



RE: Initial review of Chapter 4731-12, OAC, the podiatric licensure rules

DATE: February 12, 2016

The podiatric licensure rules were reviewed for clarity and to determine whether the language reflects the current processes and procedures. The rules and the proposed action are listed below. You are invited to submit comments concerning the following rules, with comments due by **March 10, 2016**:

4731-12-01 Preliminary education for licensure in podiatric medicine and surgery:

- The word “defined” is changed to “determined.”

4731-12-02 Standing of colleges of podiatric surgery and medicine:

- The name of the accrediting body has been corrected.

4731-12-03 Eligibility for the examination in podiatric medicine and surgery; passing average:

- No changes proposed.

4731-12-04 Eligibility for licensure in podiatric medicine and surgery by endorsement from another state

- Paragraph (E): The language concerning the application form that merely repeats the provisions of the Revised Code is stricken. The new language will not require that the prescribed application be reviewed by JCARR and the rule amended should the application be changed in any way.
- Paragraph (G): The language is stricken because it adds nothing that is not found in the Revised Code.

4731-12-05 Application procedures for licensure in podiatric medicine and surgery; investigation; notice of hearing rights.

- The title is amended to reflect the amended content of the rule.
- Paragraph (A): The language concerning the application form that merely repeats the provisions of the Revised Code is stricken. The new language will not require that the prescribed application be reviewed by JCARR and the rule amended should the application be changed in any way. Also, the name of the accrediting body has been corrected.

- Paragraph (F) is deleted because the hearing rights are afforded pursuant to Chapter 119 of the Revised Code and having this language in rule is unnecessary.

Rule 4731-12-06 Visiting podiatric faculty certificate.

- Paragraph (A): The language that merely recites language from the Revised Code is deleted. The remaining language is placed into outline form. The name of the accrediting body is corrected.
- Paragraph (B): The language that merely recites language from the Revised Code is deleted, but the language clarifying that the duties of the applicant shall be set out in the application is retained.
- Paragraph (D): The phrase “or a second visiting podiatric faculty certificate” is stricken. Accordingly, when a visiting podiatric faculty certificate expires, the proposed amendment would allow the holder of a visiting podiatric faculty certificate to apply for a new one by submitting a completed application and paying the application fee.

Rule 4731-12-07 Podiatric training certificates

- Paragraphs (A) through (F) are deleted because they merely recite provisions of the Revised Code. The remaining paragraphs are renumbered.
- New Paragraph (F): The name of the accrediting body is corrected.

Please send comments to Sallie.Debolt@med.ohio.gov by **March 10, 2016**.

*** DRAFT - NOT YET FILED ***

4731-12-01

Preliminary education for licensure in podiatric medicine and surgery.

Production of a diploma from a college of podiatric medicine and surgery in good standing as ~~defined~~ determined by the board at the time the diploma was issued constitutes prima facie evidence that the individual has completed the requisite preliminary education under section 4731.53 of the Revised Code.

4731-12-02

Standing of colleges of podiatric surgery and medicine.

- (A) A college of podiatric medicine and surgery in the United States shall be defined as being in good standing at the time the diploma was issued for the purposes of section 4731.53 of the Revised Code if the institution is accredited by the ~~council on podiatry education of the American podiatric medical association~~ "[Council on Podiatric Medical Education](#)", or its predecessor accrediting organizations as determined by the board.
- (B) To meet the requirement of section 4731.53 of the Revised Code that an applicant present a diploma from a college of podiatric medicine and surgery in good standing as defined by the board at the time the diploma was issued, an applicant presenting a diploma from a college located outside the United States must present evidence sufficient to establish to the board's satisfaction that the educational program completed at such school meets or exceeds the standards established by the ~~council on podiatry education of the American podiatric medical association~~ "[Council on Podiatric Medical Education](#)" for colleges of podiatric medicine and surgery in the United States.

NO CHANGE

4731-12-03 Eligibility for the examination in podiatric medicine and surgery; passing average.

(A) An applicant for a certificate to practice podiatric medicine and surgery is eligible for consideration to take the examination in podiatric medicine and surgery if, in addition to meeting the other requirements of sections [4731.52](#) and [4731.53](#) of the Revised Code, the applicant holds a diploma from a college in good standing as defined in rule [4731-12-02](#) of the Administrative Code.

(B) The examination in podiatric medicine and surgery shall consist of parts I, II and III of the national board of podiatric medical examiners examination. Prior to applying for a certificate to practice podiatric medicine and surgery, and prior to sitting for part III of the national board of podiatric medical examiners examination, an applicant shall have passed parts I and II of the national board of podiatric medical examiners examination.

(C) An applicant shall obtain diplomate or passing status with the national board of podiatric medical examiners on parts I, II and III of the national board examination in order to be considered as having passed the examination in podiatric medicine and surgery.

Replaces rule 4731-3-31; Eff 1-1-82; 1-31-90; 2-28-04

Rule promulgated under: RC [119.03](#)

Rule authorized by: RC [4731.05](#)

Rule amplifies: RC [4731.52](#)

RC [119.032](#) review dates: 11/17/03, 03/25/07

4731-12-04

Eligibility for licensure in podiatric medicine and surgery by endorsement from another state.

- (A) An applicant for a license to practice podiatric medicine and surgery who holds a license from another state, United States territory, or the District of Columbia, shall be eligible for licensure consideration without examination if, in addition to any other requirements of sections 4731.51 to 4731.61 of the Revised Code and Chapter 4731-12 of the Administrative Code, the requirements of paragraphs (B) to (E) of this rule are met.
- (B) If the license being endorsed is based upon an examination administered between June 12, 1990 and December 4, 2000, the license shall be based upon the passing of the "PMLexis" in addition to the holding of a passing status or diplomate status with the national board of podiatric medical examiners.
- (C) If the license being endorsed is based upon an examination administered after December 4, 2000, the license shall be based on passing parts I, II and III of the national board of podiatric medical examiners examination.
- (D) If the license being endorsed is based upon an examination administered before June 12, 1990, it shall have been:
- (1) Administered by the state, United States territory, or district issuing the license, and, have been in part, a written examination;
 - (2) Taken without having failed the national board of podiatric medical examiners examination unless an intervening passing status or diplomate status on that examination has been achieved; and
 - (3) Taken without having failed to achieve a minimum passing score on the PMLexis or part III of the national board of podiatric medical examiners examination unless an intervening passing status on that examination has been achieved. For purposes of this rule, a minimum passing score will be that figure recommended by the national board of podiatric medical examiners/federation of podiatric medical boards.
- (E) An applicant for endorsement licensure shall file ~~a written application, under oath, on a form prescribed by the board~~ an application in the manner provided in section 4731.52 of Revised Code, furnish satisfactory proof that he or she is more than eighteen years of age and of good moral character and provide other facts and materials as the board requires.
- (F) The license being endorsed shall be current and in good standing and shall be a full

and unlimited license to practice podiatric medicine and surgery. An exception may be made by the board in those cases where an applicant cannot renew his or her license in the other jurisdiction for purposes of endorsement due to residency or similar requirements.

~~(G) Notwithstanding paragraphs (A) to (E) of this rule, and in addition to grounds otherwise contained in a statute or rule, the board may refuse an applicant endorsement who has not been engaged in any of the following activities during the two years immediately prior to the date of application:~~

~~(1) Active clinical practice of podiatric medicine and surgery;~~

~~(2) The taking of postgraduate training approved by the council on podiatric medical education of the American podiatric medical association or conducted under sponsorship of an institution accredited by the council;~~

~~(3) The attendance as a student at a school of podiatric medicine and surgery recognized by the board pursuant to rule 4731-12-02 of the Administrative Code and section 4731.53 of the Revised Code.~~

4731-12-05

Application procedures for licensure in podiatric medicine and surgery; investigation;~~notice of hearing rights.~~

- (A) All applicants for licensure in podiatric medicine and surgery shall file ~~a written~~ an application under oath on the form prescribed by the board in the manner provided in section 4731.51 of the Revised Code, and provide such other facts and materials as the board requires including proof of completion of a minimum of one year of postgraduate training in a podiatric internship, residency or clinical fellowship program accredited by the ~~council on podiatric medical education of the American podiatric medical association~~ "Council on Podiatric Medical Education.
- (B) No application shall be considered filed until the appropriate fee has been received by the board.
- (C) No application shall be considered complete until the applicant has complied with the requirements of paragraph (A) of rule 4731-4-02 of the Administrative Code and the board has received the results of the criminal records checks and any other forms required to be submitted pursuant to paragraph (A) of rule 4731-4-02 of the Administrative Code.
- (D) All application materials submitted to the board by applicants for licensure in podiatric medicine and surgery will be thoroughly investigated. The board will contact individual agencies or organizations for recommendations or other information about applicants as the board deems necessary. Applicants may be requested to appear before the board or a representative thereof as part of the application process.
- (E) Applications to take the examination for licensure in podiatric medicine and surgery in Ohio shall be filed at the board offices not less than sixty days prior to the first day of the examination. Under special circumstances, later filing may be permitted at the discretion of the board.
- ~~(F) Any applicant to whom the board proposes to deny licensure in podiatric medicine and surgery pursuant to Chapter 4731. of the Revised Code or because of failure to meet any of the requirements of Chapter 4731-12 of the Administrative Code shall be entitled to a hearing on the issue of such proposed denial. Notice and hearing requirements incident to such proposed denial will be in compliance with the provisions of Chapter 119. of the Revised Code and any rules adopted by the board pursuant to Chapter 119. of the Revised Code.~~

4731-12-06

Visiting podiatric faculty certificates.

(A) ~~A visiting podiatric faculty certificate may be issued to an applicant holding a current, unrestricted license to practice podiatric medicine and surgery in another state or country if he or she has been appointed to serve in this state on the academic staff of a college of podiatric medicine and surgery accredited by the council on podiatry education of the American podiatric medical association, or its predecessor accrediting organizations as determined by the board, and he or she meets the eligibility requirements of section 4731.572 of the Revised Code. A current, unrestricted license is a license or other authority granted by the appropriate entity or governmental body which lawfully permits the applicant to practice podiatric medicine and surgery without governmental restriction or limitation.~~ For purposes of section 4731.572 of the Revised Code, the following definitions apply:

(1) "Approved college of podiatric medicine and surgery in good standing" means a college of podiatric medicine and surgery accredited by the "Council on Podiatric Medical Education", or its predecessor accrediting organizations.

(2) "A current, unrestricted license" means a license or other authority granted by the appropriate entity or governmental body which lawfully permits the applicant to practice podiatric medicine and surgery without governmental restriction or limitation.

(B) ~~The holder of a visiting podiatric faculty certificate shall practice only as is incidental to teaching duties at the school, or at those teaching hospitals affiliated with the school. Those~~ duties of the applicant shall be set forth upon the application and approved by the board.

(C) By signing the application for a visiting podiatric faculty certificate, the dean of the school and the medical director of each affiliated teaching hospital are responsible for assuring that the holder of the certificate does not engage in practice outside its scope. They are further responsible for reporting to the board any belief that practice outside its scope has occurred.

(D) An individual shall be granted only one visiting podiatric faculty certificate, and shall be ineligible to apply for its renewal ~~or a second visiting podiatric faculty certificate.~~

4731-12-07

Podiatric training certificates.

~~(A) A training certificate is mandatory for participation in an internship or residency accredited by the council on podiatric medical education (CPME) or the American podiatric medical association (APMA), or a clinical fellowship program at an institution with a residency program accredited by CPME or the APMA in the same or a related field unless the participant holds a current certificate to practice podiatric medicine and surgery under section 4731.53 of the Revised Code.~~

~~(B) A training certificate shall be issued to those applicants meeting the requirements of section 4731.573 of the Revised Code and this chapter of the Administrative Code. In addition, those applicants who are training as clinical fellows will be eligible to receive a training certificate in sub-specialty areas only if the institution in which they are pursuing a clinical fellowship has a residency program in the same or related clinical field and that residency program is accredited by the CPME or APMA.~~

~~(C) The holder of a training certificate must limit his or her activities to those set forth in section 4731.573 of the Revised Code. The acknowledgment letter and subsequent training certificate entitle the holder to perform only such acts as may be prescribed by or incidental to the internship, residency, or clinical fellowship program, but do not entitle one to otherwise engage in the practice of podiatric medicine and surgery in this state.~~

~~(D) A training certificate may be renewed annually for a maximum of five years.~~

~~(E) The holder must limit activities under the acknowledgment letter or training certificate to the programs of the hospital or facilities for which the training certificate is issued. The holder must train only under the supervision of the physicians responsible for supervision as part of the internship, residency, or clinical fellowship program.~~

~~(F) The board may take disciplinary action against an applicant or holder of a training certificate upon proof, satisfactory to the board, that the holder has engaged in practice in this state outside the scope of the internship, residency, or clinical fellowship program for which the training certificate has been issued, or upon other proof, satisfactory to the board, that the applicant has engaged in conduct that is grounds for action under section 4731.22 of the Revised Code. In accordance with section 3719.121 or section 4731.22 of the Revised Code, the board may suspend without a prior hearing a training certificate or the right to participate in training under an acknowledgment letter issued pursuant to this rule.~~

~~(G)~~(A) Upon the board's receipt of an application for a training certificate, or upon the board's receipt of written notice from an applicant for a certificate to practice podiatric medicine and surgery under section 4731.53 of the Revised Code, that the applicant intends to participate in a training program described in paragraph (A) of this rule, and after verifying that the applicant has paid the appropriate fee, the

board will issue to the applicant an acknowledgment letter. Upon receipt of that acknowledgment letter the applicant may begin participating in the program that meets the requirements of section 4731.573 of the Revised Code, and this chapter of the Administrative Code, to which he or she has been appointed while the application is being processed. That acknowledgment letter will serve as proof that the board has received the application and that the applicant is entitled to continue participation in the training program. If an applicant has not received an acknowledgment letter from the board within forty-five days of submitting an application, then the applicant shall immediately inform the board and the director of his or her training program in writing.

~~(H)~~(B) An acknowledgment letter issued under this rule shall authorize participation in a training program for one hundred and twenty days, unless prior to that time the board:

- (1) Issues the certificate; or
- (2) Issues an order in accordance with Ohio law suspending without a prior hearing the authority to participate; or
- (3) Accepts a withdrawal of the application; or
- (4) Issues a notice of opportunity for hearing in accordance with Chapter 119. of the Revised Code, in which case the authority to participate shall continue until the board's issuance of a final order granting or denying the application, or until the end of the training year, whichever comes first; or
- (5) In the case of an applicant for a certificate under section 4731.53 of the Revised Code, advises the applicant in writing that a substantial question of a violation of this chapter or the rules adopted under it exists and that investigation is continuing, in which case the authority to participate shall continue until one of the following occur:
 - (a) The board issues a certificate; or
 - (b) The board issues a final order in accordance with Chapter 119. of the Revised Code; or
 - (c) The training year ends.

Except as provided above, participation in a training program pursuant to an acknowledgment letter cannot be renewed or extended beyond

one hundred and twenty days.

- (C) If at the end of one hundred and twenty days following issuance of an acknowledgment letter to an applicant for a training certificate the board has commenced but not yet concluded investigation or inquiry into issues of possible violations of Chapter 4731. of the Revised Code, it shall issue a training certificate to the applicant but shall not be deemed to have waived any issues which would constitute grounds to impose discipline under Chapter 4731. of the Revised Code.
- (D) If the applicant or training certificate holder changes training programs before the end of the training year while maintaining the same finishing date of his or her post graduate training year (e.g., June thirtieth), the board must be notified in writing immediately. A new application need not be completed. However, acknowledgment by the board of receipt of written notification of change in training programs will be required prior to starting the new training program. The new training certificate will only be valid for the remainder of the training year for which the applicant has been issued a current certificate.
- (E) A training certificate shall be valid for one training year, but may, at the discretion of the board, be renewed annually for a maximum of five years. Renewal applications are mailed approximately April first for those who initiated their training on July first. Interns, residents, or clinical fellows who began their training after July first of the training year will be mailed their renewal application approximately three months prior to the expiration of their training certificate.
- (F) This rule and section 4731.573 of the Revised Code do not apply to or prohibit any graduate of a podiatric school or college from performing those acts that may be prescribed by or incidental to participation in an accredited podiatric internship, residency, or fellowship program accredited by the ~~"Council on Podiatric Medical Education of the American Podiatric Medical Association."~~ "Council on Podiatric Medical Education."
- (G) A person who holds a suspended certificate to practice podiatric medicine and surgery under section 4731.53 of the Revised Code is not eligible for a training certificate. Such a person must restore that certificate in accordance with sections 4731.222 and 4731.281 of the Revised Code before beginning postgraduate training in Ohio. A person whose certificate has been permanently revoked or permanently denied is ineligible to participate in postgraduate training in Ohio.