

## Minutes

The Oklahoma State Board of Podiatric Medical Examiners met on March 23, 2024. The regular meeting was held consistent with the Open Meeting Act, 25 O.S.2011, § 301 *et. seq.* Advance notice of this meeting was transmitted to the Oklahoma Secretary of State on December 1, 2023 and posted on the Board's website on March 19, 2024 at 2:27 p.m. in compliance with 25 O.S. § 311.9.

### Members present:

Jeremy Mason, DPM, President  
Bradley Nelson, DPM, Vice-President  
Angela Schuff, DPM, Secretary-Treasurer  
Bradley Beasley, DPM  
Nicole Cupp, DPM  
Mr. Charles Coker, Public Member

### Others present:

Lyle Kelsey, Executive Director of the Podiatric Board  
Sandra Harrison, Deputy Director of the Oklahoma Medical Board  
Barbara Smith, Executive Secretary for the Oklahoma Medical Board  
Lisa Cullen, Director of Licensing for the Oklahoma Medical Board  
Tyler Semour, Licensing Analyst  
Jason Fennell, I.T. Network Administrator  
Madalynn Martin, Assistant Attorney General and Board Legal Advisor

Having noted a quorum, Dr. Mason called the meeting to order at 9:45 a.m.

Following review, Dr. Nelson moved to approve the special meeting minutes of July 31, 2023, as written. Dr. Schuff seconded the motion and the vote was unanimous in the affirmative with Mr. Charles Coker abstaining.

Next, the Board considered nominations for the election of board officers. Following discussion, Dr. Schuff moved to retain all board officers serving in their current roles for another year. Dr. Beasley seconded the motion and the vote was unanimous in the affirmative.

The Board then prepared to review applications for licensure. **AERIAL AVERY**, applicant for Podiatric licensure, appeared virtually in support of his application. All witnesses expected to testify were sworn. Ms. Cullen advised the Board that the applicant had answered an application question incorrectly. Mr. Avery responded to questions of the Board regarding the incorrect answer he gave on his application. Dr. Mason moved to approve the application, based on the applicant's personal appearance and sworn statements, pending completion of his file to include successfully passing the licensure examination. Dr. Beasley seconded the motion and the vote was unanimous in the affirmative.

Following review, Dr. Mason moved to approve the following incomplete applications as shown below pending completion of the files to include successfully passing the licensure

examination. Dr. Cupp seconded the motion and the vote was unanimous in the affirmative.

INCOMPLETE PODIATRY APPLICATIONS	
POD 391	BRANTLEY, BRANDEN JAMES
POD 393	HAMILTON, CURTIS DALE
POD 394	MARTINEZ, ALEXIS NOEL
POD 395	ANDERSEN, RYLEY STEPHEN
POD 396	LIANG, JASON LIH-DER
POD 397	RUSH, KATI KEPPE
POD 398	KIENZLE, WOLFGANG CHRISTOPH
POD 399	KITCHENS, BRANDON PAUL
POD 401	VERDIN, CRAIG JAMES

**BRYAN ANDREW BLANCK, DPM**, appeared virtually in response to allegations of unprofessional conduct.

*Dr. Mason RECUSED. Hearing no objection, Dr. Mason remained in the board room during the presentation of this matter.*

Joseph L. Ashbaker, Assistant Attorney General, appeared on behalf of State, and Brian J. Kuester appeared on behalf of Defendant. All witnesses expected to testify were sworn. Mr. Ashbaker gave a brief history of the matter and presented a Consent Order for the Board's consideration.

Following presentation, Dr. Nelson moved to go into Executive Session. Dr. Beasley seconded the motion and the vote was unanimous in the affirmative.

#### *Executive Session*

Dr. Nelson moved to return to Open Session. Dr. Schuff seconded the motion and the vote was unanimous in the affirmative.

#### *Open Session*

Dr. Nelson moved to reject the Consent Order. Dr. Beasley seconded the motion and the vote was unanimous in the affirmative.

*Dr. Mason rejoined the meeting.*

Next, Mr. Kelsey presented the FY 2024-2025 Contract for Administrative Services with the Oklahoma State Board of Medical Licensure and Supervision. Mr. Kelsey advised that there were no changes to any of the terms contained therein. Following review, Dr. Schuff moved to approve the contract as presented. Dr. Nelson seconded the motion and the vote was unanimous in the affirmative.

Mr. Kelsey opened a discussion regarding DEA CME Requirements for podiatrists licensed in Oklahoma. Dr. Nelson stated he had been in contact with the podiatric association and the association has advised its members as follows:

“For those inquiring whether federally required DEA CME hours can be used for state license required CME, the answer is, yes, if one of the two requirements below is met.

DEA hours can be utilized for state CME if:

1. You attend an in-person, hospital-sponsored, scientific program for DEA hours **and** that program is approved by the state Board for state hours,\*

**or**

2. You receive your DEA hours online and those hours are approved by the Council on Continuing Education of the American Podiatric Medical Association.\*\*

\*You need to make sure the hospital program is taught by a DEA qualified provider to receive DEA CME credit.

\*\*Because the American Podiatric Medical Association and individual state podiatry associations are not qualified providers of DEA required education under federal law, you need to make sure your online hours are taught by a DEA qualified provider, in addition to being approved by the Council on Continuing Education of the American Podiatric Medical Association, to receive both DEA and state CME credit. PresentPodiatry.com has hours that meet both requirements.”

Mr. Kelsey introduced Sandra Harrison, JD, as the new Deputy Director of the Oklahoma Medical Board. Ms. Harrison provided a 2024 Legislative Update. Ms. Harrison reported that we are currently halfway through the legislative process. SB 1231 extends the sunset of the Board and it is set for hearing on March 27<sup>th</sup> at 3:00 p.m. in House Administrative Rules. Dr. Nelson advised that the director of the podiatric association will be attending that hearing. Ms. Harrison then updated the Podiatric Board on bills related to the Medical Board, SB 597 and HB 3035. The Perfusion bill, SB 1234, extends that board to 2027 with no other changes and is also set to be heard on March 27<sup>th</sup>. In closing, she reported that sine die is the last Friday in May and currently there is no agreement on budget. The Board requested that, in the future, they be notified when the Podiatric Board sunset bill is up for consideration so that they may attend the proceedings.

The Board requested that at least one additional meeting be set this calendar year. They will continue to only test applicants once annually. After graciously acknowledging the effort required for staff to conduct a board meeting off-site, a staff directive was issued to Barbara Smith to set a special meeting for May 10, 2024 at 4:00 p.m. to be held in the board office at 101 NE 51<sup>st</sup> Street in Oklahoma City.

There being no further business, Dr. Nelson moved to adjourn the meeting. The time was 9:54 a.m.



**OKLAHOMA STATE BOARD OF PODIATRIC MEDICAL EXAMINERS**

101 N.E. 51st Street, Oklahoma City, OK 73105-1821

Phone: (405) 962-1400 Fax: (405) 962-1440 • Web Page: [www.okpodiatrists.org](http://www.okpodiatrists.org)

Certified Mail and via email [Redacted]

April 12, 2024

9489 0090 0027 6330 2024 55

Alexandria Kloeck, Podiatrist 335  
[Redacted]

**REQUEST FOR BOARD APPEARANCE**

Your request for an extension of your Continued Medical Education (CME) requirements has been received. The Podiatry Board will review this request at their meeting scheduled for **May 10, 2024, at 4:00 p.m., at the offices of the Oklahoma Board of Medical Licensure and Supervision 101 NE 51<sup>st</sup> Street Oklahoma City, OK 73105 or you may appear via Zoom.**

**OAC 545:20-3-1(B):** *These hours of continuing education must be obtained in the twenty-four (24) month period immediately preceding the renewal deadline. That is, from July 1 of even-numbered years to the following June 30 of an even-numbered year.*

**OAC 545:20-3-1(D):** *The Board may, upon showing of good cause and in their absolute discretion, waive hours of continuing education for any two-year renewal period providing that all hours of continuing education be completed at the end of the following two-year renewal period pursuant to Section 545:20-3-2(b).*

**OAC 545:20-3-2(B):** *Delinquency for continuing education hours may only be allowed in cases of hardship as determined on an individual basis by the Board. In all instances, hours of delinquency must be current at the end of the four year period following a period of delinquency.*

Please confirm your attendance at this meeting.

Sincerely,

Lisa K. Cullen  
Director of Licensing

-----Original Message-----

From: Alexandra Shendrik <[REDACTED]>

Sent: Wednesday, April 10, 2024 12:44 PM

To: Lyle Kelsey <[lkelsey@okmedicalboard.org](mailto:lkelsey@okmedicalboard.org)>

Subject: [EXTERNAL] CME for license 22-24 timeframe

Hello,

I am reaching out to request an extension for the CME requirement of 60 hours for this timeframe of 2022-2024. I currently have 30 hours from two Tulsa conferences and anticipate obtaining additional 10 from online for a total of 40 certainly (20 hours short). I'm currently on maternity leave from work and have had two children born 15 months apart within this reapplication period of 2 years. I've discussed with Brad who provided me your contact information to discuss.

Time just has gotten away from me and I'm hesitant to travel to the May conference from Tulsa to OKC as I breastfeed my baby and the logistics of pumping storing and transporting milk from Tulsa to OKC and the distance/hours I would be gone with a newborn just makes me nervous.

If possible I would ask that an extension could be granted and I would complete 80 hours in the next cycle 24-26.

Thanks for your consideration and time

Alexandra Kloeck



# Oklahoma Medical Licensure Boards

## Medical Doctors - MD

## Doctors of Osteopathy - DO



### License Details

Last Update: Monday, April 15, 2024 4:02 AM CDT

### Wallet Card

BLANCK, BRYAN ANDREW	
<b>Practice Address:</b> <a href="#">VALLEY VIEW FOOT &amp; ANKLE CENTER PLLC</a> <a href="#">1631 ARLINGTON ST</a> <a href="#">ADA OK 74820</a> Address last updated on 9/22/2016  <b>Phone #:</b> (580) 559-0001 <b>Fax #:</b> <b>County:</b> PONTOTOC <b>License:</b> 253 <b>Dated:</b> 7/6/2007 <b>Expires:</b> 6/30/2024 <b>License Type:</b> Podiatrist <b>Specialty:</b> <b>NPI #:</b> 1215906276	<b>Status:</b> Active <b>Status Class:</b> Fully Licensed <b>Restricted to:</b> <b>Registered to Dispense:</b> YES <b>CME Year:</b> 2024 <b>Fee History:</b> 06/01/20 \$150.00 06/19/18 \$150.00 05/31/16 \$150.00  <b>Hospital Privileges:</b> None listed <b>References:</b> BRENT BERNSTEIN, DPM, PA (Letter) 10/25/06 EDWIN S HART, DPM, PA (Letter) 10/25/06 ROBERT DIAMOND, DPM, PA (Letter) 10/25/06

### Other Licenses

The License Status and Expiration date listed below are verified only at the time of initial Licensure. For current status of Other State Licenses please visit respective States' websites.

License Number (in other state)	State	Status	Expires	Verification Date	Verification Waived	Verification Source
SC005809	PA	Active		10/25/2006		Primary Source Verified

### Education History

School	Type	From	To	Degree	Verified
TEMPLE UNIVERSITY, PHILADELPHIA, PA		8/2000	5/2004	DPM	
EAST STROUDSBURG UNIVERSITY, EAST STROUDSBURG, PA		8/1995	12/1999	BS/BIOLOGY	
EXETER TOWNSHIP HIGH SCHOOL, READING , PA		8/1992	6/1995		

### Postgraduate

School	Specialty	From	To	Primary Source Verified	Date Primary Source Verified	Certificate Verified	ACGME	ACGME Waived
ST LUKE'S HOSPITAL, ALLENTOWN, PA – PM&S 36 accredited	PODIATRY	7/2004	6/2007	Y	10/25/06			Y

### Exams

Exam	Date Taken	Date Primary Source Verified
NATLBD1	07/09/02	10/30/2006
NATLBD2	03/03/04	10/30/2006
NATLBD3	06/04	11/2/2006

### Practice History

Employer	Specialty	Supervisor	From	To	Verified
VALLEY VIEW FOOT & ANKLE CENTER PLLC, ADA, OK	PODIATRY		7/2007		
NONE, PHILADELPHIA, PA	WAITING TO ENTER TEMPLE UNIVERSITY		12/1999	8/2000	

**Pending and/or Past Disciplinary Actions**

Date	Action	Reasons	Remarks
11/15/2023	Complaint Citation		

**Board Filings and/or Orders**

[11/15/2023](#)  
[11/15/2023](#)

**License Verification and Disclaimer**

This verification service provides current data extracted by the Oklahoma State Board of Medical Licensure & Supervision (OSBMLS) from its own database. The data in this web site is provided by and controlled entirely by the OSBMLS and therefore constitutes a primary source verification of licensure status as authentic as a direct inquiry to the OSBMLS. Initial licensure data collected, such as Education, Training, Other State License Verification, ECFMG, Federation Clearance, AMA Profile, and Exam Information are obtained from primary source. All primary source obtained data are clearly marked as such. Should the License Date be earlier than 1996, some of the data may not be primary source. The information provided through the verification service is all of the information pertinent and available in that field of information in the OSBMLS database. The data is updated, at a minimum, three times daily.

Please note that the NPI numbers listed on search results are provided by licensees themselves and are not verified by the Medical Board. APRN license information listed under "Supervisees" is obtained from Board of Nursing once a month and is listed here for supervisor/supervisee cross reference purpose only and hence not be construed as full verification of APRN license. APRN's license verification must be made through State Board of Nursing.

No responsibility is assured or implied for errors or omissions created by technical difficulties. No one shall be entitled to claim detrimental reliance thereon.

For information regarding those categories not included in the database and/or concerns about transmission errors, inconsistencies, or other data issues that may be identified from time to time, contact the OSBMLS at:

Issues related to verification data: [licensing@okmedicalboard.org](mailto:licensing@okmedicalboard.org) or Phone: (405) 962-1400 ext. 170

Technical issues: [supportservices@okmedicalboard.org](mailto:supportservices@okmedicalboard.org) or Phone: (405) 962-1400

Items highlighted in blue are Primary Source Verified.

IN AND BEFORE THE OKLAHOMA STATE BOARD  
OF PODIATRIC MEDICAL EXAMINERS  
STATE OF OKLAHOMA

**FILED**

NOV 15 2023

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, *ex rel.* )  
OKLAHOMA STATE BOARD )  
OF PODIATRIC MEDICAL )  
EXAMINERS, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
BRYAN ANDREW BLANCK, D.P.M., )  
LICENSE NO. DPM 253, )  
 )  
Defendant. )

Case No. 23-04-6218

**VERIFIED COMPLAINT**

The State of Oklahoma, *ex rel.* Oklahoma State Board of Podiatric Medical Examiners (“Board”), alleges and states as follows for its Complaint against Bryan Andrew Blanck, D.P.M. (“Defendant”):

1. The Board has jurisdiction over the subject matter and is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of those practicing podiatric medicine in the State of Oklahoma pursuant to 59 Okla. Stat. § 136 *et seq.*
2. Defendant holds Oklahoma podiatric medical license number 253.
3. The acts and omissions complained of herein were made while Defendant was acting as a physician pursuant to his podiatric medical license conferred upon him by the State of Oklahoma. Such acts and omissions occurred within the physical territory of the State of Oklahoma.

**I. ALLEGATIONS OF PROFESSIONAL MISCONDUCT**

4. On April 18, 2023, the American Podiatric Medical Association sent an email to OSMB containing a news article from KTUL stating Defendant had agreed to pay \$7 million to the federal government to resolve allegations that he violated the False Claims Act. Defendant, who formerly owned and operated the Valley View Foot and Ankle Center in Ada, submitted false claims to the VA for excessive medical services and for higher levels of service than what was medically reasonable or necessary for veterans receiving bioengineered skin substitutes and skin substitute-related treatment.
5. According to PACER, an electronic public access service for United States federal court documents, there are 3 federal court cases attributed to this licensee:



- **Civil Action Case No. 19-CV-147-KEW** was filed on May 9, 2019, by Defendant against SMB Medical Billing Corporation. On April 6, 2021, the case was dismissed with prejudice.
  - **Civil Action Case No. 19-CV-286-KEW** was filed on August 28, 2019, by the US Eastern District of Oklahoma against Defendant in a forfeiture suit for violation of Wire Fraud, Health Care Fraud and Money Laundering.
  - **Civil Action Case No. 23- CV-03-JAR** was formally filed on Jan 3, 2023, against Defendant by the US District Court under the False Claims Act.
6. In **Civil Action Case No. 19-CV-286-KEW**, According to the Affidavit, in August, 2017, the VA/OIG SCFO initiated a health care fraud investigation into the podiatry clinic owned and operated by Defendant (Valley View Foot and Ankle Center - VVFAC) regarding allegations of a scheme to defraud government health insurance providers (specifically, the VA Choice / Patient-Centered Community Care program) by submitting claims for higher levels of service than what was medically reasonable or necessary, specifically skin substitutes. Due to Defendant's actions, the VA was billed \$16,523,430 and paid out \$12,544,012.42 to VVFAC for dates of service from August 14, 2015 – February 26, 2019, for 50 veterans receiving skin substitute and related treatment. TriWest conducted a limited desk audit on January 11, 2019, for 5 veteran patients. Of those 5, 263 visits were reviewed, of which 193 (73.3%) resulted in the billing of a skin substitute by Defendant.
  7. VA Patient L.W. was referred to Defendant for a **toenail** removal on May 25, 2016, however, the doctor told the patient he could not perform the nail removal because her A1C was too high. According to the patient, the doctor noticed a discoloration on her right leg and a mosquito bite in that area and treated it with a skin substitute without attempting any traditional medical treatment first. L.W. stated she had 4-5 skin substitutes placed on mosquito bites and never received her toenail removal procedure. Defendant billed \$24,850 on LW's first visit for a total of \$92,250.00 to include the 6 subsequent visits.
  8. VA Patient J.J. had a similar experience when Defendant treated "scrapes and nicks" with skin substitute. From November 15, 2016 – December 19, 2016, Defendant billed the VA a total of \$459,750 for patient J.J. The other 3 patient scenarios are cited within the document as well. The document lists all the bank accounts, properties and other assets believed to represent proceeds traceable to the commission of the aforementioned unlawful acts and subject to forfeiture to the US.
  9. **SUMMARY OF BILLING:** According to the VA Program Integrity data analysis, from February 14, 2017 – June 14, 2018, Defendant was the #1 billing podiatrist out of 4,014 nationwide in VA Choice and the #1 billing provider out of 280,073 individual providers in the entire VA Choice program across the nation. A review of TriWest billing data revealed that from August 14, 2015 – February 26, 2019, Defendant billed the VA Choice program through TriWest a total of \$16,523,430.00 and TriWest paid, on VA's behalf,

VVFAC a total amount of \$12,544,012.42 for skin substitute and related treatment for 50 veteran patients.

10. **SETTLEMENT AGREEMENT:** The settlement agreement was entered on August 24, 2022. The judgment was in the amount of \$7,000,000. The US took possession of assets totaling \$4,652,810.00 and the doctor was ordered to pay \$810,000.00, sell listed properties and pay proceeds toward the judgment, and make payments of a minimum of \$1,000/month to the US government to satisfy the remaining balance.
  
11. **Civil Action Case No. 23- CV-03-JAR**, was formally filed on January 3, 2023, against Defendant by the US District Court under the False Claims Act for \$7,000,000, in which the US alleges Defendant violated provisions of the False Claims Act by submitting claims to health care programs for medically unnecessary and inappropriate levels of care from August 14, 2015 – February 26, 2019. Defendant denied the allegations and admitted no liability or wrongdoing but has consented to the entry of an Agreed Judgment to avoid the delay, uncertainty, inconvenience and expense of protracted litigation of such claims.

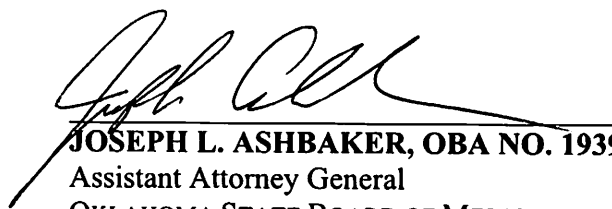
## II. VIOLATIONS

12. Based on the foregoing, the Defendant is guilty of professional misconduct as follows:
  - a. Making any advertisement, statement, or representation which is untrue or improbable and calculated by the licensee to deceive, defraud or mislead the public or patients in violation of 59 O.S. § 148(5); and,
  - b. Violating or attempting to violate the provisions of the Podiatric medicine Practice Act, the Code of Ethics, or the rules of the Board in violation of 59 O.S. § 148(12); and,
  - c. A podiatrist, licensed as such under the laws of the State of Oklahoma, shall never willfully be guilty of conduct openly and grossly discreditable to the profession of podiatry in violation of Okla. Admin. Code § 545:1-5-9(1); and
  - d. He shall strive to keep the respect of other legalized professions. He shall further strive to uphold the honor and maintain the dignity of the profession of podiatry; shall not unjustly stir up strife or litigation or ill will among or between members of the profession; shall not dishonorably seek to avoid performance or observance of agreements lawfully binding upon him; shall be prompt, conscientious, and fair in all professional matters, and shall endeavor to uphold and observe the law, in violation of Okla. Admin. Code § 545:1-5-9(9); and
  - e. Within the purview of this Code of Ethics, it shall be deemed to be unethical conduct for any licensed podiatrist to perform any act, either of omission or commission, contrary to the true intendments and spirit expressed in this Code of Ethics in violation of Okla. Admin. Code § 545:1-5-9(13); and

- f. Grossly dishonorable conduct on the part of the licensee in violation of Okla. Admin. Code § 545:25-1-3(15); and
- g. Any act or omission on the part of the licensee which is contrary to or in derogation of the code of ethics in violation of Okla. Admin. Code § 545:25-1-3(17); and
- h. Any act of the licensee which is so intended to defraud the public in violation of Okla. Admin. Code § 545:25-1-3(19); and
- i. Violation of any section of the Code of Ethics promulgated by the Board in OAC 545:1-5-9 in violation of Okla. Admin. Code § 545:25-1-3(21).

### III. CONCLUSION

Given the foregoing, the undersigned requests the Board conduct a hearing, and, upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation and any other appropriate action with respect to the Defendant's professional license, including an assessment of costs and attorney's fees incurred in this action as provided by law.

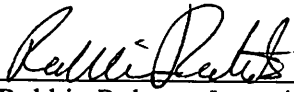


**JOSEPH L. ASHBAKER, OBA NO. 19395**  
Assistant Attorney General  
OKLAHOMA STATE BOARD OF MEDICAL  
LICENSURE AND SUPERVISION  
101 N.E. 51<sup>st</sup> Street  
Oklahoma City, Oklahoma 73105  
405/962.1400  
405/962.1499 – Facsimile

**VERIFICATION**

I, Robbin Roberts, under penalty of perjury, under the laws of the State of Oklahoma, state as follows:

1. I have read the above Complaint regarding the Defendant, Bryan Andrew Blank, D.P.M.; and
2. The factual statements contained therein are true and correct to the best of my knowledge and belief.



Robbin Roberts, Investigator  
OKLAHOMA STATE BOARD OF MEDICAL  
LICENSURE AND SUPERVISION

Date:

11-15-23



Place of Execution

Amended: June 1, 2021

**PODIATRIC MEDICINE PRACTICE ACT  
TITLE 59 O.S., SECTIONS 135.1-160.2**

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### **135.1. Short Title**

Sections 135.1 through 160.2 of this title shall be known and may be cited as the "Podiatric Medicine Practice Act".

*Laws 1983, HB 1182, c. 138, § 1, emerg. eff. July 1, 1983; Amended by Laws 1993, HB 1190, c. 150, § 1, eff. September 1, 1993.*

### **136. Definitions**

As used in the Podiatric Medicine Practice Act, these words, phrases or terms, unless the context otherwise indicates, shall have the following meanings:

1. "Accredited college of podiatric medicine" means a podiatric medicine educational institution which confers the degree of Doctor of Podiatric Medicine (D.P.M.), or its equivalent, and meets all of the requirements for accreditation by the Council on Podiatric Medical Education of the American Podiatric Medical Association, Inc.;
2. "Board" means the Board of Podiatric Medical Examiners;
3. "Oklahoma Podiatric Medical Association" means the Oklahoma Podiatric Medical Association, Inc., a nonprofit corporation organized and existing under the laws of this state for the association of podiatric physicians and for the advancement of the profession of podiatric medicine; and
4. "Podiatric physician", "doctor of podiatric medicine" and "podiatrist" are synonymous and mean a person duly licensed pursuant to the laws of this state to practice podiatric medicine.
5. "Code of Ethics" means the Code of Ethics of the American Podiatric Medical Association, as currently adopted, or as hereinafter amended by said Association.

*Laws 1955, HB 618, p. 308, § 1, emerg. eff. May 23, 1955; Amended by Laws 1983, HB 1182, c. 138, § 2, emerg. eff. July 1, 1983; Amended by Laws 1993, HB 1190, c. 150, § 2, eff. September 1, 1993.*

### **137. Board of Podiatric Medical Examiners-Membership-Qualifications-Terms-Removal**

A. A Board of Podiatric Medical Examiners is hereby re-created, to continue until July 1, 2024, in accordance with the provisions of the Oklahoma Sunset Law. Said Board shall regulate the practice of podiatric medicine in this state in accordance with the provisions of the Podiatric Medicine Practice Act. The Board, appointed by the Governor, shall be composed of five (5) podiatric physicians licensed to practice podiatric medicine in this state and one (1) lay member representing the public.

B. Each podiatric physician member of the Board shall:

1. Be a legal resident of this state;
2. Have practiced podiatric medicine continuously in this state during the three (3) years immediately preceding his appointment to the Board;
3. Be free of pending disciplinary action or active investigation by the Board; and
4. Be a member in good standing of the American Podiatric Medical Association and of the Oklahoma Podiatric Medical Association.

C. The lay member of the Board shall:

1. Be a legal resident of this state;
2. Not be a registered or licensed practitioner of any of the healing arts or be related, within the third degree of consanguinity or affinity, to any such person; and
3. Participate in Board proceedings only for the purposes of:
  - a. reviewing, investigating and disposing of written complaints regarding the conduct of podiatric physicians; and
  - b. formulating, adopting and promulgating rules pursuant to Article I of the Administrative Procedures Act.

D. Except as provided in subsection E of this section, the term of office of each podiatric physician member of the Board shall be five (5) years, with one such member being appointed to the Board each year. The lay member of the Board shall serve a term coterminous with that of the Governor. Each member shall hold office until the expiration of the term for which appointed or until a qualified successor has been duly appointed. An appointment shall be made by the Governor within ninety (90) days after the expiration of the term of any member, or the occurrence of a vacancy on the Board due to resignation, death, or any other cause resulting in an unexpired term. The appointment of the podiatric physician members shall be made from a list of not less than five persons submitted annually to the Governor by the Oklahoma Podiatric Medical Association.

E. Each of the three podiatric physician members of the Board, serving on the effective date of this act, shall complete the term of office for which he was appointed, and the successor to each such member shall be appointed for a term of five (5) years. Within sixty (60) days after the effective date of this act, the Governor shall appoint two new podiatric physician members to the Board, one for a term expiring July 1, 1997, and one for a term expiring on July 1, 1998. The

successor to each such new member shall be appointed for a term of five (5) years.

F. Before assuming his duties on the Board, each member shall take and subscribe to the oath or affirmation provided in Article XV of the Oklahoma Constitution, which oath or affirmation shall be administered and filed as provided in said article.

G. A member may be removed from the Board by the Governor for cause which shall include, but not be limited to:

1. Ceasing to be qualified;
2. Being found guilty by a court of competent jurisdiction of a felony or of any offense involving moral turpitude;
3. Being found guilty, through due process, of malfeasance, misfeasance or nonfeasance in relation to his Board duties;
4. Being found mentally incompetent by a court of competent jurisdiction;
5. Being found in violation of any provision of the Podiatric Medicine Practice Act; or
6. Failing to attend three consecutive meetings of the Board without just cause, as determined by the Board.

*Laws 1955, HB 618, p. 308, § 2, emerg. eff. May 23, 1955; Amended by Laws 1983, HB 1182, c. 138, § 3, emerg. eff. July 1, 1983; Amended by Laws 1988, SB 450, c. 225, § 7; Amended by Laws 1993, HB 1122, c. 4, § 1; Amended by Laws 1993, HB 1190, c. 150, § 3, eff. September 1, 1993; Amended by Laws 1999, HB 1161, c. 20, § 1; Amended by Laws 2005, HB 1212, c. 27, § 1, eff. August 26, 2005; Amended by Laws 2011, HB 1018, c. 45, § 1.*

### **138. Application of act**

Nothing in this act shall apply to any medical doctor, osteopath, or chiropractor licensed as such under the laws of this state, now or hereafter.

*Laws 1955, HB 618, p. 308, § 3, emerg. eff. May 23, 1955.*

### **139. Meetings-Election of Officers-Duties-Quorum**

A. The Board of Podiatric Medical Examiners shall organize annually at the last regularly scheduled meeting of the Board before the beginning of the next fiscal year by electing from among its members a president, a vice-president, and a secretary-treasurer. The term of office of each officer shall be for the following fiscal year and until a successor is elected and qualified. The duties of each officer shall be prescribed in the rules of the Board.



B. The Board may hold such regularly scheduled meetings, special meetings, emergency meetings, or continued or reconvened meetings as found by the Board to be expedient or necessary. A majority of the Board shall constitute a quorum for the transaction of business.

C. The Board shall act in accordance with the provisions of the Oklahoma Open Meeting Act, the Oklahoma Open Records Act, and the Administrative Procedures Act.

D. All members of the Board and such employees as determined by the Board shall be bonded as required by Sections 85.26 through 85.31 of Title 74 of the Oklahoma Statutes.

E. The responsibilities and rights of any member or employee of the Board who acts within the scope of the Board duties or employment shall be governed by the Governmental Tort Claims Act.

*Laws 1955, HB 618, p. 308, § 4, emerg. eff. May 23, 1955; Amended by Laws 1997, HB 1466, c. 222, § 1, eff. November 1, 1997.*

#### **140. Employees of Board-Prosecutions-Materials and supplies-Bonds--Seal**

The Board of Podiatric Medical Examiners may:

1. Employ, contract with, and direct stenographic, clerical, and secretarial help and investigators and attorneys to assist it and its officers in observing and performing under the applicable laws and to help carry out and enforce the applicable laws;
2. Gather and present to district attorneys of this state evidence which it believes shows violations of the applicable laws, and, among other purposes authorized by law, it may use attorneys it employs to assist district attorneys (but only with their consent) in the prosecution of such violations, and also to represent it in any court;
3. Discharge any person it employs, but this provision shall not be interpreted as authorizing it to fail in any way to observe and perform its lawful contracts;
4. Contract for and purchase or rent books, stationery, forms, postage, equipment, other materials and supplies, and furniture and it may rent or lease office space or other quarters; however the compensation of those it employs or with whom it contracts and the consideration it owes under its contracts and its other costs, expenses and liabilities of whatever nature shall never be a charge against the State of Oklahoma, except that the Board may cause payment for all thereof to be made from the Board of Podiatric Medical Examiners' Revolving Fund insofar as there are from time to time amounts in said fund for such purposes;
5. Require fidelity bonds of those it employs; and
6. Adopt a seal and use the same by impression in addition to the signature of the Board

wherever its signature is permitted or required.

*Laws 1955, HB 618, p. 309, § 5, emerg. eff. May 23, 1955; Amended Laws 1993, HB 1190, c. 150, § 4, eff. September 1, 1993.*

**141. Powers and duties**

The Board of Podiatric Medical Examiners shall have the power and duty to:

1. Regulate the practice of podiatric medicine;
2. Promulgate the rules that may be necessary to implement and enforce the Podiatric Medicine Practice Act;
3. Set license and examination fees required by the Podiatric Medicine Practice Act;
4. Receive fees and deposit said fees with the State Treasurer in the Board of Podiatric Medical Examiners' Revolving Fund;
5. Issue, renew, revoke, deny, and suspend licenses to practice podiatric medicine;
6. Examine all qualified applicants for licenses to practice podiatric medicine;
7. Investigate complaints and hold hearings;
8. Adopt and establish rules of professional conduct which shall apply to every person who practices podiatric medicine in this state;
9. Set educational requirements for licensure; and
10. Perform such other duties, exercise such other powers, and employ such personnel as is required by the provisions of the Podiatric Medicine Practice Act.

*Laws 1955, HB 618, p. 309, § 6, emerg. eff. May 23, 1955; Amended by Laws 1983, HB 1182, c. 138, § 4, emerg. eff. July 1, 1983; Amended by Laws 1993, HB 1190, c. 150, § 5, eff. September 1, 1993.*

**142. Acts Constituting Practice of Podiatric Medicine-Exceptions**

A. Podiatric medicine is that profession of the health sciences concerned with the diagnosis and treatment of conditions affecting the human foot and ankle, including the local manifestations of systemic conditions, by all appropriate systems and means.

B. Any one or more of the following shall be deemed to be practicing podiatric medicine:

1. In any way examining, diagnosing, recommending for, prescribing for, caring for or treating in this state ailments, diseased conditions, deformities or injuries of the human foot and ankle, whether or not done directly thereon;
2. Massage or adjustment in connection with such examining, diagnosing, recommending, prescribing, treating, or caring for;
3. Fitting, building, or otherwise furnishing pads, inserts, appliances, inlays, splints, or supports, or giving or using medicament or anesthetics in connection with such examining, diagnosing, recommending, prescribing, treating, caring for, or fitting; and
4. Offering in this state to any person to do or cause to be done, or attempting in this state to do or cause to be done, any or all of the foregoing.

C. The provisions of the Podiatric Medicine Practice Act shall not apply to:

1. The sale of proprietary or patented foot remedies, pads, supports or corrective shoes;
2. The fitting or recommending of appliances, devices, or shoes for the prevention, correction, or relief of foot ailments or troubles, by regularly established retail dealers or their regular salesmen, not holding themselves out to the public as podiatric physicians under the terms of this act; or
3. A person providing services or assistance in case of an emergency if no fee or other consideration is contemplated, charged, or received.
4. Any person who is licensed to practice podiatric medicine in another state or territory of the United States whose sole purpose and activity in this state is to practice podiatric medicine and surgery with a specific podiatrist who is licensed to practice podiatric medicine by the Board, excluding a podiatrist with a temporary or restricted license. The length of such person's practice in this state shall be limited to four (4) weeks per year and shall be limited to training purposes. The scope of the training shall not exceed that allowed by Oklahoma law.

*Added by Laws 1955, HB 618, c. 4, § 7, emerg. eff. May 23, 1955; Amended by Laws 1993, HB 1190, c. 150, § 6, eff. September 1, 1993; Amended by Laws 1994, SB 677, c. 105, § 1, eff. September 1, 1994; Amended by Laws 2009, HB 1897, c. 261, § 1, emerg. eff. July 1, 2009.*

#### **143. Unlawful practices-Penalty**

A. It shall be unlawful for:

1. Any person to practice or attempt to practice podiatric medicine in this state as defined

by the applicable laws or as otherwise defined, or to hold himself out to the public in this state as a podiatric physician, doctor of podiatric medicine, podiatrist, foot doctor or foot specialist without having first obtained a license to practice podiatric medicine from the Board of Podiatric Medical Examiners, or after his license to practice podiatric medicine has been revoked, or while such license is under suspension. Provided, however, an applicant for a license by examination who has successfully passed the examination administered by the Board may practice podiatric medicine to the extent necessary to enable him to observe and assist a podiatric physician, as an intern, preceptee or resident, if while so doing he complies with all of the rules of the Board;

2. A podiatric physician to practice as such at any time when his license is not conspicuously displayed in his place of regular practice;
3. Any person to knowingly represent in any manner in this state, either publicly or privately, that another person is a licensed podiatric physician, doctor of podiatric medicine, podiatrist, foot doctor or foot specialist, or is capable of examining, diagnosing, recommending for, prescribing for, caring for, or treating in this state ailments, diseased conditions, deformities, or injuries of the human foot, unless such other person at the time of such representation is a licensed podiatric physician; and
4. Any podiatric physician to violate any provision of the Podiatric Medicine Practice Act or the rules of the Board.

B. Any person who does any one or more of the things made unlawful by subsection A of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment. Each day of such violation shall constitute a separate and distinct offense.

*Laws 1955, HB 618, p. 311, § 8, emerg. eff. May 23, 1955; Amended by Laws 1993, HB 1190, c. 150, § 7, eff. September 1, 1993.*

#### **144. Examinations-Qualification of Applicants-Fees-Licenses**

A. The fee for examination for a license to practice podiatric medicine in this state shall be One Hundred Dollars (\$100.00). The Board of Podiatric Medical Examiners may increase this fee by not more than an additional Two Hundred Dollars (\$200.00). The examination for such license shall be given by the Board. The Board may give the examination at any special meeting, but shall not be required to do so. The Board may utilize the National Board of Podiatric Examiners' National Board Examination Part III as the written portion of the state licensing exam.

B. To be entitled to take the examination, a person shall:

1. File a written application on a form prescribed by the Board;

2. Pay to the secretary-treasurer of the Board in advance the fee for examination;
3. Satisfy the Board that the person is loyal to the United States of America;
4. Be more than twenty-one (21) years of age;
5. Be of good moral character;
6. Not have been finally convicted of any crime involving moral turpitude or of any felony;
7. Be free from contagious or infectious disease;
8. Be a graduate of an accredited college of podiatric medicine; and
9. Have complied with applicable Board rules.

C. An applicant satisfying the requirements of subsection B of this section shall receive a license to practice podiatric medicine in this state, to be issued by the Board, if the applicant:

1. Takes the examination administered or approved by the Board and receives a passing score of at least seventy-five percent (75%) on both the written and oral portions. An applicant receiving less than a score of seventy-five percent (75%) on either the written or oral portion of the examination shall be deemed to have failed the entire examination;
2. Satisfactorily completes a podiatric surgical residency, approved by the Council of Podiatric Medical Education of the American Podiatric Medical Association, of not less than three (3) years; provided, the provisions of this paragraph shall only apply to applicants after March 1, 2018; and
3. Satisfies the Board that the applicant has not violated any of the provisions of the Podiatric Medicine Practice Act or any of the rules of the Board.

D. The examination administered or approved by the Board shall include both a written and an oral portion, shall be administered in the English language, and shall cover areas in anatomy, pathology, podiatric medicine and surgery, dermatology, pharmacology, biomechanics, anesthesia, radiology, Oklahoma law relating to podiatric medicine, and such other subjects as the Board from time to time determines necessary and appropriate. The Board may authorize examination papers to be graded by one or more of its own members or by any one or more licensed podiatric physicians selected by the Board. Each license issued by the Board shall be signed by each member of the Board, bear the seal of the Board, and designate the licensee as a licensed podiatric physician.

E. The Board may issue a temporary license if the applicant:

1. Has met the requirements of subsection B of this section;
2. Takes the examination administered or approved by the Board and receives a passing score of at least seventy-five percent (75%) on both the written and oral portions. An applicant receiving less than a score of seventy-five percent (75%) on either the written or oral portion of the examination shall be deemed to have failed the entire examination;
3. Is within ninety (90) days of completing or has completed a podiatric surgical residency, approved by the Council of Podiatric Medical Education of the American Podiatric Medical Association, of not less than three (3) years; provided, the provisions of this paragraph shall only apply to applicants after March 1, 2018; and
4. Satisfies the Board that the applicant has not violated any of the provisions of the Podiatric Medicine Practice Act or any of the rules of the Board.

*Laws 1955, HB 618, c. 4, § 9, emerg. eff. May 23, 1955; Amended by Laws 1990, HB 1728, c. 163, § 1, eff. September 1, 1990; Amended by Laws 1993, HB 1190, c. 150, § 8, eff. September 1, 1993; Amended by Laws 2002, SB 928, c. 118, § 1, eff. November 1, 2002; Amended by Laws 2008, HB 2763, c. 149, § 1, emerg. eff. May 12, 2008; Amended by Laws 2013, SB 302, c. 185, § 1, eff. November 1, 2013; SB 682, eff. November 1, 2017.*

#### **144.1. Training license**

A. No person who is granted a training license shall practice outside the limitations of the license.

B. To be eligible for training licensure, the applicant shall have completed all the requirements for full and unrestricted licensure except graduate education and/or licensing examination or other requirements relative to the basis for the training license.

C. By rule, the Board of Podiatric Medical Examiners shall establish restrictions for training licensure to assure that the holder will practice only under appropriate circumstances as set by the Board.

D. A training license shall be renewable annually upon the approval of the Board and upon the evaluation of performance in the special circumstances upon which the training license was granted.

E. The issuance of a training license shall not be construed to imply that a full and unrestricted license to practice podiatric medicine will be issued at a future date.

F. All other provisions of the Podiatric Medicine Practice Act shall apply to the holders of training licenses.

G. This section shall not limit the authority of any state agency or educational institution in this state which employs a training licensed podiatric physician to impose additional practice limitations upon such podiatric physician.

*Added by Laws 2013, SB 302, c. 185, § 2, eff. November 1, 2013.*

#### **145. Renewal of License-Fees-Suspension on Nonpayment-Reinstatement-Records**

A. Each license to practice podiatric medicine shall be renewed by June 30 of even-numbered years. Such license shall entitle the licensee to practice podiatric medicine in this state as defined by law and to hold himself/herself out as a licensed podiatric physician, doctor of podiatric medicine or podiatrist as long as lawfully renewed, unless suspended or revoked as authorized by law.

B. Upon application and payment of required fees, and upon first satisfying the Board of Podiatric Medical Examiners that the licensee is not at the time violating any applicable law or any of the rules of the Board or the Code of Ethics, and upon showing proof of compliance with Section 145.1 of this title, a licensee shall be entitled to have his/her license to practice podiatric medicine renewed until June 30 of the following even-numbered year.

C. A license not renewed in the time and manner required by this section shall become inactive and the licensee may not practice as a licensed podiatric physician, doctor of podiatric medicine or podiatrist. The license may be renewed on or before September 30 following the June 30 deadline by payment of the delinquent renewal fee upon satisfying the Board of compliance with subsection B of this section. After that September 30 and on or before the close of June 30 of the next even-numbered year, the license may be reinstated upon satisfying the Board of compliance with subsection B of this section and upon the payment first of the delinquent renewal fee, plus such additional penalty as the Board imposes, not to exceed in all four times the delinquent fee. Any license to practice podiatric medicine not reinstated in such time shall become void at the close of June 30 of the next even-numbered year; and thereafter it shall not be renewed or reinstated.

D. The renewal fee shall be such sum as the Board from time to time sets. Upon the timely payment of the renewal fee or the reinstatement fee, as the case may be, the secretary-treasurer of the Board shall provide to the licensee such certificate of renewal or reinstatement as the Board shall direct, which shall operate to renew or reinstate the license, as the case may be, until June 30 of the next even-numbered year, after which it must be renewed again or be reinstated in the same time and manner to continue to be effective.

E. The secretary-treasurer of the Board shall keep a license record showing each license issued by the Board, the name and last mailing address furnished to said secretary-treasurer by each licensee, the year of issuance of the license, whether by examination or otherwise, the renewals, reinstatements, suspensions and revocations thereof, and the fact as to whether the license be in force or suspended or void. Such record as to any license, or a copy thereof certified to by said secretary-treasurer as complete and true as to the license in question, shall constitute prima facie evidence of the recitals therein and the fact disclosed thereby as to whether the license described is in force or suspended or void.

*Laws 1955, HB 618, p. 312, § 10, emerg. eff. May 23, 1955; Amended by Laws 1979, SB 184, c. 81, § 1; Amended by Laws 1993, HB 1190, c. 150, § 9, eff. September 1, 1993; Amended by Laws 2013, SB 302, c. 185, § 2, eff. November 1, 2013*

#### **145.1. Continuing Education Requirement for Renewal of License-Exemptions**

A. Sixty (60) hours of continuing education shall be required for renewal of an individual license to practice podiatric medicine in this state. This must be obtained in the two-year period immediately preceding the two-year period for which the license is to be issued. Such continuing education shall include not less than two (2) hours of education in pain management or two (2) hours of education in opioid use or addiction, unless the licensee has demonstrated to the satisfaction of the Board of Podiatric Medical Examiners that the licensee does not currently hold a valid federal Drug Enforcement Administration registration number. The continuing education required by this section shall be any of the following:

1. Education presented by an organization approved by the Council on Continuing Education of the American Podiatric Medical Association;
2. A national, state or county podiatric medical association meeting approved by the Board;
3. Hospital-sponsored scientific programs approved by the Board; or
4. Six (6) hours of continuing education credit may be obtained by attending meetings and hearings of the Board.

At least thirty (30) hours of the required sixty (60) hours must be obtained in this state.

B. Any practitioner not so satisfying the Board of the fulfillment of the continuing education requirements required by subsection A of this section shall cease to be entitled to have such license renewed.

C. Any practitioner fully retired from the practice of podiatric medicine shall be exempt from compliance with the requirements imposed by subsection A of this section. However, upon resuming the practice of podiatric medicine, the individual shall fulfill such requirements which have accrued from October 1, 1979, to the time of resumption of practice.

*Laws 1979, SB 184, c. 81, § 2; Amended by Laws 1993, HB 1190, c. 150, § 10, eff. September 1, 1993; Amended by Laws 2013, SB 302, c. 185, § 4, eff. November 1, 2013*

#### **146. Repealed by laws 1990**

*Repealed by Laws 1990, SB 685, c. 163, § 7, eff. September 1, 1990*



**147. Suspension of Licenses**

A. The Board of Podiatric Medical Examiners is authorized, after notice and opportunity for a hearing, pursuant to Article II of the Administrative Procedures Act, to issue an order imposing one or more of the following penalties whenever the Board finds, by clear and convincing evidence, that a podiatric physician has committed any of the acts or occurrences set forth in Section 148 of this title:

1. Disapproval of an application for a renewal license;
2. Suspension of a license by the Board for a maximum period of three (3) years;
3. Revocation of a license;
4. An administrative fine not to exceed One Thousand Dollars (\$1,000) for each count or separate violation;
5. A censure or reprimand;
6. Placement on probation for a period of time and under such terms and conditions as deemed appropriate by the Board;
7. Restriction of the practice of a podiatric physician under such terms and conditions as deemed appropriate by the Board; and
8. Payment of costs associated with a disciplinary proceeding.

B. The Board may, by rule, establish guidelines for the disposition of disciplinary cases involving specific types of violations. The guidelines may include:

1. Minimum and maximum administrative fines;
2. Periods of suspension, probation or supervision;
3. Terms and conditions of probation; and
4. Terms and conditions for the reinstatement of a license.

C. The Board is authorized to issue a confidential letter of concern to a podiatric physician when, though evidence does not warrant initiation of an individual proceeding, the Board has noted indications of possible errant conduct by the podiatric physician that could lead to serious consequences and formal action by the Board.

D. A podiatric physician against whom a penalty is imposed by an order of the Board

pursuant to the provisions of this section shall have the right to seek a judicial review of such order pursuant to Article II of the Administrative Procedures Act.

*Laws 1955, HB 618, p. 313, § 12, emerg. eff. May 23, 1955; Amended by Laws 1993, HB 1190, c. 150, § 11, eff. September 1, 1993; Amended by Laws 1997, HB 1466, c. 222, § 2, eff. November 1, 1997.*

#### **148. Revocation of licenses-Grounds**

A. The following acts or occurrences by a podiatric physician shall constitute grounds for which the penalties specified in Section 147 of this title may be imposed by order of the Board of Podiatric Medical Examiners:

1. Willfully making a false and material statement to the Board, either before or after the issuance of a license;
2. Pleading guilty or nolo contendere to, or being convicted of, a felony crime that substantially relates to the practice of podiatric medicine and poses a reasonable threat to public safety;
3. Using alcohol, any drug, or any other substance which impairs the licensee to a degree that the licensee is unable to practice podiatric medicine with safety and benefit to the public;
4. Being mentally or physically incapacitated to a degree that the licensee is unable to practice podiatric medicine with safety and benefit to the public;
5. Making any advertisement, statement, or representation which is untrue or improbable and calculated by the licensee to deceive, defraud or mislead the public or patients;
6. Practicing fraud by omission or commission in the examination given by the Board, or in obtaining a license, or in obtaining renewal or reinstatement of a license;
7. Failure to pay or cause to be paid promptly when due any fee required by the Podiatric Medicine Practice Act or the rules of the Board;
8. Practicing podiatric medicine in an unsafe or unsanitary manner or place;
9. Performing, or attempting to perform, any surgery for which the licensee has not had reasonable training;
10. Gross and willful neglect of duty as a member or officer of the Board;
11. Dividing with any person, firm, corporation, or other legal entity any fee or other compensation for services as a podiatric physician, except with:

- a. another podiatric physician
- b. an applicant for a license who is observing or assisting the licensee as an intern, preceptee or resident, as authorized by the rules of the Board, or
- c. a practitioner of another branch of the healing arts who is duly licensed under the laws of this state or another state, district or territory of the United States, who has actually provided services, directly or indirectly, to the patient from or for whom the fee or other compensation is received, or at the time of the services is an active associate of the licensee in the lawful practice of podiatric medicine in this state; and

12. Violating or attempting to violate the provisions of the Podiatric Medicine Practice Act, the Code of Ethics or the rules of the Board; and

13. Prescribing, dispensing or administering opioid drugs in excess of the maximum limits authorized in Section 2-309I of Title 63 of the Oklahoma Statutes.

B. Commitment of a licensee to an institution for the mentally ill shall constitute prima facie evidence that the licensee is mentally incapacitated to a degree that the licensee is unable to practice podiatric medicine with safety and benefit to the public.

C. As used in this section:

1. "Substantially relates" means the nature of criminal conduct for which the person was convicted has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to the occupation; and

2. "Poses a reasonable threat" means the nature of criminal conduct for which the person was convicted involved an act or threat of harm against another and has a bearing on the fitness or ability to serve the public or work with others in the occupation.

*Laws 1955, HB 618, p. 314, § 13, emerg. eff. May 23, 1955; Amended by Laws 1993, HB 1190, c. 150, § 12, eff. September 1, 1993; Amended by Laws 1997, HB 1466, c. 222, § 3, eff. November 1, 1997.*

#### **149. Written Charges to be filed-Notice-Hearing**

A. Any person may file a written and signed complaint with the Board of Podiatric Medical Examiners, alleging that a podiatric physician has violated the provisions of the Podiatric Medicine Practice Act, the Code of Ethics, or the rules of the Board, and the facts upon which the allegations are based. Each complaint received by the Board shall be investigated in a manner to be prescribed in the rules of the Board.

*Laws 1955, HB 618, p. 315, § 14, emerg. eff. May 23, 1955; Amended by Laws 1997, HB 1466, c. 222, § 4, eff. November 1, 1997*

### **149.1 Medical Marijuana – Guidance – Disciplinary Action**

A. The Board of Podiatric Medical Examiners is hereby authorized to issue guidance to all podiatric physicians in this state on the recommending of medical marijuana to patients.

B. The Board may take disciplinary action as provided for in the Podiatric Medicine Practice Act against any podiatric physician who willfully violates or aids another in the willful violation of the provisions of Section 420 et. seq. of Title 63 of the Oklahoma statutes or the provisions of Enrolled House Bill No. 2612 of the 1<sup>st</sup> Session of the 57<sup>th</sup> Oklahoma Legislature.

### **150. Repealed by laws, 1997**

### **151. Repealed by laws, 1980**

### **152. Reciprocity-Fees**

A. By way of reciprocity and without examination, the Board of Podiatric Medical Examiners may issue a license to practice podiatric medicine in this state to any person who:

1. Satisfies the Board that he has all the qualifications required, by the applicable laws and the rules of the Board, of a person to entitle the person to a license to practice podiatric medicine in this state pursuant to examination, excepting any as to which the Board excuses compliance for good cause shown; and

2. Satisfies the Board that for at least three (3) years immediately prior to the date on which he pays the required fee he lawfully practiced podiatric medicine within and under the laws of a district or territory or other state of the United States of America pursuant to a license issued thereby authorizing such practice; and

3. Pays in advance to the secretary-treasurer of the Board the fee required by the rules of the Board for a license by reciprocity, which shall not be less than One Hundred Fifty Dollars (\$150.00) or more than Three Hundred Dollars (\$300.00).

B. The provisions and benefits of this section shall extend only to persons who are residents in good faith of districts, territories, or states which in the judgment of the Board extend to citizens of this state substantially equal or greater reciprocity privileges as to a license to practice podiatric medicine.

*Laws 1955, HB 618, p. 316, § 17, emerg. eff. May 23, 1955; Amended by Laws 1993, HB 1190, c. 150, § 13, eff. September 1, 1993.*

### **153. Repealed by laws, 1983**

#### **154. Board of Podiatric Medical Examiners' Revolving Fund**

There is hereby created in the State Treasury a revolving fund for the Board of Podiatric Medical Examiners, to be designated as the "Board of Podiatric Medical Examiners' Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Board pursuant to the provisions of the Podiatric Medicine Practice Act. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Board for the purpose of implementing and enforcing the provisions of the Podiatric Medicine Practice Act. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims signed by the secretary-treasurer of the Board or by an authorized employee or employees of the Board and filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

*Laws 1955, HB 618, p. 316, § 19, emerg. eff. May 23, 1955; Amended by Laws 1983, HB 1182, c. 138, § 7, emerg. eff. July 1, 1983; Amended by Laws 1993, HB 1190, c. 150, § 14, eff. September 1, 1993; Amended by Laws 2012, HB 3079, c. 304, § 260*

#### **155. Investigations and Hearings-Subpoenas-Records**

The Board of Podiatric Medical Examiners shall:

1. Conduct investigations of complaints against podiatric physicians filed with the Board, pursuant to Section 149 of this title; and
2. Initiate and conduct individual proceedings, pursuant to Article II of the Administrative Procedures Act, against podiatric physicians alleged to have violated the Podiatric Medicine Practice Act, the Code of Ethics, or the rules of the Board. For such purposes the Board, or any member thereof, is empowered to issue subpoenas, compel the attendance of witnesses, and administer oaths and affirmations. Subpoenas authorized by this section may be signed and issued by any member of the Board, and shall be served, and return of service thereof made, in the same manner as a subpoena is served from of a court of record in this State and as return of service in such case is made. Any person failing and refusing to attend in obedience to such subpoena, or refusing to be sworn or examined or answer an question propounded by any member of the Board or any attorney or licensee upon permission from the Board, upon conviction thereof, shall be guilty of a misdemeanor and punishable as such.

*Laws 1955, HB 618, p. 316, § 20, emerg. eff. May 23, 1955; Amended by Laws 1997, HB 1466, c. 222, § 5, eff. November 1, 1997.*

#### **156. Annual Report**

Said Board shall make an annual report to the Governor, not later than the fifteenth day of November each year, which report shall contain an account of all monies received, licenses issued, suspended, or revoked and all expenditures made by said Board the twelve (12) months prior to said date.

*Laws 1955, HB 618, p. 317, § 21, emerg. eff. May 23, 1955.*

**157. Repealed by laws, 1985**

**158. Restraining Orders and Injunctions**

Restraining orders and temporary and permanent injunctions may be granted by the district and superior courts upon application of the Board for the purpose of restraining, enjoining, and preventing threatened or likely violations of, and also enforcing, and also requiring compliance with, the applicable laws.

*Laws 1955, HB 618, p. 317, § 23, emerg. eff. May 23, 1955.*

**159.1. Rules and Regulations Concerning Casts for Individual Shoes**

The Board may adopt rules and regulations which are necessary or helpful to promote the public health and safety which define and establish minimum standards and requirements for methods and practices to be used in taking or making casts or equivalents thereof of the human foot for the purpose of prescribing, offering, making, furnishing, correcting, changing, or fitting shoes for the foot. It shall be unlawful to take or make said casts or equivalents for any purpose except in accordance with such rules and regulations as the Board may prescribe.

*Laws 1959, HB 813, p. 224 § 1; Amended by Laws 1983, HB 1182, c. 138, § 6, emerg. eff. July 1, 1983.*

**159.2. Unlawful Acts**

It shall be unlawful to make, furnish, correct, change, or fit any of the following if molded for the foot or part of the foot of a specific person, as distinguished from persons generally, to-wit: shoes for the purpose of diagnosing, correcting, relieving, treating, aiding, controlling, or alleviating ailments, diseases, diseased conditions, deformities, injuries, or abnormalities of the foot or feet of the specific person, except upon the prescription of a medical doctor, podiatric physician, osteopathic physician duly licensed under the laws of this state, or to offer so to do, or for any one other than such medical doctor, podiatric physician or osteopathic physician to prescribe any thereof for any such purpose.

*Laws 1959, HB 813, p. 224, § 2; Amended by Laws 1993, HB 1190, c. 150, § 15, eff. September 1, 1993.*

**159.3. Repealed by laws, 1983**

**159.4. Inapplicability to Manufacture or Sale to Persons Generally**

Nothing in this Act shall apply to the manufacture or sale of shoes, pads, or supports, whether patented or not, which are made for, and offered to, persons generally.

*Laws 1959, HB 813, p. 224, § 4.*

### **159.5. Penalties**

Any violation of this Act shall constitute a misdemeanor, and shall be punishable upon conviction, by a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment in the county jail for not more than six (6) months or by both such fine and imprisonment; and each separate day upon which any person unlawfully does a thing made unlawful by this Act shall be and constitute a separate and distinct offense.

*Laws 1959, HB 813, p. 224, § 5.*

### **160.1. Interpretation of Terms**

The terms "podiatry" and "podiatric medicine" are synonymous and mean the branch of the healing arts defined in the Podiatric Medicine Practice Act. Wherever in the Oklahoma Statutes reference is made to the term "podiatry", the same shall be interpreted to mean "podiatric medicine", and wherever reference is made to the term "podiatrist", the same shall be interpreted to mean "podiatric physician".

*Laws 1969, SB 353, c. 198, § 1, emerg. eff. April 18, 1969; Amended by Laws 1993, HB 1190, c. 150, § 16, eff. September 1, 1993; Amended by Laws 1995, HB 1529, c. 207, § 2, eff. November 1, 1995.*

### **160.2. DPM - Meaning**

The term DPM means Doctor of Podiatric Medicine.

*Laws 1969, SB 353, c. 198, § 2, emerg. eff. April 18, 1969.*

Effective 9/11/2015

**\*OKLAHOMA ADMINISTRATIVE CODE  
TITLE 545. STATE BOARD OF PODIATRIC MEDICAL EXAMINERS**

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*\*This is an unofficial copy of Title 545 of the Oklahoma Administrative Code. Official copies may be obtained from the Office of Administrative Rules.*

## CHAPTER 1. BOARD AND ADMINISTRATION

### Subchapter

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[**Authority:** Title 59 O.S., Section 141, 75 O.S., Sections 302, 305, 307]

[**Source:** Codified 6-27-91]

### SUBCHAPTER 1. MEMBERS

#### Section

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545:1-1-13. Forms
545:1-1-14. Requests for information
545:1-1-15. Petitions for rule-making
545:1-1-16. Petitions for declaratory rulings

#### **545:1-1-1. Purpose**

The rules of this Chapter have been adopted to establish the organization and framework of the Board and the administration.

[**Source:** Amended at 12 Ok Reg 575, eff 11-28-94 (emergency); Amended at 12 Ok Reg 1239, eff 5-11-95]

#### **545:1-1-2. Definitions**

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"**Act**" means the Oklahoma Podiatric Medicine Act, 59 O.S. 1991, §§ 135.1 **et seq.**, as amended.

"**Board**" means the Oklahoma Board of Podiatric Medical Examiners.

"**D.P.M.**," "**podiatric physician**," "**doctor of podiatric medicine**," "**doctor of surgical chiropody**," "**D.S.C.**" and "**podiatrist**" are synonymous and mean a person licensed to practice

podiatric medicine in this state.

**"Rules and regulations"** means the rules of the Board promulgated pursuant to the Administrative Procedures Act.

#### **545:1-1-3. Number of members**

The Board is comprised of six (6) members appointed by the Governor of the State of Oklahoma, one of whom is a lay member.

[Source: Amended at 12 Ok Reg 575, eff 11-28-94 (emergency); Amended at 12 Ok Reg 1239, eff 5-11-95]

#### **545:1-1-4. Membership and appointment [REVOKED]**

[Source: Revoked at 12 Ok Reg 575, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1239, eff 5-11-95]

#### **545:1-1-5. Tenure [REVOKED]**

[Source: Revoked at 12 Ok Reg 575, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1239, eff 5-11-95]

#### **545:1-1-6. Qualifications for appointment to Board [REVOKED]**

[Source: Revoked at 12 Ok Reg 575, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1239, eff 5-11-95]

#### **545:1-1-7. Oath of office [REVOKED]**

[Source: Revoked at 12 Ok Reg 575, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1239, 5-11-95]

#### **545:1-1-8. Meetings**

(a) Meetings of the Oklahoma State Board of Podiatry shall comply with the Oklahoma Open Meetings Act, Title 25, Oklahoma Statutes, §§ 301 **et seq.**

(b) The Board shall hold a regular annual meeting each year for transacting such business as properly comes before it. In addition, other meetings, including special meetings, may be held upon request of any two of its members.

[Source: Amended at 12 Ok Reg 575, eff 11-28-94 (emergency); Amended at 12 Ok Reg 1239, eff 5-11-95]

#### **545:1-1-9. Election of officers**

(a) The Board shall organize annually by electing a President, a Vice-President, and a Secretary-Treasurer.

(b) These officers shall be nominated and elected by the members of the Board.

**545:1-1-10. Duties of Board members**

- (a) **President.** The following are duties of the President:
- (1) To open the meeting at the appointed time by taking the chair and calling the meeting to order, having ascertained that a quorum is present.
  - (2) To preside over the meeting in an orderly fashion, recognizing the order of business, members or guests who are entitled to the floor.
  - (3) To authenticate by his signature, when necessary, all acts, orders, and proceedings of the Board.
  - (4) To function as chief administrative officer of the Board, but without final authority except as agreed upon by a majority of the Board.
- (b) **Vice-President.** The following are duties of the Vice-President:
- (1) To preside over the meeting in the absence of the President.
  - (2) To maintain and keep current copies of examination for yearly administration to candidates for licensure.
- (c) **Secretary-Treasurer.** The following are duties of the Secretary-Treasurer:
- (1) To record the minutes of the proceedings and maintain a record of same.
  - (2) To maintain a file of all committee reports.
  - (3) To maintain a current role of licensed practitioners in the State of Oklahoma with their license number, current addresses, and number of malpractice claims or felony charges against them.
  - (4) To make the minutes and records of the Board available to practitioners, other governmental agencies and the public.
  - (5) To notify the membership of the Board, licensed practitioners and the Secretary of State of the date, time and place of each meeting.
  - (6) To notify the candidates for examination of the time and place of examination; and to maintain adequate record of examination scores; and to notify the candidate of his or her success or failure to pass the examination.
  - (7) To issue new licenses with the appropriate signatures.
  - (8) To issue statements for renewal of license at least thirty (30) days prior to expiration date each year.
  - (9) To collect all moneys due the Board and make timely deposits to the Treasurer of the State of Oklahoma.
  - (10) To issue checks for payment of services rendered or necessary expenses for operation of the Board.
  - (11) To file adequate forms with State agencies on a monthly and yearly basis according to rules and regulations established by the State Budget Office and Treasurer.

[Source: Amended at 12 Ok Reg 575, eff 11-28-94 (emergency); Amended at 12 Ok Reg 1239, eff 5-11-95]

**545:1-1-11. Term of office [REVOKED]**

[Source: Revoked at 12 Ok Reg 575, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1239, eff 5-11-95]

**545:1-1-12. Quorum [REVOKED]**

[Source: Revoked at 12 Ok Reg 575, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1239, eff 5-11-95]

**545:1-1-13. Forms**

- (a) The Board shall cause to be created appropriate forms and instructions related to podiatric medicine licensure, renewal, continuing education requirements and such other matters deemed necessary by the Board.
- (b) Forms and instructions shall be maintained at the offices of the Board and shall be available to any person upon request.

[Source: Added at 12 Ok Reg, eff 11-28-94 (emergency); Added at 12 Ok Reg 1239, eff 5-11-95]

**545:1-1-14. Requests for information**

- (a) The Board shall act at all times in accordance with the provisions of the Oklahoma Open Records Act, 51 O.S. 1991, §§ 24A.1, *et seq.*, as amended.
- (b) The public may obtain information relative to the operation of the Board by submitting written, telephonic, facsimile or other forms of requests to the offices of the Board. All public records shall be available for inspection and copying during normal business hours. A member of the Board's staff shall be available during normal business hours to receive and, where appropriate, act upon requests for record review and copying.
- (c) All records of the Board shall be public unless protected by a mandatory or permissive privilege of confidentiality. In the event a request is made for the release of records subject to a permissive privilege of confidentiality, the Executive Director of the Board shall determine whether or not disclosure is made.

[Source: Added at 12 Ok Reg 575, eff 11-28-94 (emergency); Added at 12 Ok Reg 1239, eff 5-11-95]

**545:1-1-15. Petitions for rule-making**

- (a) Any interested person may petition the Board in writing to promulgate, amend or repeal a rule.
- (b) The Board shall maintain a permanent docket concerning petitions for the promulgation, amendment or repeal of a rule. At the time such a petition is filed, it shall be numbered, and the number of the petition, the date of filing, the designation of the action sought, and the name and address of the person who filed the petition shall be shown. The address shall include the city, state, street number or post office box and zip code.
- (c) The petition must be filed with the Board in duplicate and shall be typewritten, except as may be waived by the Board upon written request.
- (d) The petition shall contain the following information as applicable and except as may be waived by the Board:
  - (1) A statement of the legal authority and jurisdiction under which the petition is filed;
  - (2) The exact language of the proposed rule, amendment, or repeal requested;

- (3) A statement and legal references which show that the requested rule, amendment or repeal is not in conflict with any existing rule, ruling, order or opinion of the Board or any policy or provision of the Act or Administrative Procedures Act, or that any earlier rule, ruling, order or opinion should be set aside or modified;
- (4) A statement of the purpose of the requested rule, amendment or repeal and at least one example or fact situation to which the rule, amendment or repeal will apply; and
- (5) The name and address of the person who requested the rule, amendment or repeal. In the event the request is made by an association, the request shall also include the name and address of a contact person at said association who is able to provide meaningful information related to the request.
- (e) The petition shall be submitted for study for a maximum period of ninety (90) days.
- (f) The Board, on its own motion or upon the request of any other interested party, may require any petitioner to provide additional information, as may be specified by the Board, for use in the Board's consideration and disposition of a petition. The failure of a petitioner to provide additional requested information shall constitute grounds for the Board to take no action on a petition.
- (g) Upon completion of the study period, the Board, during a regular or special meeting shall meet to consider the merits and proper disposition of the petition. Not less than ten (10) days prior to such meeting, the Secretary-Treasurer shall notify the petitioner in writing of the date, time, and place such petition shall be considered, and the Board may request petitioner's presence for purposes of argument or submission of other information related to the petition.
- (h) At the time and place designated for the public hearing, proponents and opponents of the proposed rule, amendment or repeal of a rule may be heard in the manner and order set forth by the Board at that time.
- (i) At the conclusion of the public hearing, the Board shall render its decision on the petition. In the event the Board concurs with the action indicated in the petition, it shall take immediate steps as provided under 140:1-5-2 through 140:1-5-4 to adopt, amend, or revoke the subject rule. In the event the Board does not concur with the requested action, it shall within five (5) days of its consideration notify the petitioner of its nonconcurrence in writing, specifying the reasons for nonconcurrence.
- (j) Dissatisfied parties may request a rehearing, reopening or reconsideration within ten (10) days from the date action by the Board in the manner allowed by the Administrative Procedures Act at 75 O.S. 1991, §317, or its successor statute.

[Source: Added at 12 Ok Reg 575, eff 11-28-94 (emergency); Added at 12 Ok Reg 1239, eff 5-11-95]

#### **545:1-1-16. Petitions for declaratory rulings**

- (a) Any person who desires a ruling as to the application of any rule or order of the Board may file a petition with the Executive Secretary, in writing, to request such ruling.
- (b) Unless the Board requests a formal or informal opinion of the Attorney General, the Board shall, within sixty (60) days after receipt of the petition and during its next regular or special meeting, issue its declaratory ruling on the matter. The declaratory ruling shall consist of:
  - (1) a restatement of the question posed in the petition;
  - (2) an answer to the question posed in the petition; and

- (3) the reason or reasons for the answer given.
- (c) A copy of the declaratory ruling shall be mailed to the person who requested the declaratory ruling immediately after its issuance by the Board.
- (d) Copies of all declaratory rulings shall be placed in a permanent file at the offices of the Board for public inspection, copying and/or mechanical reproduction during regular business hours.

[Source: Added at 12 Ok Reg 575, eff 11-28-94 (emergency); Added at 23 Ok Reg 1239, eff 5-11-95]

### **SUBCHAPTER 3. EMPLOYEES/SUPPLIES**

#### Section

- 545:1-3-1. Employees of the Board (Revoked)
- 545:1-3-2. Prosecutions (Revoked)
- 545:1-3-3. Discharge of employees (Revoked)
- 545:1-3-4. Materials and supplies (Revoked)
- 545:1-3-5. Compensation (Revoked)
- 545:1-3-6. Bonds (Revoked)
- 545:1-3-7. Seals

**545:1-3-1. through 545:1-3-6 [REVOKED]**

#### **545:1-3-7. Seals**

The adopted seal of the Board, as authorized by the Act, shall be maintained at the Board's offices for use as required and authorized by the Act. No person shall affix the seal of the Board except as authorized by the Act and approved by the Board.

[Source: Amended at 12 Ok Reg 575, eff 11-28-94 (emergency); Amended at 12 Ok Reg 1239, eff 5-11-95]

### **SUBCHAPTER 5. POWERS AND DUTIES OF THE BOARD**

#### Section

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- 545:1-5-3. License and examination fee (Revoked)
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- 545:1-5-9. Rules of professional conduct
- 545:1-5-10. Minimum standards of training (Revoked)
- 545:1-5-11. Educational requirements for licensure (Revoked)
- 545:1-5-12. Records (Revoked)

545:1-5-13. Annual report  
545:1-5-14. Other duties (Revoked)

**545:1-5-1. Regulation of the practice of podiatry**

It is the duty of the Board to regulate the practice of Podiatry according to the Laws of the State of Oklahoma as set forth in the Podiatry Practice Act, 59 O.S. Section 135.1 et seq., and other applicable laws pertaining thereto.

[Source: Amended at 12 Ok Reg 575, eff 11-28-94 (emergency); Amended at 12 Ok Reg 1239, eff 5-11-95]

**545:1-5-2. Promulgate rules and regulations [REVOKED]**

[Source: Revoked at 12 Ok Reg 575, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1239, eff 5-11-95]

**545:1-5-3. License and examination fees [REVOKED]**

[Source: Revoked at 12 Ok Reg 575, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1239, eff 5-11-95]

**545:1-5-4. Receipt and deposit of fees [REVOKED]**

[Source: Revoked at 12 Ok Reg 575, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1239, eff 5-11-95]

**545:1-5-5. Funds [REVOKED]**

[Source: Revoked at 12 Ok Reg 575, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1239, eff 5-11-95]

**545:1-5-6. Issue, revoke, deny, and suspend license [REVOKED]**

[Source: Revoked at 12 Ok Reg 575, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1239, eff 5-11-95]

**545:1-5-7. Examination of applicants [REVOKED]**

[Source: Revoked at 12 Ok Reg 575, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1239, eff 5-11-95]

**545:1-5-8. Investigations and hearings [REVOKED]**

[Source: Revoked at 12 Ok Reg 575, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1239, eff 5-11-95]

**545:1-5-9. Rules of professional conduct**

The Board hereby adopts a Code of Ethics, as follows:

- (1) A podiatrist, licensed as such under the laws of the State of Oklahoma, shall never willfully be guilty of conduct openly and grossly discreditable to the profession of podiatry.
- (2) In the presence of a patient, he shall not at any time, knowingly and directly, criticize a fellow licensed podiatrist as to his professional education, training, experience, sincerity,



ability, methods, or the results of his professional work, knowing at the time said criticism to be untrue; and in no event shall he ever maliciously criticize a fellow licensed podiatrist.

(3) He shall not offer, by means of gross untruths or gross exaggerations, to a patient of a fellow licensed podiatrist, more speedy work or results, better methods of work, or more lasting benefits, or substantially the same professional service.

(4) He shall not maintain or keep nor attempt to maintain or keep any office, clinic, place of business, or establishment, for the practice of podiatry, as defined by the laws of the State of Oklahoma, in the same location, place of business, address or quarters used or occupied by any other person, who, at the time of such maintaining or keeping or attempt, is guilty of any act or omission, to the knowledge or reasonable belief of such licensed podiatrist, which at the time is made unlawful by the laws of said state, whether or not such person had been convicted of violating such laws, or who at the time of such maintaining or keeping or attempt does anything which as a licensed podiatrist he could not do without violating the spirit of this Code of Ethics.

(5) When he accepts free professional treatment from a fellow licensed podiatrist, upon demand, he shall reimburse such fellow podiatrist for all actual expenses occasioned by said treatment.

(6) No licensed podiatrist shall, directly or indirectly, publish, convey, or distribute, or cause the publishing, conveying, or distributing, of any statements or advertisements which may be deemed as untrue, deceptive, or misleading to the statements or advertisements, not be guilty of any act or omission constituting grossly dishonorable conduct upon his part.

(7) He shall not divide, or permit or cause a division of, either directly or indirectly, with any person or partnership, association, trust, corporation, or firm, in any proportion, any fee, gift, compensation or other reward for his services as a podiatrist, except with another licensed podiatrist who actually has shared in the service or in the responsibility of tending the service or is, at the time of the service, an active associate in the practice of podiatry with him.

(8) He shall not be guilty of any act or omission prompted by or constituting insincerity, rivalry, or envy in consulting professionally.

(9) He shall strive to keep the respect of other legalized professions. He shall further strive to uphold the honor and maintain the dignity of the profession of podiatry; shall not unjustly stir up strife or litigation or ill will among or between members of the profession; shall not dishonorably seek to avoid performance or observance of agreements lawfully binding upon him; shall be prompt, conscientious, and fair in all professional matters, and shall endeavor to uphold and observe the law.

(10) He shall not administer, prescribe, dispense, or otherwise furnish narcotic drugs to any person, or permit the same by anyone under his supervision, except upon his own prescription or order, and upon reasonable grounds to believe the same is properly indicated.

(11) He shall neither employ or use in any way any capers, steerers, runners, or agents of any kind, to obtain patronage for him or for any other licensed podiatrist, nor offer or give commissions or compensation otherwise, directly or indirectly, to any person for attempting to secure or for securing any such patronage, other than in a manner expressly provided for and allowed herein.

(12) Acceptance or claim of membership in this association shall be deemed subscribing to this association shall be deemed subscribing to this Code of Ethics; but whether a licensed

podiatrist subscribes hereto, directly, or indirectly, he shall at all times be guilty of no act or omission in derogation of or contrary to this Code of Ethics.

(13) Within the purview of this Code of Ethics, it shall be deemed to be unethical conduct for any licensed podiatrist to perform any act, either of omission or commission, contrary to the true intendments and spirit expressed in this Code of Ethics.

(14) Any references to the masculine gender in this section, shall likewise apply to the feminine.

(15) Any reference in this section to a licensed podiatrist or to podiatry shall be synonymous with the terms chiropodist or chiropody.

(16) The Oklahoma Podiatric Medical Association, Inc. referred to in this section is the former Oklahoma Podiatry Association, Inc., and the Oklahoma Chiropody Association, Inc., an Oklahoma non-profit corporation.

[Source: Amended at 12 Ok Reg 575, eff 11-28-94 (emergency); Amended at 12 Ok Reg 1239, eff 5-11-95]

#### **545:1-5-10. Minimum standards of training [REVOKED]**

[Source: Revoked at 12 Ok Reg 575, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1239, eff 5-11-95]

#### **545:1-5-11. Educational requirements for licensure [REVOKED]**

[Source: Revoked at 12 Ok Reg 575, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1239, eff 5-11-95]

#### **545:1-5-12. Records [REVOKED]**

[Source: Revoked at 12 Ok Reg 575, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1239, eff 5-11-95]

#### **545:1-5-13. Annual report**

The Board shall make an annual report to the Governor of the State of Oklahoma no later than the fifteenth day of November of each year. The report shall contain the following information:

- (1) Account of all monies received.
- (2) Licenses issued.
- (3) Licenses suspended or revoked.
- (4) All expenditures made by the Board the preceding twelve (12) months.
- (5) Any litigation that has been taken in a professional capacity against any licensed podiatrist in the State of Oklahoma.

[Source: Amended at 12 Ok Reg 575, eff 11-28-94 (emergency); Amended at 12 Ok Reg 1239, eff 5-11-95]

#### **545:1-5-14. Other duties [REVOKED]**

[Source: Revoked at 12 Ok Reg 575, eff 11-18-94 (emergency); Revoked at 12 Ok Reg 1239, eff 5-11-95]

## CHAPTER 10. THE PRACTICE OF PODIATRY

### Section

- 545:10-1-1. Purpose (Revoked)
- 545:10-1-2. Acts constituting the practice of podiatry (Revoked)
- 545:10-1-3. Exceptions (Revoked)
- 545:10-1-4. Unlawful practice (Revoked)
- 545:10-1-5. Penalty (Revoked)
- 545:10-1-6. Direct supervision (Revoked)

[**Authority:** Title 59 O.S., Section 141]

[**Source:** Codified 6-27-91; Revoked at 12 Ok Reg, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1247, eff 5-11-95]

### **545:10-1-1. through 545:10-1-6. [REVOKED]**

[**Source:** Revoked at 12 Ok Reg 583, eff 11-28-94 (emergency); Revoked at 12 Ok Reg 1247, eff 5-11-95]

## CHAPTER 15. EXAMINATION/ LICENSURE

### Section

- 545:15-1-1. Purpose
- 545:15-1-2. Examination
- 545:15-1-3. Requirements for application
  - 545:15-1-3.1 Direct supervision of an applicant [REVOKED]
- 545:15-1-4. Decision of the Board concerning reciprocity
- 545:15-1-5. License
- 545:15-1-6. Qualifications for a preceptee [REVOKED]
- 545:15-1-7. Qualifications for a preceptor [REVOKED]
- 545:15-1-8. Course of study for preceptee [REVOKED]
- 545:15-1-9. Progress review of preceptee [REVOKED]

[**Authority:** Title 59 O.S., Section 141]

[**Source:** Codified 6-27-91]

### **545:15-1-1. Purpose**

The rules of this Chapter govern examination and licensure to practice podiatry in the State of Oklahoma.

[**Source:** Amended at 19 Ok Reg 2780, eff 11-1-02 (emergency); Amended at 20 Ok Reg 1336, eff 6-5-03]

### **545:15-1-1.1 Definitions**

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"**APMLE**" means the American Podiatric Medical Licensing Examinations.

"**National Board examination**" means the AMPLE, formerly known as the Podiatric

Medical Licensing Examination for States or PMLexis.

"**NBPME**" means the National Board of Podiatric Medical Examiners.

"**Podiatric resident**" means an individual enrolled in a podiatric medicine and surgery residency accredited by the Council on Podiatric Medical Education.

[Source: Added at Ok Reg , eff 1-29-14 (emergency); Added at 31 Ok Reg 2157, eff 9-12-14]

### **545:15-1-2. Examination**

(a) Upon submission and approval of a completed application for licensure by examination, and the payment of all fees, an applicant may sit for an examination approved by the Board. The Board has adopted the APMLE Part III as the written portion of the licensure examination. The applicant also must pass a jurisprudence exam and an oral exam as authorized in 59 O.S. Section 144 as administered by the Board.

(b) Applicants shall file a written application for examination as set out in OAC 435:15-1-3 of this Subchapter and pay, in advance, the fee for examination.

(1) The application must be received at least 30 days prior to the date the exam is to be administered.

(2) The application fee must be submitted in the form of a cashier's check or certified check with the completed application form.

(3) If the application for examination is unacceptable, the fee shall be returned to the candidate along with the application.

(4) If the application is deemed acceptable, the candidate shall be notified of same in writing and scheduled for examination. The application fee shall be deposited with the office of the State Treasurer of the State of Oklahoma and shall at that point become non-refundable.

(c) Any person who is otherwise qualified for licensure shall receive a license to practice podiatry in this State who meets the requirements set out in Title 59 O.S. § 144.

(d) The examination shall cover areas in anatomy, podiatric medicine and surgery, pathology, dermatology, pharmacology, biomechanics, anesthesia, radiology, Oklahoma law relating to podiatry and any other areas deemed relevant by the Board.

(e) The Board hereby authorizes examination papers to be graded by one or more of its own members or by any one or more licensed podiatrist it shall select at a meeting of the Board.

[Source: Amended at 12 Ok Reg 439, eff 11-17-94 (emergency); Amended at 12 Ok Reg 1249, eff 5-11-95; Amended at 16 Ok Reg, eff 11-18-98 (emergency); Amended at 16 Ok Reg 2550, eff 6-28-99; Amended at 19 Ok Reg 2780, eff 11-1-02 (emergency); Amended at 20 Ok Reg 1336, eff 6-5-03; Amended at 27 Ok Reg 2270, eff 7-11-10; Amended at Ok Reg , eff 1-29-14 (emergency); Amended at 31 Ok Reg 2157, eff 9-12-14]

### **545:15-1-3. Requirements for application**

(a) The applicant shall file written application and examination fee with the Board office.

(b) The applicant must have attained the age of twenty-one (21) years.

(c) The applicant must be of good moral character.

(d) The applicant must not have been convicted of any crime involving moral turpitude, or of any felony. The Board may require a criminal background check on all applicants. Fee shall be paid by the applicant.

- (e) The applicant must be free of contagious disease, except as this rule is limited by federal or state law.
- (f) The applicant must be a graduate of a college of podiatric medicine which confers the degree of Doctor of Podiatric Medicine (D.P.M.) or its equivalent; and meeting all the requirements for accreditation by the Council on Education of the American Podiatric Medical Association and by the Oklahoma State Board of Podiatry.
- (g) The applicant must have complied with all the rules of the Board.
- (h) The applicant must have taken each part of the National Board of Podiatry Examination and received a passing score on each, and submit proof thereof of score obtained with the application.

[Source: Amended at 12 Ok Reg 439, eff 11-17-94 (emergency); Amended at 12 Ok Reg 1249, eff 5-11-95; Amended at 23 Ok Reg 1108, eff 5-11-06]

#### **545:15-1-3.1. Direct supervision of an applicant (Revoked)**

[Source: Added at 12 Ok Reg 439, eff 11-17-94 (emergency); Added at 12 Ok Reg 1249, eff 5-11-95; Revoked at 19 Ok Reg 2780, eff 11-1-02 (emergency); Revoked at 20 Ok Reg 1336, eff 6-5-03]

#### **545:15-1-4. Decision of the Board concerning reciprocity**

Insofar as the language of the statute regarding reciprocity is permissive and not mandatory, it is the decision of the Board that licensure by reciprocity shall not be granted for the following reasons:

- (1) The Board bears the responsibility of insuring the health, safety and public welfare of the citizens of the State of Oklahoma.
- (2) This responsibility can only be carried out through the examination of each individual candidate for licensure.
- (3) This decision in no way prevents a qualified candidate from becoming licensed to practice podiatry in the State of Oklahoma.
- (4) No candidate has heretofore been licensed in this State through the process of reciprocity.

[Source: Amended at 16 Ok Reg 2081, eff 5-17-99 (emergency); Amended at 17 Ok Reg 1367, eff 5-11-00]

#### **545:15-1-5. License**

- (a) Each license issued by the Board shall be signed by each member of the Board, shall bear the Seal of the Board, and shall designate the licensee as a licensed podiatrist.
- (b) Licenses, to remain effective, must be renewed biennially or reinstated as provided by the Act.

[Source: Amended at 12 Ok Reg 439, eff 11-17-94 (emergency); Amended at 12 Ok Reg 1249, eff 5-11-95; Amended at Ok Reg , eff 1-29-14 (emergency); Amended at 31 Ok Reg 2157, eff 9-12-14]

#### **545:15-1-5.1. Training License**

- (a) The Secretary of the Board is authorized to issue a training license to podiatric residents.

Unless otherwise renewed, amended, suspended or revoked by the Board, a training license issued under this section may be extended without renewal by the Secretary for a period not to exceed ninety (90) days until scores from the first-year resident's final licensing examination are received and application for full licensure is acted on by the Board.

(b) No person granted a training license to practice podiatric medicine within a post-graduate training program within this state shall practice outside the scope of the training license. Any practice outside the scope of a training license shall be deemed to be the unlicensed practice of podiatric medicine. The Secretary is authorized to seek injunctive action to prevent any person from violating terms or limitations of a training license granted by the Board.

(c) Upon application for renewal, the Secretary shall review all training licenses granted on an annual basis to determine if such license should be renewed by the Board or amended as to its terms or limitations.

(d) No special license for post-graduate training may be issued unless the applicant has passed all sections of Part I and Part II of the America Podiatric Medical Licensing Examination (APMLE).

[Source: Added at Ok Reg , eff 1-29-14 (emergency) ; Amended at 31 Ok Reg 2157, eff 9-12-14]

#### **545:15-1-6. Qualifications for a preceptee (Revoked)**

[Source: Amended at 12 Ok Reg 439, eff 11-17-94 (emergency); Amended at 12 Ok Reg 1249, eff 5-11-95; Revoked at 19 Ok Reg 2780, eff 11-1-02 (emergency); Revoked at 20 Ok Reg 1336, eff 6-5-03]

#### **545:15-1-7. Qualifications for preceptor (Revoked)**

[Source: Revoked at 19 Ok Reg 2780, eff 11-1-02 (emergency); Revoked at 20 Ok Reg 1336, eff 6-5-03]

#### **545:15-1-8. Course of study for preceptee (Revoked)**

[Source: Revoked at 19 Ok Reg 2780, eff 11-1-02 (emergency); Revoked at 20 Ok Reg 1336, eff 6-5-03]

#### **545:15-1-9. Progress review of preceptee (Revoked)**

[Source: Revoked at 19 Ok Reg 2780, eff 11-1-02 (emergency); Revoked at 20 Ok Reg 1336, eff 6-5-03]

### **CHAPTER 20. MAINTAINING LICENSURE**

Subchapter	Section
1. Renewal of Licensure	545:20-1-1
3. Continuing Education	545:20-3-1

[Authority: Title 59 O.S., Section 141]

[Source: Codified 6-27-91]

## SUBCHAPTER 1. RENEWAL OF LICENSURE

### Section

- 545:20-1-1. Purpose
- 545:20-1-2. Qualifications
- 545:20-1-3. Fees
- 545:20-1-4. Suspension on non-payment of fees/non-fulfillment of requirements
- 545:20-1-5. Reinstatement
- 545:20-1-6. Record of licenses issued

### **545:20-1-1. Purpose**

The rules of this Chapter govern the renewal process and continuing education requirements to maintain licensure in the State of Oklahoma.

#### **545:20-1-1.1. Definitions**

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"Renewal period"** means the two year period from July 1 of an even-numbered year to the following June 30 of the next even-numbered year.

[Source: Added at Ok Reg , eff 1-29-14 (emergency) ; Amended at 31 Ok Reg 2158, eff 9-12-14]

#### **545:20-1-2. Qualifications**

- (a) Each license to practice podiatry heretofore issued which remains effective under the provisions of the Act and each license issued hereafter under the Act shall entitle the licensee to practice podiatry in this State and to hold himself or herself out as a licensed podiatric physician from the date of issuance thereof until June 30 of the following even-numbered year and as long as lawfully renewed, unless suspended or revoked.
- (b) Qualifications for renewal of licenses are as follows:
  - (1) The applicant for renewal must not have violated the Act or the Rules of the Board.
  - (2) The applicant for renewal must have fulfilled the biennial requirement for continuing education as set forth in 59 O.S., Section 145.1. Licensees licensed in the second half of the biennial period will be required to obtain 30 hours of continuing education. Proof of continuing education shall be submitted to the Board prior to renewing the license.
  - (3) The applicant for renewal must submit completed application with appropriate fee to the Board office.
- (c) A licensed podiatrist shall be entitled to have his or her license renewed on or before June 30 of the renewal year, following completion of the above requirements.
- (d) A licensed podiatrist who does not so satisfy the Board of the above requirements in the time and manner required shall cease to be entitled to have such license renewed.
- (e) A licensed podiatrist in good standing who seeks retirement status may, at the discretion of the Board, be issued from the Board a license designated as "Licensed Podiatrist - Retired" with a one time application processing fee as stated in 545:35-1-2(b)(1)(A). The issue of such license

waives the requirement of continuing education and restricts the privileges of said licensee to the following:

- (1) The licensee may use the designation Doctor of Podiatric Medicine - Retired.
- (2) The licensee shall not engage in the practice of podiatric medicine.
- (3) The licensee shall not possess a narcotic license or have prescription writing privileges.
- (4) The licensee may be reinstated to active status upon fulfilling the requirements set forth by the Board in Paragraphs (a), (b), (c), and (d) heretofore set forth in this Section and Section 545:20-3-2(c).

[Source: Amended at 12 Ok Reg 585, eff 11-28-94 (emergency); Amended at 12 Ok Reg 1253, eff 5-11-95; Amended at 16 Ok Reg, eff 11-18-98 (emergency); Amended at 16 Ok Reg 2552, eff 6-28-99; Amended at Ok Reg , eff 1-29-14 (emergency) ; Amended at 31 Ok Reg 2158, eff 9-12-14]

#### **545:20-1-3. Fees**

The biennial renewal fee as set by the Oklahoma State Board of Podiatry is one-hundred-fifty dollars (\$150.00).

[Source: Amended at 12 Ok Reg 585, eff 11-28-94 (emergency); Amended at 12 Ok Reg 1253, eff 5-11-95; Amended at Ok Reg , eff 1-29-14 (emergency); Amended at 31 Ok Reg 2158 , eff 9-12-14]

#### **545:20-1-4. Suspension on non-payment of fees/non-fulfillment of requirements**

- (a) If applicable fees, continuing education, and rules of the Board under the Act are not complied with on or before the 30th day of September immediately following the 1st day of July, of the year in which renewal is due, the licensee shall become delinquent and the license shall be automatically suspended and not entitled to renewal thereafter.
- (b) Upon suspension, all the rights of the licensee by virtue of the license shall be suspended and cease and shall remain suspended unless or until the license is reinstated as authorized.
- (c) Any individual who continues to practice podiatric medicine or who holds himself or herself out as a licensed podiatrist during such period of suspension shall be guilty of violation of the Act and upon conviction, subject to the penalties thereof.

[Source: Amended at 12 Ok Reg 585, eff 11-28-94 (emergency); Amended at 12 Ok Reg 1253, eff 5-11-95]

#### **545:20-1-5. Reinstatement**

- (a) A license shall be renewed by the Board upon the payment of the delinquent biennial renewal fee and completed application form without penalty between the 1st day of July and the 30th day of September, of the year in which renewal is due, if and only if the licensee first satisfies the Board that he or she has not violated the Act or rules of the Board since the last renewal or initial licensure, whichever is most recent.
- (b) A license which has not been renewed by the 30th day of September of the year in which renewal is due shall be entitled to reinstatement thereof on or before the next 30th day of June of the next even-numbered year, upon such application therefore, and upon meeting the requirements for renewal and satisfying the Board that the Act and rules of the Board have not been violated, and upon payment of the reinstatement fee as stated in OAC 545:35-1-2. (b)(2)(B).
- (c) A license not so reinstated in such time as outlined in this section becomes void.



(d) An individual whose license becomes void may be reinstated only by application for a license as stated in OAC 545:15-1-3.

[Source: Amended at 12 Ok Reg 585, eff 11-28-94 (emergency); Amended at 12 Ok Reg 1253, eff 5-11-95; Amended at Ok Reg , eff 1-29-14 (emergency) ; Amended at 31 Ok Reg 2158, eff 9-12-14]

#### **545:20-1-6. Record of licenses issued**

(a) The secretary-treasurer, or his designate, shall keep a record of all licenses issued. Such record shall include the following:

- (1) Name of licensee.
- (2) License number.
- (3) Last address furnished by licensee.
- (4) Date of issue.
- (5) Whether licensed by examination or otherwise.
- (6) Date of renewal.
- (7) Date of suspension or revocation and reason therefore.
- (8) Accurate minutes of disciplinary hearings.
- (9) Date of reinstatement
- (10) Current status of license.

(b) Such record as to any license, or a copy thereof certified to by the said Secretary-Treasurer of the Board as complete and true to the license in question, shall constitute prima facia evidence of the recitals therein, and the fact described thereby as to whether the license described is in force, suspended, revoked, or void.

### **SUBCHAPTER 3. CONTINUING EDUCATION**

#### Section

- 545:20-3-1. Continuing education requirements
- 545:20-3-2. Provisions for continuing education
- 545:20-3-3. Approved continuing education programs
- 545:20-3-4. Method of reporting

#### **545:20-3-1. Continuing education requirements**

- (a) Each podiatric physician licensed in this state shall complete and provide the Board proof of attendance of sixty (60) hours of continuing education every two years for renewal of his or her license to practice podiatric medicine in the State of Oklahoma.
- (b) These hours of continuing education must be obtained in the twenty-four (24) month period immediately preceding the renewal deadline. That is, from July 1 of even-numbered years to the following June 30 of an even-numbered year.
- (c) At least thirty (30) hours of the required sixty (60) hours of continuing education must be obtained in the State of Oklahoma, save and except those podiatrist practicing only in states outside of Oklahoma who hold an Oklahoma license, may substitute hours of continuing education in the state which they practice.
- (d) The Board may, upon showing of good cause and in their absolute discretion, waive hours of

continuing education for any two-year renewal period providing that all hours of continuing education be completed at the end of the following two-year renewal period pursuant to Section 545:20-3-2(b).

[Source: Amended at 12 Ok Reg 585, eff 11-28-94 (emergency); Amended at 12 Ok Reg 1253, eff 5-11-95; Amended at 16 Ok Reg, eff 11-18-98 (emergency); Amended at 16 Ok Reg 2552, eff 6-28-99; Amended at Ok Reg , eff 1-29-14 (emergency); Amended at 31 Ok Reg 2158, eff 9-12-14]

### **545:20-3-2. Provisions for continuing education**

- (a) Excess hours of continuing education obtained in the last one-half of the preceding renewal period may be carried forward to the following renewal period, providing they do not exceed ten (10) hours in number.
- (b) Delinquency for continuing education hours may only be allowed in cases of hardship as determined on an individual basis by the Board. In all instances, hours of delinquency must be current at the end of the four year period following a period of delinquency.
- (c) Any practitioner fully retired from the practice of podiatric medicine shall be exempt from compliance of these requirements; however upon resuming the practice of podiatry, the individual shall fulfill such requirements of continuing education hours which have accrued from the effective date of retirement to the time of resumption of practice.
- (d) Non-resident podiatrist, who hold an Oklahoma license, but who do not actively practice in the State of Oklahoma, may substitute approved hours of continuing education from the state in which they practice as long as the qualifications are equal to or greater than the State of Oklahoma.

[Source: Amended at 12 Ok Reg 585, eff 11-28-94 (emergency); Amended at 12 Ok Reg 1253, eff 5-11-95; Amended at Ok Reg , eff 1-29-14 (emergency); Amended at 31 Ok Reg 2158, eff 9-12-14]

### **545:20-3-3. Approved continuing education programs**

- (a) Any program approved by the Council on Continuing Education of the American Podiatric Medical Association will be approved by the Board for the hours actually attended by the candidate.
- (b) One (1) hour of continuing education credit may be granted an applicant by attending a meeting or hearing of the Board; not to exceed six (6) hours per renewal period.
- (c) Hospital programs of continuing education consisting of lecture, audio-visual, talk-back and grand rounds as well as clinico-pathological conferences shall be granted as per the hours of actual attendance, whether these hours be of a medical or podiatric nature. These programs and attendance must be verified by the continuing education director of that institution. No more than ten (10) hours of continuing education credit may be given.
- (d) National, state and local society sponsored programs will be approved as per the guidelines established by the Council of Continuing Education of the American Podiatric Medical Association and the Board.
- (e) Hours of continuing education submitted to the Board for approval, by any licensee, from any source, must be certified by the continuing education director of the institution or organization from which the hours were obtained, that he or she was in actual attendance for the specified period.

(f) Applicants may be granted six (6) hours of continuing education credit for obtaining hospital-sponsored Cardio-Pulmonary Resuscitation Certification during the current renewal period or twelve (12) hours of continuing education credit for obtaining hospital-sponsored Advanced Cardiac Life Support Certification during the current licensure year.

(g) Credit may be given for correspondence work or internet courses if approved by the Council on Continuing Education of the American Podiatric Medical Association. A maximum of ten (10) hours per renewal period may be obtained in this manner.

[Source: Amended at 12 Ok Reg 585, eff 11-28-94 (emergency); Amended at 12 Ok Reg 1253, eff 5-11-95; Amended at 22 Ok Reg 2747, eff 6-21-05 (emergency), Amended at 23 Ok Reg 1109, eff 5-11-06; Amended at Ok Reg , eff 1-29-14 (emergency); Amended at 31 Ok Reg 2158, eff 9-12-14]

#### **545:20-3-4. Method of reporting**

(a) Hours of continuing education are to be reported on the appropriate form submitted by the applicant for renewal to the Board each year with notice of license renewal. Each category of continuing education shall be listed separately and totaled by the applicant for license renewal.

(b) Reproduced copies of verification of attendance of the above programs shall be attached to this form.

[Source: Amended at 12 Ok Reg 585, eff 11-28-94 (emergency); Amended at 12 Ok Reg 1253, eff 5-11-95]

### **CHAPTER 25. SUSPENSION/REVOCAION**

#### Section

545:25-1-1. Purpose

545:25-1-2. Suspension

545:25-1-3. Grounds for revocation

545:25-1-4. Applicable laws, rules and regulations

545:25-1-5. Written charges to be filed

545:25-1-6. Notice

545:25-1-7. Hearing

545:25-1-8. Report of proceeding, expenses, preservation

[Authority: Title 59 O.S., Section 141]

[Source: Codified 6-27-91]

#### **545:25-1-1. Purpose**

The rules of this Chapter govern the powers of the Board to suspend or revoke a license to practice podiatry in the State of Oklahoma.

#### **545:25-1-2. Suspension**

(a) The Board by its' written order and in its' discretion, at any time and for a period not exceeding three (3) years may suspend any license to practice podiatry heretofore issued and

remaining effective under the provisions of the Act or hereafter issued under the applicable laws for any one or more of the grounds or causes provided for revocation of such a license by the applicable laws.

(b) Suspension of license under this Chapter is subject to the Act and the Administrative Procedures Act.

[Source: Amended at 12 Ok Reg 443, eff 11-16-94 (emergency); Amended at 12 Ok Reg 1255, eff 5-11-95]

### **545:25-1-3. Grounds for revocation**

The Board, by its' written order and in its' discretion, at any time may revoke any license to practice podiatry heretofore issued and remaining effective under the provisions of the Act for any one or more of the following causes:

- (1) The willful betrayal by the licensee of any professional secret.
- (2) The willful and fraudulent making by the licensee to the Board of any false and material statement, either before or after the issuance of the license.
- (3) Final conviction of the licensee in any court of any crime involving moral turpitude or of any felony.
- (4) The use by the licensee of alcohol, any stimulant, any drug, or any substance which impairs intellect, judgment, or physical ability to such an extent as to incapacitate the licensee to perform his or her professional duties with safety and benefit to the public.
- (5) Mental or physical weakness or inability which so incapacitates the licensee.
- (6) Any advertising, statement, or representation made by the licensee which is untrue or improbable or calculated by the licensee to mislead the public or patients, actual or prospective, or to mislead both.
- (7) Advertising, practicing, or attempting to practice podiatry under a name other than the licensee's own name.
- (8) Practicing fraud by omission or commission by the licensee in examination given by the Board or in obtaining license or in obtaining renewal or reinstatement of license.
- (9) Failure or neglect by the licensee to pay or cause to be paid promptly any license fee or renewal fee required by the applicable laws or required by the applicable laws and the rules and regulations, as the case may be.
- (10) Willful failure or neglect by the licensee to employ antiseptic methods in his or her practice or to do reasonable sterilizing as needed for protecting the patient.
- (11) Performing any surgery as to which he or she has not had reasonable training.
- (12) Gross and willful neglect of duty as a member or officer of the Board.
- (13) Any act or omission by the licensee made unlawful by the Act, regardless of whether the licensee shall have been convicted thereof in any court.
- (14) Final conviction of the licensee in any court of any violation of the Act.
- (15) Grossly dishonorable conduct on the part of the licensee.
- (16) Fee splitting by the licensee with any other person or entity in any proportion, of any fee, gift, compensation, or other award for services as a podiatrist, except where the other person or entity is duly licensed and has actually rendered services, directly or indirectly to the patient from whom fees are received.
- (17) Any act or omission on the part of the licensee which is contrary to or in derogation of

the code of ethics.

(18) Any willful violation of the rules and regulations.

(19) Any act of the licensee which is so intended to defraud the public.

(20) Any act of the licensee which is not in keeping with the current standards of the practice of podiatric medicine and thereby endangers the patients welfare.

(21) Violation of any section of the Code of Ethics promulgated by the Board in OAC 545:1-5-9.

[Source: Amended at 12 Ok Reg 443, eff 11-16-94 (emergency); Amended at 12 Ok Reg 1255, eff 5-11-95]

#### **545:25-1-4. Applicable laws, rules and regulations**

The revocation of any license to practice podiatry under this Chapter is subject to the applicable laws, rules and regulations governing the revocation of licenses of the Administrative Procedures Act of the State of Oklahoma.

#### **545:25-1-5. Written charges to be filed**

- (a) Charge or charges for suspension or revocation of license shall be in writing and filed with the secretary-treasurer of the Board.
- (b) Charges may be made by anyone.

#### **545:25-1-6. Notice**

- (a) No licensee shall be suspended or revoked until:
  - (1) A copy of the charge or charges, shall have been sent to the licensee by registered mail to the last post office address of the licensee appearing upon the license record of the Board or delivered to the licensee in person.
  - (2) The licensee is notified in a similar way of the time and place when and where the Board will commence its hearing of the charge or charges.
  - (3) The Board publicly hears the charge or charges and allows the licensee reasonable opportunity to appear in person or by counsel or in both such ways and to present evidence in refutation of the charge or charges.
- (b) Such notice shall be issued by any member of the Board and shall be so given to the licensee at least twenty (20) days before commencement of the hearing.
- (c) Such notice shall contain the following:
  - (1) A short and plain statement of the matter asserted. If the Board is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.
  - (2) A statement of the time, place and nature of the hearing.
  - (3) A statement of the legal authority and jurisdiction under which the hearing is to be held.
  - (4) A reference to the particular sections of the statutes and rules involved.

**545:25-1-7. Hearing**

- (a) Whether or not the licensee appears, the Board may proceed and determine the truthfulness of the charge or charges.
- (b) Opportunity shall be afforded all parties to respond and present evidence and arguments on all relevant issues involved. The Board shall allow the licensee reasonable opportunity to appear in person or by counsel or both, and to present evidence in refutation of the charge or charges.
- (c) Unless precluded by law, informal disposition may be made of any individual proceeding by stipulation, agreed settlement, consent order or default.
- (d) The record in an individual proceeding shall include:
  - (1) All pleadings, motions and intermediate rulings.
  - (2) Evidence received or considered.
  - (3) A statement of matters officially noted.
  - (4) Questions and offers of proof, objections and rulings thereon.
  - (5) Proposed findings and exceptions.
  - (6) Any decision, opinion or report by the officer presiding at the hearing.
  - (7) All staff memoranda or data submitted to the hearing officer or members of the Board in connection with their consideration of the case.
- (e) Findings of fact shall be based exclusively on the evidence and on matters officially noted.
- (f) No action by the Board shall be taken against the licensee until the foregoing procedures have been complied with.
- (g) If, upon such hearing, the Board finds the charge or charges to be true by clear and convincing evidence, the Board may issue an order imposing one or more of the following penalties:
  - (1) Disapproval of an application for a renewal license;
  - (2) Suspension of a license by the Board for a specified time not to exceed three (3) years;
    - (i) the suspension of a license to be reinstated following a specified period of time shall in no way exempt the licensee from maintaining his or her appropriate hours of continuing education or paying biennial renewal fees;
    - (ii) suspension shall during the time of suspension take from the licensee all rights and privileges acquired by virtue of the license;
  - (3) Revocation of a license; revocation shall take, permanently, from the licensee all rights and privileges acquired by virtue of the license;
  - (4) An administrative fine for any amount up to and not to exceed One Thousand Dollars (\$1,000.00) for each count or separate violation;
  - (5) A censure or reprimand;
  - (6) Placement on probation for a period of time and under such terms and conditions as deemed appropriate by the Board, including supervision;
  - (7) Restriction of the practice of a podiatric physician under such terms and conditions as deemed appropriate by the Board, including supervision; and
  - (8) Payment of costs associated with a disciplinary proceeding.
- (h) Procedures before this Board shall comply with the Administrative Procedures Act of the State of Oklahoma.
- (i) The standard of proof used by the Board in disciplinary actions under the Act shall be clear and convincing.

- (j) In any action by the Board in which a person licensed by the Board has been suspended, the Board may at any time, upon motion of any member of the Board reconsider such suspension.
- (k) In addition, the person whose license has been suspended may petition the Board for reinstatement in accordance with applicable law.
- (l) In any case in which a person whose license has been suspended is considered by the Board for reinstatement, it shall be the burden of that person to show compliance with all terms and conditions imposed by the Board in the disciplinary action. The Board may deny reinstatement to any such person who does not satisfy the Board of compliance with any Board requirement or condition imposed by the Board in disciplinary action or may approve reinstatement without restriction or may approve reinstatement with terms of probation or restrictions as deemed necessary to protect the health, safety and well-being of the public.
- (m) Upon the completion of any term of suspension imposed by the Board, the person whose license was suspended shall bear the burden to show compliance with all requirements and conditions imposed by the Board prior to reinstatement by the Board.
- (n) An application for reinstatement shall be filed with the Board in writing and shall set forth action taken by the applicant to comply with conditions and requirements imposed by the Board, including all documents in support thereof. Such application or motion shall be reviewed by the Secretary prior to being scheduled for action by the Board at a meeting of the Board. If the Secretary determines the applicant has met the requirements and conditions imposed by the Board, the matter shall be scheduled for Board action. If the Secretary determines the applicant has not complied with requirements and conditions imposed by the Board, the Secretary shall advise the applicant of the noncompliance in writing and the matter shall not be scheduled for Board action. In the event an applicant disagrees with the determination of the Secretary, the applicant may move in writing for the original application to be reviewed by the Board, upon payment of the appropriate fee.
- (o) An applicant for reinstatement after suspension pursuant to 59 O.S. § 147 shall meet all application requirements in effect at the time reinstatement is requested, be of good moral character and have reimbursed the Board for taxed costs or worked out a repayment plan satisfactory to the Board. In addition, the Board may require the applicant to meet the continuing education requirements.
- (p) In the event the Secretary determines that a person has not complied with an order of the Board, the Secretary may initiate additional disciplinary action against that person and may seek to have the Board impose additional penalties for failure to comply with a Board order.

[Source: Amended at 12 Ok Reg 443, eff 11-16-94 (emergency); Amended at 12 Ok Reg 1255, eff 5-11-95; Amended at 13 Ok Reg, eff 7-1-96 (emergency); Amended at 14 Ok Reg 1418, eff 5-11-97; Amended at 31 Ok Reg 2160, eff 9-12-14]

#### **545:25-1-8. Report of proceeding, expenses, preservation**

- (a) A record of the hearing, by means of audio recording will be made of all hearings conducted by the Board. The record of the proceeding shall not be transcribed except upon written application and a deposit sufficient in the amount to pay for having the record transcribed. The staff shall then make appropriate arrangements with a certified court reporter to transcribe the hearing from the audio recording.

(b) A defendant may, at his or her expense, arrange for a record of the hearing to be made by a court reporter.

[Source: Amended at 31 Ok Reg 2160, eff 9-12-14]

## CHAPTER 30. INVESTIGATIONS AND HEARINGS-SUBPOENAS

### Section

545:30-1-1. Purpose

545:30-1-2. Investigation and hearings

545:30-1-3. Subpoenas

[Authority: Title 59 O.S., Section 141]

[Source: Codified 6-27-91]

### **545:30-1-1. Purpose**

The rules of this Chapter govern investigations and hearings as well as the issuance of subpoenas for these hearings.

### **545:30-1-2. Investigation and hearings**

- (a) Any person may submit to the Board a complaint against a podiatric physician. In the event a complaint is initiated by a member of the Board and the nature of the complaint so involves that member of the Board to the extent that such member of the Board cannot render an impartial decision in the matter, that member of the Board shall recuse himself from any further action related to said complaint.
- (b) The Board shall make available a form which may be used for the filing of complaints.
- (c) Each complaint received by the Board shall be referred to the prosecutor of the Board and promptly investigated. No member of the Board shall review any complaint or discuss any complaint with the Board's prosecutor or any other person, including the complainant and the podiatric physician named in the complaint, except that the Board may review the written report of the Board's prosecutor as provided in (e), (f) and (g) of this Section.
- (d) Upon receipt of the complaint, the Board's prosecutor shall provide the podiatric physician named in the complaint with a copy of the complaint and shall require said podiatric physician to provide a written response to the complaint within twenty (20) days of mailing of a copy of the complaint to said podiatric physician. The failure of a podiatric physician to respond to such a request of the Board's prosecutor shall be grounds for disciplinary action by the Board.
- (e) It shall be the duty of the Board's prosecutor to investigate the complaint fully and in a manner consistent with due process requirements and the Administrative Procedures Act. At the conclusion of the investigation, the Board's prosecutor shall submit a written report to the Board detailing the findings and determination of the Board's prosecutor. In addition, the Board's prosecutor shall make a recommendation in its written report as to further action by the Board.
- (f) The written report of the Board's prosecutor shall be drafted so as to keep anonymous the name of the complainant and the podiatric physician named in the complaint. The report shall



include a brief recitation of the facts of the complaint and a statement whether the Board's prosecutor found competent evidence to support the allegations contained in the complaint.

(g) The Board shall review the report of the Board's prosecutor at a meeting of the Board, for which the Executive Secretary shall give proper notice to the complainant, the podiatric physician named in the complaint, and any other interested party. Provided, however, that the Board's review of the report shall not be conducted as a hearing and the Board shall not hear testimony or receive evidence. Upon review of the report, the Board may:

- (1) dismiss the complaint if the Board finds that there is not reasonable cause to believe that the podiatric physician named in the complaint has committed a violation;
- (2) issue a letter of concern to the podiatric physician named in the complaint if the Board finds that there is reasonable cause to believe that said podiatric physician has committed a violation, but such violation, if proven, is not of such a nature as to warrant the imposition of a penalty by the Board; or
- (3) initiate an individual proceeding against the podiatric physician named in the complaint if the Board finds that there is reasonable cause to believe that said podiatric physician has committed a violation and that such violation, if proven, is of such a nature as to warrant the imposition of a penalty by the Board.

(h) In the event the Board votes to issue a letter of concern in regard to a complaint, it shall thereupon be the duty of the Board's prosecutor to provide the Board sufficient details as to the nature of the complaint so as to assist the Board to render a meaningful letter of concern.

[Source: Amended at 12 Ok Reg 447, eff 11-17-94 (emergency); Amended at 12 Ok Reg 1257, eff 5-11-95]

### **545:30-1-3. Subpoenas**

(a) For the purposes of investigation and hearings, the Board, or any member thereof, is empowered to issue subpoenas, compel the attendance of witnesses, and administer oaths. Subpoenas authorized by the Act may be signed and issued by any member of the Board, and shall be served, and return of service thereof made, in the same manner as a subpoena is served out of a court of record in this State and as return in such case is made.

(b) If a person fails and refuses to attend in obedience to such subpoena, or refuses to be sworn or examined or answer any question propounded by any member of the Board or any attorney or licensee upon permission from the Board, such person shall be guilty of a misdemeanor and punishable as such, upon conviction.

[Source: Amended at 12 Ok Reg 447, eff 11-17-94 (emergency); Amended at 12 Ok Reg 1257, eff 5-11-95]

## **CHAPTER 35. FEE SCHEDULE**

### Section

545:35-1-1. Purpose

545:35-1-2. Fees

[Authority: Title 59 O.S., Section 141]

[Source: Codified 6-27-91]

**545:35-1-1. Purpose**

The purpose of the rules in this Chapter are to set out the fees and charges collected by the State Board of Podiatry.

**545:35-1-2. Fees**

- (a) All fees are non-refundable.
- (b) The following fees are collected by the Board:
  - (1) **Licensure**
    - (A) Application processing fee: \$50.00
    - (B) Display certificate: \$50.00
    - (C) State examination fee: \$100.00
    - (D) Reprocessing fee: \$100.00
    - (E) Training license
      - (i) Initial: \$50.00
      - (ii) Renewal: \$25.00
  - (2) **Renewal**
    - (A) Biennial renewal fee: \$150.00
    - (B) Reinstatement fee (after October 1): \$250.00
  - (3) **Miscellaneous**
    - (A) Verification of license: \$10.00
    - (B) Duplication of display certificate: \$50.00
    - (C) Duplication of proof of renewal of license: \$10.00
    - (D) Certification of public records (per page): \$1.00
    - (E) Duplication of public records (per page): \$.25
    - (F) Probation fee:
      - (i) Level I (minimum per month): \$125.00
      - (ii) Level II (minimum per month): \$50.00
      - (iii) Level III (minimum per month): \$30.00
    - (G) Investigations/prosecution.....Actual cost incurred
  - (4) **Filing of motions**
    - (A) Rehearing or reconsideration of any disciplinary case: \$ 75.00
    - (B) Terminate or modify probation: \$100.00
    - (C) Issuance of subpoena: \$10.00

[Source: Amended at 11 Ok Reg 4405, eff 7-14-94 (emergency); Amended at 12 Ok Reg 1259, eff 5-11-95; Amended at 31 Ok Reg , eff (emergency)]