podiatric Medical Examination 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 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 1155-2-.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 request:
 - (a) Conviction of any criminal law violation of any country, state, or municipality, except minor traffic violations.
 - (b) The denial of licensure application by any other state or the discipline of licensure in any state.
 - (c) Loss or restriction of hospital privileges.
 - (d) 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.
 - (e) 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 procedure 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 each for a period of no more than ninety (90) days.
 - (f) All Locum Tenens licenses are subject to discipline for the same causes and pursuant to the same procedures as an active unrestricted license.

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

Rule 1155-02-.08 is amended by deleting subparagraphs (4) (a) and (4) (b) 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-.11 is amended by inserting the following language as new paragraph (4) and renumbering the subsequent paragraphs accordingly:

- (4) An individual who has a podiatry license that has been retired or 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. §§ 63-3-106, 63-3-116, 63-1-116.

Rule 1155-02-.12 is amended by deleting paragraph (5) in its entirety and substituting it instead with the following:

- (5) Persons who are full-time residents in a graduate training program approved by the Council on Podiatric Medical Education 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, 63-3-109.

Rule 1155-02-.14 is amended by deleting subparagraph (h) of paragraph (4) in its entirety and substituting it instead with the following:

- (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.

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

Rule 1155-02-.14 is amended by deleting the language contained in paragraph (5) and substituting it instead with the following:

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

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

Rule 1155-02-.14 is amended by deleting the language contained in paragraph (6) and substituting it instead with the following:

- (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, 63-3-109.

Chapter 1155-3 General Rules and Regulations Governing Podiatry X-Ray Operators

Amendments

Rule 1155-03-.02 is amended by deleting the language in subparagraph (a) contained in paragraph (3) in its entirety and substituting it instead with the following:

- (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 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 and 63-3-125.

Rule 1155-03-.07 is amended by deleting the language in paragraph (4) in its entirety and substituting it instead with the following:

- (4) Licenses that have been retired for at least twelve (12) months or that have failed to be renewed for a period of at least twelve (12) months will be subject to a criminal background check and database check before such license can be reactivated.

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

Chapter 1155-4
General Rules and Regulations Governing Orthotists, Prosthetists, and Pedorthists

Amendments

Rule 1155-04-.08 is amended by deleting paragraph (1) in its entirety and substituting it instead with the following:

- (1) In addition to the jurisprudence examination required by paragraph (4), an applicant for licensure as an orthotist, prosthetist, or pedorthist must successfully complete and achieve a passing score on the examination(s) approved and offered by the American Board for Certification in Orthotics and Prosthetics, Inc., the Board for Certification in Pedorthics, or other examination(s) approved by the board. 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.

Rule 1155-04-.11 is amended by deleting paragraph (4) in its entirety and substituting it instead with the following:

- (4) Licenses that have been retired for at least twelve (12) months or that have failed to be renewed for a period of at least twelve (12) months will be subject to a criminal background check and database check before such license can be reactivated.

Authority: T.C.A. § 63-3-106.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 6/18/2010

Signature: *Anthony K. Czerniak*

Name of Officer: Anthony K. Czerniak
Assistant General Counsel

Title of Officer: Department of Health

Subscribed and sworn to before me on: 6/18/10

Notary Public Signature: *Theodora P. Wilkins*

My commission expires on: 11/2/2011



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Tre Hargett
Tre Hargett
Secretary of State

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