

PODIATRIC PHYSICIAN LICENSING ACT

Part 1 - Definitions

58-5a-101. Short title.

This chapter is known as the "Podiatric Physician Licensing Act."

58-5a-102. Definitions.

In addition to the definitions under Section 58-1-102, as used in this chapter:

- (1) "Board" means the Podiatric Physician Board created in Section 58-5a-201.
- (2) "Practice of podiatry" means the diagnosis and treatment of conditions affecting the human foot and ankle and their manifestations of systemic conditions by all appropriate and lawful means, subject to the following provisions:
 - (a) surgical procedures may be performed upon all bones of the foot and ankle, with the exception of the following procedures:
 - (i) ankle fusion;
 - (ii) massive ankle reconstruction; and
 - (iii) reduction of trimalleolar fractures of the ankle;
 - (b) surgical treatment of any condition of the ankle and governing and related structures of the foot and ankle above the ankle shall be:
 - (i) performed in an ambulatory surgical facility, general acute hospital, or a specialty hospital, as defined in Section 26-21-2; and
 - (ii) subject to review by a quality care review body which includes qualified licensed physicians and surgeons.
- (3) (a) "Unlawful conduct" as defined in Section 58-1-501 includes the following conduct by a person not licensed under this chapter:
 - (i) using the title or name podiatric physician, podiatrist, foot doctor, foot specialist, or D.P.M.; or
 - (ii) implying or representing he is qualified to practice podiatry.
- (b) "Unlawful conduct" as defined in Section 58-1-501 includes the following conduct by a person licensed under this chapter:
 - (i) administering general anesthesia; or
 - (ii) amputating the foot.
- (4) "Unprofessional conduct" as defined in Section 58-1-501 and as may be further defined by rule, includes:
 - (a) communicating to a third party, without the consent of the patient, information acquired in treating the patient that is necessary to enable the podiatric physician to treat the patient except as necessary for professional consultation regarding treatment of a patient;
 - (b) allowing one's name or license as a podiatric physician to be used by another person who is not licensed to practice podiatry in this state;
 - (c) employing, directly or indirectly, any unlicensed person to practice podiatry;
 - (d) use of alcohol or drugs to the extent a licensee's ability to safely engage in the practice of podiatry is impaired;
 - (e) unlawfully prescribing, selling, or giving away any prescription drug, including controlled substances, as defined in Section 58-37-2;
 - (f) gross incompetency in the practice of podiatry;
 - (g) willfully and intentionally making a false statement or entry in hospital records, medical records, or reports;
 - (h) willfully making a false statement in reports or claim forms to governmental agencies or insurance companies with the intent to secure payment not rightfully due; or

- (i) willfully using false or fraudulent advertising.

Part 2 - Podiatric Physician Board

58-5a-201. Podiatric Physician Board.

- (1) There is created the Podiatric Physician Board consisting of four podiatric physicians and one member of the general public.
- (2) The board shall be appointed and serve in accordance with Section 58-1-201.
- (3) The duties and responsibilities of the board are in accordance with Sections 58-1-202 and 58-1-203.
- (4) In addition, the board shall designate one of its members on a permanent or rotating basis to:
 - (a) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and
 - (b) advise the division in its investigation of these complaints.
- (5) A board member who has, under Subsection (4), reviewed a complaint or advised in its investigation may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

Part 3 - Licensing

58-5a-301. License required - License classifications.

- (1) The division shall issue to persons qualified under this chapter a license in the classification of podiatric physician.
- (2) A person may not practice podiatry unless licensed or exempted from licensure under this chapter.

58-5a-302. Qualifications to practice podiatry.

An applicant for licensure to practice podiatry shall:

- (1) submit an application in a form as prescribed by the division;
- (2) pay a fee as determined by the department under Section 63J-1-504;
- (3) be of good moral character;
- (4) be a graduate of a college of podiatric medicine accredited by the Council of Podiatric Education;
- (5) have completed one year of postgraduate training in a residency program recognized by the board; and
- (6) pass examinations required by rule.

58-5a-303. Terms of license - Expiration - Renewal.

- (1) The division shall issue all licenses under this chapter in accordance with the two-year renewal cycle established by rule. A renewal period for a license may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.
- (2) At the time of renewal the licensee shall show satisfactory evidence of renewal requirements established by rule, including completion of continuing education as required under this chapter.
- (3) A license issued under this chapter expires on the expiration date shown on the license unless renewed prior to that date by the licensee in accordance with Section 58-1-308.

58-5a-304. Continuing education.

- (1) The division may require each person holding a license under this chapter to complete in each two-year period not more than 40 hours of qualified continuing professional education in accordance with standards defined by rule as a requirement prior to license renewal under this chapter.
- (2) In establishing continuing education requirements under this section, the division shall in collaboration with the board recognize the existing educational methods, procedures, devices, and programs in use among the various podiatry specialty organizations.
- (3) The division shall give licensees credit toward continuing education requirements for participation in and completion of continuing education programs of:
 - (a) the American Podiatric Medical Association;
 - (b) the Utah Podiatric Medical Association;
 - (c) all colleges of podiatric medicine accredited by the Council on Education of the American Podiatric Medical Association; and
 - (d) similar programs of other organizations that are approved by the division in collaboration with the board.
- (4) If a renewal period is shortened or extended to effect a change of the renewal cycle, the continuing education hours required for that renewal period shall be increased or decreased accordingly, as a pro rata amount of the requirements of a two-year period.

58-5a-305. License by endorsement.

The division may issue a license by endorsement to a person who holds a license to practice podiatry from another state, jurisdiction, or territory of the United States, if that person:

- (1) meets the requirements of Section 58-1-302; and
- (2) demonstrates to the board that he has been a licensed podiatric physician in the jurisdiction issuing his license for at least two years immediately prior to applying for a license under this section.

58-5a-306. Exemptions from licensure.

The following persons may practice podiatry, subject to stated circumstances and limitations, without being licensed under this chapter:

- (1) a podiatric physician serving in the armed forces of the United States, the United States Public Health Service, the United States Department of Veterans Affairs, or other federal agencies while engaged in activities regulated under this chapter as a part of his employment with that federal agency if the individual holds a valid license to practice podiatry issued by any other state or jurisdiction recognized by the division;
- (2) a student engaged in activities that constitute the practice of podiatry while in training in a recognized school approved by the division to the extent the activities are under the supervision of qualified faculty or staff and the activities are a defined part of the training program;
- (3) a person engaged in an internship, residency, preceptorship, postceptorship, fellowship, apprenticeship, or on-the-job training program approved by the division while under the supervision of qualified persons;
- (4) a person residing in another state and licensed to practice podiatry there, who is called in for a consultation by a person licensed in this state and services provided are limited to that consultation or who is invited by a recognized school, association, society, or other body approved by the

- division to conduct a lecture, clinic, or demonstration of the practice of podiatry so long as that individual does not establish a place of business or regularly engage in the practice of podiatry in the state;
- (5) a person licensed under the laws of this state to practice or engage in any other occupation or profession while engaged in the lawful, professional, and competent practice of that occupation or profession; and
 - (6) persons who fit or sell corrective shoes, arch supports, or similar devices, to the extent their acts and practices involve only the fitting and selling of these items.

Part 4 - Denial of Licensure

58-5a-401. Grounds for denial of license - Disciplinary proceedings.

- (1) The division shall refuse to issue a license to an applicant and shall refuse to renew or shall revoke, suspend, or place on probation the license of a licensee who:
 - (a) does not meet the qualifications for licensure or renewal of licensure under this chapter; or
 - (b) is guilty of a crime which, when considered with the functions and duties of a licensee under this chapter, demonstrates a threat or potential threat to the public health, safety, or welfare.
- (2) The division may refuse to issue a license to an applicant and shall refuse to renew or shall revoke, suspend, or place on probation the license of a licensee who:
 - (a) is guilty of unlawful conduct related to practice under this chapter or unprofessional conduct as defined in this chapter, Section 58-1-501, or rules made under either;
 - (b) has obtained or attempted to obtain a license under this title by fraud or willful misrepresentation; or
 - (c) has had a license or certification to practice in any profession or occupation subjected to disciplinary action which demonstrates a threat or potential threat to the public health, safety, or welfare, when considered with the activities regulated under this chapter.

Part 5 - Penalties

58-5a-501. Unlawful conduct - Penalties.

Any person who engages in unlawful conduct as defined in this chapter is guilty of a third degree felony, except that a violation of Subsection 58-5a-102(3)(a) is a class A misdemeanor.

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