

OPEN MEETING MINUTES
State Board of Podiatric Medicine
Conference Call

December 22, 2004 – 5:30 p.m.
Division of Professional Registration
3605 Missouri Blvd.
Jefferson City, Missouri

The conference call meeting of the Missouri State Board of Podiatric Medicine was called to order by Terrence Klamet, DPM, President at 5:30 p.m. on Wednesday, December 22, 2004 at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri.

Roll Call

Board Members Present

Terrence Klamet, DPM, President
Lorene Van Dam, DPM, Vice-President via Conference Call
Tracy Reed, DPM, Secretary via Conference Call

Board Member Absent

Lois Riney, Public Member

Staff Present

Becky Dunn, Executive Director
Pamela Schnieders, Administrative Assistant
Tabatha Lenzini, Licensing Technician
Stacy Yeung, Assistant Attorney General

Dr. Klamet introduced Stacy Yeung, Assistant Attorney General to Members of the State Board of Podiatric Medicine. Members welcomed Ms. Yeung to the board.

Dr. Klamet announced Tracy Reed, DPM was reappointed by Governor Bob Holden to serve a second four-year term on the State Board of Podiatric Medicine.

Approval of Agenda

Motion was made by Dr. Reed and seconded by Dr. Van Dam to approve the open agenda as submitted. Motion carried with Dr. Klamet, Dr. Van Dam, and Dr. Reed voting in favor with no votes in opposition. Lois Riney was absent from the meeting.

Approval of Minutes

• **October 5, 2004 Mail Ballot Meeting Minutes**

Motion was made by Dr. Van Dam and seconded by Dr. Reed to approve the October 5, 2004 open mail ballot meeting minutes as submitted. Motion carried with Dr. Klamet, Dr.

Van Dam, and Dr. Reed voting in favor with no votes in opposition. Lois Riney was absent from the meeting.

- **October 12, 2004 Mail Ballot Meeting Minutes**

Motion was made by Dr. Van Dam and seconded by Dr. Reed to approve the October 12, 2004 open mail ballot meeting minutes as submitted. Motion carried with Dr. Klamet, Dr. Van Dam, and Dr. Reed voting in favor with no votes in opposition. Lois Riney was absent from the meeting.

- **November 3, 2004 Mail Ballot Meeting Minutes**

Motion was made by Dr. Van Dam and seconded by Dr. Reed to approve the November 3, 2004 open mail ballot meeting minutes as submitted. Motion carried with Dr. Klamet, Dr. Van Dam, and Dr. Reed voting in favor with no votes in opposition. Lois Riney was absent from the meeting.

- **November 22, 2004 Mail Ballot Meeting Minutes**

Motion was made by Dr. Van Dam and seconded by Dr. Reed to approve the November 22, 2004 open mail ballot meeting minutes as submitted. Motion carried with Dr. Klamet, Dr. Van Dam, and Dr. Reed voting in favor with no votes in opposition. Lois Riney was absent from the meeting.

Review of 4 CSR 230-2.021 Advertising Regulations–Keith Beauchamp DPM

The board reviewed the letter received from Keith A. Beauchamp DPM on August 24, 2004 requesting the Board review the regulation and the phraseology of 4 CSR 230-2.021(7)(A) and consider amending. The board requested the Assistant Attorney General assist regarding the rule issue. A motion was made by Dr. Van Dam and seconded by Dr. Reed to table the review of 4 CSR 230-2.021(7)(A) until such time that the Assistant Attorney General seek advice from her supervisor relative to her advisory authority regarding rules and regulations that govern the Board. Motion carried with Dr. Klamet, Dr. Van Dam, and Dr. Reed voting in favor with no votes in opposition. Lois Riney was absent from the meeting.

Rules

Proposed Amendment - 4 CSR 230-1.010 General Organization

The board reviewed proposed amendment 4 CSR 230-1.010 General Organization, printed in the September 1, 2004 *Missouri Register*. The rule is being amended to update the terminology used by the board and to include the board's website address. Areas bolded are new language and those in brackets will be deleted. No comments were received from the public. The Final Order of Rulemaking was filed with the Secretary of State's Office on January 14, 2005 with amended rule to become effective March 30, 2005.

PROPOSED AMENDMENT

4 CSR 230-1.010 General Organization. The board is proposing to amend sections (3), (4), (5), (6), and (8).

PURPOSE: This rule is being amended to make the text of the rule consistent with terminology currently used by the board.

- (1) Whenever used in this division, the word board means the State Board of Podiatric Medicine.
- (2) The State Board of Chiropody was created by an act of the 63rd General Assembly. The name of the State Board of Chiropody was changed to the State Board of Podiatry by an act of the 75th General Assembly. The name of the State Board of Podiatry was changed to the State Board of Podiatric Medicine by an act of the 88th General Assembly.
- (3) The board consists of four (4) **Missouri**-licensed doctors of *[podiatry]* **podiatric medicine** and one (1) public member. The governor appoints the members of the board with the advice and consent of the senate, from nominees submitted by the director of the Department of Economic Development. The term of office of each member is four (4) years.
- (4) The board is authorized by section 330.140~~[.1.]~~, RSMo ~~[(1986)]~~ to adopt rules necessary to administer and enforce the provisions of Chapter 330, RSMo.
- (5) The board has superintending control over the practice of *[podiatry]* **podiatric medicine** within this state. The board's primary duties consist of--
 - (A) Examining and licensing applicants;
 - (B) Approving colleges of *[podiatry]* **podiatric medicine**;
 - (C) Approving continuing education programs;
 - (D) Issuing temporary licenses for internship/residencies; and
 - (E) *[Suspending or revoking]* **Disciplining** licenses of doctors found guilty of violating the provisions of Chapter 330, RSMo.
- (6) The board shall have at least one (1) regularly scheduled annual meeting and such other meetings as determined by the board. The time and location for each meeting may be obtained by contacting the *[board's executive secretary]* **board office** at P.O. Box 423, Jefferson City, MO 65102-0423 **or by visiting the board's website at <http://pr.mo.gov/podiatrists.asp>**.
- (7) All board meetings will be governed by Roberts' Rules of Order.
- (8) Members of the public may obtain information from the board or make submissions to the board, by writing the *[board's executive secretary]* **board office** at P.O. Box 423, Jefferson City, MO 65102-0423 **or by visiting the board's website at <http://pr.mo.gov/podiatrists.asp>**.

Proposed Amendment - 4 CSR 230-1.020 Board Member Compensation

The board reviewed proposed amendment 4 CSR 230-1.020 Board Member Compensation, printed in the September 1, 2004 *Missouri Register*. The rule is being amended to update terminology used by the board. Areas bolded are new language and those in brackets will be deleted. No comments were received from the public. The Final Order of Rulemaking was filed with the Secretary of State's Office on January 14, 2005 with amended rule to become effective March 30, 2005.

PROPOSED AMENDMENT

4 CSR 230-1.020 Board Member Compensation. The board is proposing to amend the purpose statement.

PURPOSE: This rule is being amended to make the purpose statement consistent with terminology currently used by the board.

*PURPOSE: This rule fixes the compensation for the members of the State Board of [Podiatry] **Podiatric Medicine** in compliance with the mandates of section 330.110.1, RSMo [(1986)].*

- (1) Each member of the State Board of Podiatric Medicine shall receive the sum of fifty dollars (\$50) as compensation for each day that member devotes to the affairs of the board.
- (2) In addition to the compensation fixed herein, each member is entitled to reimbursement of his/her expenses necessarily incurred in the discharge of his/her official duties.
- (3) No request for compensation provided herein shall be processed for payment unless sufficient funds are available for that purpose within the appropriations for this board.

Proposed Rule - 4 CSR 230-1.030 Definitions

The board reviewed Proposed Rule - 4 CSR 230-1.030 Definitions, printed in the September 1, 2004 *Missouri Register*. The proposed rule defines terms used throughout 4 CSR 230. No comments were received from the public. The Final Order of Rulemaking was filed with the Secretary of State's Office on January 14, 2005 with proposed rule to become effective March 30, 2005.

PROPOSED RULE

4 CSR 230-1.030 Definitions.

PURPOSE: This rule defines terms used in 4 CSR 230.

- (1) Board – whenever used in these rules, unless stated otherwise, the term board means the State Board of Podiatric Medicine in the state of Missouri.
- (2) Certificate of Registration – as referred to Chapter 330, RSMo and these rules means license to practice podiatric medicine in the state of Missouri.
- (3) Postgraduate clinical residency - a formal, structured postgraduate training program of at least twelve (12) months which is approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association. Postgraduate clinical residency programs must be sponsored by and conducted in an institution such as a hospital, or conducted by a college of podiatric medicine accredited by the Council on Podiatric Medical Education of the American Podiatric Medical Association.
- (4) Missouri Law Examination – Missouri Law Examination covers knowledge of Chapter 330, RSMo and the rules governing the practice of podiatric medicine in the state of Missouri.
- (5) National Board Examination – Part 1, Part 2, Part 3 (formally known as the Podiatric Medical Licensing Examination for States, PMLexis) developed and administered by the National Board of Podiatric Medical Examiners (NBPME), or designee of the board.
- (6) Reporting period for Continuing Medical Education requirements – the twenty four (24) month period immediately preceding the biennial licensure renewal date, which is February 28 of each even-numbered year.

Proposed Amendment - 4 CSR 230-2.010 Application for Licensure by Examination

The board reviewed proposed amendment 4 CSR 230-2.010 Application for Licensure by Examination, printed in the September 1, 2004 *Missouri Register*. The rule is being amended to clarify the procedures to be used for obtaining a podiatry license by examination. Areas bolded are new language and those in brackets will be deleted. No comments were received from the public. The Final Order of Rulemaking was filed with the Secretary of State's Office on January 14, 2005 with amended rule to become effective March 30, 2005.

PROPOSED AMENDMENT

4 CSR 230-2.010 Application for Licensure by Examination. The board is proposing to amend sections (1) and (10); add new sections (2), (3), (8) (9) and (11); renumber and amend the previously numbered sections (2), (3) (4) and (5); delete the previously numbered sections (6), (7), (8) and (11); and delete section (12).

PURPOSE: This rule is being amended to clarify the procedures to be used to secure a licensure.

- (1) Application[s] for a permanent Missouri license to practice [podiatry] **podiatric medicine** must be made on the forms provided by the board.
- (2) **Application forms may be obtained from the board office at P.O. Box 423, Jefferson City, MO 65102-0423 or by visiting the board's website at <http://pr.mo.gov/podiatrists.asp>. A copy of the current statutory provisions and board rules regarding the practice of podiatric medicine will be provided with the application form.**
- (3) **No application will be considered unless it is fully completed and properly attested. Items necessary to complete the application include:**
 - (A) Each section on the application form itself;
 - (B) A recent photograph;
 - (C) The current Permanent Application Processing Fee;
 - (D) **An official transcript from the college of podiatric medicine from which the applicant graduated. If the applicant has attended more than one college of podiatric medicine in order to obtain all of his/her credits for graduation, the applicant shall submit official transcripts from all colleges s/he attended; and**
 - (E) **A certified score report from the National Board of Podiatric Medical Examiners or such other designee of the board, certifying satisfactory completion of all parts of the National Board Examination.**
- [(2)] (4) Every applicant for a permanent **Missouri** license graduating from a podiatric medical school in 1994 and after [that] shall provide the State Board of [Podiatry] **Podiatric Medicine** with satisfactory evidence of having completed an acceptable postgraduate clinical residency.
- [(3)] (5) For purposes of this rule, a **postgraduate** clinical residency is a formal, structured [postdoctoral] **postgraduate** training program of at least twelve (12) months, which is approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association. **Postgraduate** [C]clinical residency programs must be sponsored by and conducted in an institution such as a hospital, or conducted by a college of podiatric medicine accredited by the Council on Podiatric Medical Education of the American Podiatric Medical Association.
- [(4)] (6) [Effective January 1, 2005, all a] Applicants desiring to perform ankle surgery will be required to complete a twenty-four (24)-month **postgraduate clinical** residency in podiatric surgery.
- [(5)] (7) All applicants must be evaluated upon completion of [the] **at least a twelve (12) month postgraduate clinical** residency program by the residency director, using forms provided by the board, which will attest to the [candidate's] **applicant's** competence in the practice of podiatric medicine and surgery.

- [(6) Upon completion of the residency program, all applicants must satisfy the board that s/he has not been the subject of disciplinary action concerning professional conduct or practice and meet other requirements as may be established by the board.*
- (7) Application forms may be obtained from the board's executive director at P.O. Box 423, Jefferson City, MO 65102-0423. A copy of the current statutory provisions and board rules regarding the practice of podiatry will be provided with the application form.*
- (8) No application for examination will be considered unless it is fully completed and properly attested. Items necessary to complete the application include:*
- (A) Each section on the application form itself;*
 - (B) A recent unmounted photograph two and one-fourth inches by two and one-fourth inches (2 1/4" x 2 1/4");*
 - (C) The current examination fee and application fee;*
 - (D) An official transcript from a college of podiatric medicine;*
 - (E) A certified score report from the National Board of Podiatry Examiners; and*
 - (F) A copy of the applicant's diploma evidencing graduation from an approved college of podiatry no larger than six inches by eight inches (6" x 8").*
- (9) Applications must be received by the board's executive director no later than thirty (30) days prior to the examination. Applications received or completed less than thirty (30) days before the next scheduled examination will not be considered for that examination, but will be considered for the following examination.]*
- (8) The applicant shall request that the regulatory entity in each state, United States territory, province, or country in which a license, certificate, registration or permit is held or has ever been held submit verification of licensure, certification, registration or permit directly to the board. The verification shall include the license, registration, certification or permit issued; the number; status; issue and expiration dates; information regarding any disciplinary action; method of licensure, registration or certification; the name and title of person verifying information; the date; and the entity's seal.**
- (9) For every person desiring to enter the profession of podiatric medicine within Missouri, the board shall conduct a criminal history background check through the Missouri State Highway Patrol. Applicants shall submit to the board the applicable fee for the criminal history background check as determined by the Missouri State Highway Patrol.**
- (10) [Each applicant must successfully complete the examination administered by the National Board of Podiatric Medical Examiners (N.B.P.M.E.). In addition, each applicant must successfully complete the examination administered by the board. Beginning with the examination to be administered in December 1989, the board will administer the national board's podiatric medical licensure examination for states, the PMLexis and an examination on Missouri law. The Missouri board recognizes applicants who passed the Virginia Licensing Examination in 1985 and through 1988 or the PMLexis in 1988 or later as fulfilling the requirement of passing the PMLexis. The Missouri board will recognize the standards for passage of either examination based on the standards established by the state administering the examination. Only those applicants achieving a passing score as established by the N.B.P.M.E. on the PMLexis administered by the Missouri board, and achieving at least ninety percent (90%) on the open book test on Missouri law, shall be deemed to have passed the board's examination.] **Each applicant must successfully complete the examination(s) developed and administered by the National Board of Podiatric Medical Examiners (NBPME) or such other designee of the board and successfully complete the Missouri Law Examination administered by the State Board of Podiatric Medicine. The applicants achieving a passing score as established by NBPME or such other designee of the board on the National Board Examinations and achieving at least ninety percent (90%) on the open book test for the Missouri Law Examination, shall be deemed to have passed the board's examination. The applicant will be required to pay the Missouri Law Examination Administration Fee directly to the board office. The NBPME examinations are computer-based examinations. The National Board Examinations are administered by the Chauncey Group International for the NBPME, or such other designee of the board. Applicants must submit a completed registration form along with the test fee and school transcript directly to the Chauncey Group or designee of the board.***

(11) An applicant approved for licensure will be required to pay the applicable licensure fee.

[(11) All examinations will be conducted in the English language.

(12) No private examinations will be conducted by the board.]

Proposed Amendment – 4 CSR 230-2.020 Professional Conduct Rules

The board reviewed proposed amendment 4 CSR 230-2.020 Professional Conduct Rules, printed in the September 1, 2004 *Missouri Register*. The rule is being amended to update the terminology used by the board. Areas bolded are new language and those in brackets will be deleted. No comments were received from the public. The Final Order of Rulemaking was filed with the Secretary of State's Office on January 14, 2005 with amended rule to become effective March 30, 2005.

PROPOSED AMENDMENT

4 CSR 230-2.020 Professional Conduct Rules. The board is proposing to amend sections (1) and (2) and to delete the annotations that immediately follow this rule in the ***Code of State Regulations***.

PURPOSE: *The board is proposing to delete the annotations that immediately follow this rule in the **Code of State Regulations**, and to make the text of the rule consistent with terminology currently used by the board.*

- (1) It will be considered dishonesty in the practice of *[podiatry]* **podiatric medicine** for a licensed podiatrist to use a trade name or assumed name in connection with his/her practice, unless the name of the podiatrist using that trade name or assumed name also appears along with the trade or assumed name.
- (2) Nothing in section (1) of this rule will be construed to prohibit practice by a partnership of podiatrists under an assumed name or trade name, or the practice of *[podiatry]* **podiatric medicine** under a legally-formed professional corporation; provided, however, that where this partnership uses an assumed or trade name in connection with its practice, all of the names of the podiatrists who are partners in the partnership must appear along with the trade or assumed name, provided further, that where a professional corporation uses an assumed or trade name in connection with a practice, the name of each shareholder in the professional corporation must appear along with the trade or assumed name.

Proposed Amendment – 4 CSR 230-2.021 Advertising Regulation

The board reviewed proposed amendment 4 CSR 230-2.021 Advertising Regulation, printed in the September 1, 2004 *Missouri Register*. The rule is being amended to update the terminology used by the board. Areas bolded are new language and those in brackets will be deleted. No comments were received from the public. The Final Order of Rulemaking was filed with the Secretary of State's Office on January 14, 2005 with amended rule to become effective March 30, 2005.

PROPOSED AMENDMENT

4 CSR 230-2.021 Advertising Regulation. The board is proposing to amend the purpose statement and amend section (3)(A) through (E), section (6) and subsections (7)(A), (C), and (E).

PURPOSE: This rule is being amended to make the text of the rule consistent with terminology currently used by the board.

*PURPOSE: This rule sets forth the content and methods [by which] **that** podiatrists who are licensed by the State Board of [Podiatry may] **Podiatric Medicine shall follow if they** advertise their services to the public in Missouri.*

- (1) Nothing in these rules shall be construed as allowing any advertisement or solicitation which is false, misleading or deceptive. Any advertisement or solicitation which is false, misleading or deceptive is prohibited.
- (2) Any podiatrist whose office or practice is the subject of any advertisement or solicitation is responsible for the form and content of that advertisement or solicitation.
- (3) Definitions. The following words and terms when used in this rule shall have the following meaning[s]:
 - (A) *[The term a]* **Advertisement** shall mean any attempt, directly or indirectly, by publication, dissemination or circulation in print, or electronic media which, directly or indirectly, induces or attempts to induce any person or entity to purchase or enter into an agreement to purchase services, treatment or related goods from a podiatrist;
 - (B) *[The term e]* **Electronic media** shall include radio, *[and]* television, **e-mail and internet**; *[and]*
 - (C) *[The term p]* **Print media** shall include, but not be limited to, newspapers, magazines, periodicals, professional journals, telephone directories, circulars, handbills, flyers, billboards, signs, matchcovers, **internet, e-mail**, and other items, documents or comparable publications, the content of which is disseminated by means of the printed word;
 - (D) *[The term r]* **Range of fees** shall refer to an expressly stated upper and lower limit on the fees charged for services or goods offered by a podiatrist;
 - (E) *[The term s]* **Solicitation** shall mean any conduct other than that which has been defined as advertising which occurs outside the podiatrist's office and which, directly or indirectly, induces or attempts to induce any person or entity to purchase or enter into an agreement to purchase services, treatment or related goods from a podiatrist.
- (4) A podiatrist shall maintain a record of all advertisements and solicitations including, but not limited to:
 - (A) A recording or transcript, including any visual images broadcast, shall be maintained for a period of three (3) years together with the name of the television or radio station(s) and the date(s) of broadcast for any advertisement in electronic media;
 - (B) An actual copy, photocopy or photograph of any advertisement in print media shall be maintained for a period of three (3) years together with the name of the publication(s) or location(s) of publication or display and the date(s) of publication or display;
 - (C) A memorandum or other written record of every solicitation shall be maintained for a period of three (3) years. The memorandum or written record shall include the content, time, date and location of the solicitations; and
 - (D) Failure to maintain these records shall constitute misconduct.
- (5) Podiatrists may use advertisements as defined in sections (3) and (4).
- (6) Podiatrists may engage in solicitation, personally or through agents or representatives, except podiatrists *[may]* **shall** not advertise or solicit using--
 - (A) Any form of aerial display; and
 - (B) Sound equipment from a motor vehicle.
- (7) False, misleading or deceptive advertising or soliciting includes, but is not limited to, the following:
 - (A) Use of a trade name or assumed name in connection with a podiatrist's practice, unless the name of the podiatrist using that trade name or assumed name also appears along with the trade or assumed name. Nothing in this rule will be construed to prohibit practice by a partnership of podiatrists under an assumed name or trade name, or the practice of *[podiatry]* **podiatric medicine** under a legally formed professional corporation; provided, however, that where the partnership uses an assumed or trade name in connection with its practice, all of the names of the podiatrists who are partners in the partnership must appear along with the trade or assumed name; provided further, that where a professional corporation uses an assumed or trade name in connection with a practice, the name of each shareholder in the professional corporation must appear along with the trade or assumed name;

- (B) Statements of any nature which indicate that a certain podiatrist performs all of the work, when, in fact, all or part of the work or service is performed by another;
- (C) Any offer of a professional service which the podiatrist knows or should know is beyond the podiatrist's ability to perform or *[which]* **that** is for any other reason not readily available;
- (D) Any advertisement or solicitation which suppresses, omits or conceals any material fact under circumstances which a podiatrist knows or should know that the suppression, omission or concealment is improper or prohibits a prospective patient from making a full and informed judgment on the basis of the information set forth;
- (E) Any advertisement which fails to identify the podiatrist's profession by not including the word podiatrist, doctor of *[podiatry]* **podiatric medicine** or DPM following the podiatrist's name;
- (F) Those types of advertisements or solicitation specified in section 330.160.2(14), RSMo;
- (G) Any advertisement or solicitation which, through method of delivery or through content, is intended to or is reasonably likely to result in undue pressure, undue influence or overreaching with regard to a prospective patient;
- (H) Any offer to pay, give or accept a fee or other consideration to or from a third party for the referral of a patient;
- (I) Any offer of goods or services for a specific fee, range of fees, discount or for free which is not honored for a minimum of ninety (90) days following the last advertisement or solicitation or for the other specific time period set forth in the advertisement or solicitation. If the offer sets forth a specific time period, the time period may be less than ninety (90) days;
- (J) Any offer of free goods or services without disclosing that other goods or services which are ordinarily required in connection with the free goods or services are not free, unless those other goods or services are also offered free of charge; and
- (K) Any offer of goods or services for no fee or for a discount which does not include the regular fee or range of fees for those goods or services. As an alternative, the offer may state that the regular fee services will be provided to any member of the public upon request. At the time that the regular fee or range of fees is provided in response to a request, information regarding the specific time period during which the regular fee or range of fees will be honored, must be provided.

Proposed Amendment – 4 CSR 230-2.022 Podiatry Titles

The board reviewed proposed amendment 4 CSR 230-2.022 Podiatry Titles, printed in the September 1, 2004 *Missouri Register*. The rule is being amended to update the terminology used by the board. Areas bolded are new language and those in brackets will be deleted. No comments were received from the public. The Final Order of Rulemaking was filed with the Secretary of State's Office on January 14, 2005 with amended rule to become effective March 30, 2005.

PROPOSED AMENDMENT

4 CSR 230-2.022 Podiatry Titles. The board is proposing to amend the purpose statement and section (1).

PURPOSE: This rule is being amended to make the text of the rule consistent with terminology currently used by the board.

*PURPOSE: This rule clarifies that no person other than a licensed podiatrist may use the *[podiatry]* **podiatric medical** titles defined in this rule.*

- (1) Only persons who hold a license to practice *[podiatry]* **podiatric medicine** in this state may use the words **podiatric medicine**, podiatry, podiatric, podiatrist, foot specialist, chiropody or chiropodist, or variations of these words in connection with his/her practice. Any person who holds a license to practice *[podiatry]* **podiatric medicine** in this state may also use the abbreviation DPM in connection with his/her practice. No other person shall assume any title or use any abbreviation or other words including, but not limited to, the words and abbreviation listed in this rule, letters, signs or devices to indicate the person using the same is a licensed podiatrist.

Proposed Amendment – 4 CSR 230-2.030 Biennial License Renewal

The board reviewed proposed amendment 4 CSR 230-2.030 Biennial License Renewal, printed in the September 1, 2004 *Missouri Register*. The rule is being amended to clarify the requirement and procedures for biennial license renewal and add additional guidelines to govern the continuing medical education requirements. Areas bolded are new language and those in brackets will be deleted. No comments were received from the public. The Final Order of Rulemaking was filed with the Secretary of State's Office on January 14, 2005 with amended rule to become effective March 30, 2005.

PROPOSED AMENDMENT

4 CSR 230-2.030 Biennial License Renewal. The board is proposing to amend sections (1), (2), (3), (4); add new sections (5), (6), (7), (8) and (9); and delete previously numbered sections (5), (6), (7) and (8).

PURPOSE: This rule is being amended to clarify the requirements and procedures for biennial license renewal. The board is also adding additional guidelines to govern the continuing medical education requirements.

- (1) All Missouri podiatric physicians *[must]* **shall** notify the *[board's executive director]* **board office** of all offices, shared or individual; or changes in office addresses and designate at which address mail is to be received.
- (2) Each applicant for *[licensure]* **license** renewal *[must provide]* **shall certify to the board that s/he has attended [a certificate of attendance for twelve (12)] twenty four (24) hours [each year] of board-approved continuing medical education (CME) for the biennial renewal period immediately preceding the biennial license renewal date.** Applicants who qualify under section 330.010.2, RSMo *[Supp. 1996]* to perform surgery of the ankle must *[submit]* **certify that s/he has attended** an additional *[thirteen (13)] twenty six (26) hours [each year of CME] of board-approved CME for the biennial renewal period immediately preceding the biennial license renewal date. Prior to January 2005, [A] a copy of Foot & Ankle Board Certification or certificate of a [two (2)-year] twenty-four-month postgraduate clinical residency program in podiatric surgery [must] shall be on file with the state board for acceptance of the additional CMEs, before the [an] endorsement of "Ankle Surgery Certified" will be added to their biennial renewal license [certificate]. After January 2005, a certificate of completion of a twenty-four-month postgraduate clinical residency program in podiatric surgery is required for acceptance of the additional CMEs and the "Ankle Surgery Certified" endorsement.*
- (3) The reporting period for satisfying the CME requirements shall be **the twenty four (24) month period immediately preceding the biennial license renewal date, which is February 28 of each even numbered year. [January 1 through December 31 of each year preceding the year of licensure, beginning March 1. On or before January 1, of the year of licensure, each licensed podiatrist shall submit certificates of attendance for the appropriate number of CME hours which must be board approved. However, this requirement may be fulfilled by the CME sponsor submitting a list of all Missouri attendee(s) to the board. It is, ultimately, the licensee's responsibility to assure the board receives evidence of the CMEs. The certificate of attendance must indicate the date and place of the meeting, the number of approved CME hours, and must be signed by the sponsor's chairman or secretary. This should be mailed to P.O. Box 423, Jefferson City, MO 65102.] All CME hours shall be board approved. CME hours earned after the biennial renewal date (February 28 of even-numbered years) shall apply to the next reporting cycle. A renewal license will not be issued until all renewal requirements have been met.**
- (4) *[Upon receipt of the appropriate number of CME hours (twelve (12) or twenty-five (25)) each year, the board will issue a receipt to confirm that the CME requirements have been met for that year.] For the license renewal due on February 28, 2006, and each subsequent renewal thereafter, the licensee shall certify that s/he has obtained at least twenty-four (24) or fifty (50) hours, whichever is relevant, of*

continuing medical education during the two-year period preceding the renewal on the renewal form provided by the board. The renewal form shall be submitted directly to the board, either by mail or online renewal, by February 28 of each even-numbered year. The licensee shall not submit the record of CME attendance to the board except in the case of a board audit.

- (5) Every licensee shall maintain full and complete records of all approved CME hours earned for the two (2) previous reporting periods in addition to the current reporting period. The records shall document the titles of the courses taken, dates, locations, course sponsors, number of hours earned and certificate of attendance or completion. The board may conduct an audit of licensees to verify compliance with the continuing education requirements. Licensees shall assist the board in its audits by providing timely and complete responses to the board's inquiries.
- (6) Violation of any provision of this rule shall be grounds for discipline in accordance with section 330.160, RSMo.
- (7) The following guidelines govern the CME requirements needed to apply for biennial licensure renewal:
 - (A) Educational programs approved by the Council of Podiatric Medical Education of the American Podiatric Medical Association, are currently approved by the board.
 - (B) The board will review for consideration of CME credits, the following postgraduate study to meet the standards for biennial license renewal. The licensee shall submit a copy of the program schedule, the outline, and the appropriate Continuing Education Board Review Fee to the board office not less than sixty (60) days prior to the date of the program. The outline must indicate the program's subject matter, the number of hours required for its presentation and the identity and qualifications of the speakers and instructors. After reviewing the schedule and outline, the board may grant approval. If the board approves the program, the credit will be accepted and the licensee may count the CME hours toward the total number of required hours. If the postgraduate study request is submitted after the sixty (60) day deadline, payment of the Continuing Medical Education Reporting Period Late Fee will be required. The following programs may be reviewed by the board for CME credit:
 - 1. Educational programs, appropriate to the practice of podiatric medicine, presented by:
 - (a) A hospital accredited by the Joint Commission on Hospital Accreditation;
 - (b) American Medical Association (AMA); or
 - (c) American Osteopathic Association (AOA) or its equivalent.
 - 2. Meetings. Registered attendance at relevant podiatric medicine related professional meetings (international, national, regional, state or local). CME credits may be granted for no more than four (4) hours per day for professional meeting attendance.
 - 3. Presenting or speaking at a formal professional meeting in the area of podiatric medicine or a related field. CME credits may be granted at the rate of four (4) hours for each presentation. No CME credit based on the same presentation will be allowed for use in the subsequent two (2) year reporting period.
 - 4. Writing a paper published in a professional journal, writing an original chapter in a book or an edited book, or for editing or writing a book, in the area of podiatric medicine or a related field. Credits may be granted for the year of publication or presentation. CME credits may be granted at the rate of four (4) hours for each paper, eight (8) hours for each chapter in a book, ten (10) hours for editing a book, and fifteen (15) hours for the publication of a book. No CME credit based on the same materials will be allowed for use in the subsequent two (2) year reporting period.
 - (C) Licensees who attend the open session of the Missouri State Board of Podiatric Medicine's board meetings will receive one (1) hour of CME credit per meeting. To qualify, licensees must sign in at the beginning of the open meeting and sign out at the end of the open meeting.
 - (D) Licensees who give presentations in accordance with this rule will receive up to two (2) CME credit hours for each hour of the original presentation and an hour-for-hour credit for subsequent presentation of the same material for a total of up to six (6) hours per each two (2) year reporting period for licensees who are required to obtain twenty-four (24) hours of CME

credit, or a total of up to twelve (12) hours per each two (2) year reporting period for licensees who are required to obtain fifty (50) hours of CME credit.

- (E) Licensees who are required to obtain twenty-four (24) hours of CME credit in a two (2) year reporting period may use up to six (6) hours of self-study CME credit in each reporting period, in accordance with this rule. Licensees who are required to obtain fifty (50) hours of CME credit in a two (2) year reporting period may use up to twelve (12) hours of self-study CME credit in each reporting period, in accordance with this rule.
- (F) Licensees who are required to obtain twenty-four (24) hours of CME credit in a two (2) year reporting period may carry over up to six (6) CME credit hours earned in excess of the required twenty-four (24) hours to the next two (2) year reporting period. Licensees who are required to obtain fifty (50) hours of CME credit in a two (2) year reporting period may carry over up to twelve (12) CME credit hours earned in excess of the required fifty (50) hours to the next two (2) year reporting period.
- (G) An applicant who has not satisfied the CME requirements in accordance with this rule shall be required to meet the CME requirements retroactively as well as pay the required Continuing Medical Education Reporting Period Late Fee.
- (H) Exceptions to the provisions of this rule include the following:
 - 1. Licensees who were in training at least a minimum of six (6) months during the CME reporting period at a residency program approved by the Council of Podiatric Medical Education of the American Podiatric Medical Association are exempt from obtaining the required CME hours for the continuing medical education reporting period that the licensee was in the residency program. The residency program director must complete the form provided by the board, attesting that the applicant has attended an approved postgraduate clinical residency program for not less than six (6) months during the twenty-four month continuing medical education renewal reporting period. The certificate must indicate that the applicant was in good standing and indicate the dates of attendance during the postgraduate clinical residency program. The licensee shall maintain this certificate in his/her records of CME attendance.
 - 2. For the first renewal of a podiatrist's license, the board will consider the passing score of the national board (Part III) exam as satisfying twelve (12) hours of the required twenty four (24) hours of CME as required by this rule if the national board (Part III) exam was taken within the CME reporting period.
 - 3. A licensee who has obtained American Podiatric Specialty Board certification or recertification during the reporting period shall be deemed to have obtained the required hours of CME. The licensee shall maintain documentation evidencing the certification or recertification.
 - 4. A licensee who participated in a fellowship program in an approved teaching institution shall be deemed to have obtained the required hours of CME if at least sixty (60) days of the reporting period were spent in the fellowship and the fellowship is determined to be advanced training. The licensee shall maintain documentation from the fellowship program director verifying the number of days in the program and that the program is advanced training
 - 5. Pursuant to section 41.946, RSMo and notwithstanding any other provision of law, any person licensed or certified to practice a trade or profession by the state of Missouri or any branch or agency thereof that requires an annual period of continuing education or training as a condition of continued or renewed licensing or certification, and who is or becomes a member of the national guard or of any reserve component of the armed forces of the United States who is called to full-time active duty in the service of the United States under competent orders shall, during the period of full-time active duty, be exempt from any such requirement for continuing education or training without his status, license, certification or right to practice his trade or profession being affected and shall not be required, upon returning from full-time active duty, to make up or retake any training or education for which he was exempt under the provisions of this section.
- (I) A licensee who cannot complete the required hours of CME because of personal illness or other circumstances beyond the licensee's control, which the board deems to be sufficient to impose

an insurmountable hardship may apply for an extension of time to complete the CME requirements. Any extension of time to complete the CME requirements will be granted solely at the discretion of the board. The licensee shall make a written application for extension of time prior to the February 28 deadline for completion of the CME requirement. The application for extension shall be accompanied by the Continuing Medical Education Reporting Period Late Fee. The licensee shall provide full and complete written documentation of the grounds supporting the reasons for which an extension is sought.

1. Illness extensions may be granted only to a licensee who has suffered a personal illness or personal disability of a nature as to prevent him/her from engaging in the active practice of podiatry for at least a majority of the reporting period. At a minimum, the licensee shall provide the board with written documentation from the licensee's treating physician stating the nature of the illness or disability, the period of the illness or disability, any limitations on the licensee's activities that resulted from the illness or disability, documentation of the number of CME hours earned in the two (2) year reporting period and a plan for completing the balance of the CME requirement.
2. The board, solely at its discretion, may grant an extension based on unforeseeable circumstances beyond the licensee's control that impose an insurmountable hardship precluding the licensee from obtaining the required CME. At a minimum, the licensee shall provide written documentation explaining specifically and in detail the nature of the circumstances, why the circumstances were unforeseeable and beyond the licensee's control, the period during which the circumstances were in existence, documentation of the number of CME credits earned in the two (2) year reporting period and the licensee's plan for completing the balance of the CME requirement.
3. An extension of time shall not be granted to any licensee who obtained an extension in the immediately preceding CME reporting period in which the licensee held an active license.

(8) Any application for biennial license renewal received by the board more than six (6) months after the renewal date shall be void and the applicant shall be required to make new application and pay the applicable fees in accordance with section 330.030, RSMo, which shall include successful completion of the Missouri Law Examination administered by the board.

(9) A Missouri licensed podiatrist has the ongoing obligation to keep the board informed if the licensee has been finally adjudicated or found guilty, or entered a plea of guilty or *nolo contendere*, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under Chapter 330, RSMo, for any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence was imposed. The licensee shall provide this information to the board within thirty (30) days of being finally adjudicated or found guilty.

[(5) Educational programs that are currently approved by the board include:

- (A) Educational programs approved by the American Podiatric Medical Association;
- (B) Educational programs, appropriate to the practice of podiatry as approved by the board, presented by a hospital which is accredited by the Joint Commission on Hospital Accreditation or its equivalent; and
- (C) For the first renewal of a podiatrist's license, the board will consider the successful completion of the PMLexis exam as satisfying the twelve (12) hours of continuing education of one (1) year required by this rule if the PMLexis exam was taken within the continuing education reporting period.

(6) Any other regularly organized group of podiatrists that wishes to sponsor an educational program to meet the standard for biennial license renewal in Missouri must submit one (1) copy of the program schedule, the outline, and the appropriate fee to the not less than sixty (60) days prior to the date of the program. The outline must indicate the program's subject matter, the number of hours required for its presentation and the identity and qualifications of the speakers and instructors. After reviewing the schedule and outline, the board may grant approval. If the program is approved by the board, the credit will be accepted and the licensee's record updated.

- (7) *Exception to the provisions of this rule is granted to those who are in training at a residency program approved by the Council of Podiatric Medical Education of the American Podiatric Medical Association. The residency program director must submit a letter to the board attesting that the resident is currently in good standing and indicating the date on which training is due to be completed.*
- (8) *Applications for license renewal received in the board's office more than one (1) year, but less than five (5) years, renewed upon payment of the current renewal fee, applicable reactivation fee and upon providing satisfactory evidence of completing the continuing education requirements for each year. In addition, each applicant must successfully complete the reactivation examination administered by the board. No license will be renewed more than five (5) years after the renewal date. Complete reapplication is required.]*

Proposed Amendment – 4 CSR 230-2.041 Public Complaint Handling and Disposition Procedure

The board reviewed proposed amendment 4 CSR 230-2.041 Public Complaint Handling and Disposition Procedure, printed in the September 1, 2004 *Missouri Register*. The rule is being amended to update the terminology used by the board. Areas bolded are new language and those in brackets will be deleted. No comments were received from the public. The Final Order of Rulemaking was filed with the Secretary of State's Office on January 14, 2005 with amended rule to become effective March 30, 2005.

PROPOSED AMENDMENT

4 CSR 230-2.041 Public Complaint Handling and Disposition Procedure. The board is proposing to amend the purpose statement and amend sections (1), (2), (3) and (4), and delete the forms immediately following this rule in the *Code of State Regulations*.

PURPOSE: This rule is being amended to delete the forms immediately following this rule in the Code of State Regulations, and to make the text of the rule consistent with terminology currently used by the board.

- (1) The State Board of Podiatric Medicine shall receive and process each complaint made against any licensee, permit holder, registrant **or applicant** of the board, or unlicensed individual or entity, which complaint alleges certain acts or practices which may constitute one (1) or more violations of the provisions of Chapter 330, RSMo. Any member of the public or the profession or any federal, state or local official, may make and file a complaint with the board. Complaints shall be received from sources outside Missouri and processed in the same manner as those originating within Missouri. No member of the State Board of Podiatric Medicine shall file a complaint with this board while holding that office, unless that member is excused from further board deliberations or activity concerning the matters alleged within that complaint. The executive director or any staff member of the board may file a complaint pursuant to this rule in the same manner as any member of the public.
- (2) Complaints should be mailed or delivered to the following address: State Board of Podiatric Medicine, 3605 Missouri Boulevard, P.O. Box 423, Jefferson City, MO 65102-0423. However, actual receipt of the complaint by the board at its administrative offices in any manner shall be sufficient. Complaints *[may]* **shall** be made based upon personal knowledge or upon information and belief, reciting information received from other sources.
- (3) All complaints shall be made in writing. *[and should, but need not, fully identify the complainant by name and address.]* Complaints *[may]* **shall** be made on forms provided by the board and available upon request. Oral or telephone communications will not be considered or processed as complaints, but the person making the communications will be provided with a complaint form and requested to complete and return the form to the board in written form. Any member of the administrative staff of the board may make and file a complaint based upon information and belief, in reliance upon oral, telephone or written communications received by the board, unless that staff member believes those communications to be false.

- (4) Each complaint received under this rule shall be logged in a book **and/or database** maintained by the board for that purpose. Complaints shall be logged in consecutive order as received. The log book **and/or database** shall contain a record of each complainant's name and address, *[if given;]* the name and address of the subject(s) of the complaint; the date each complaint is received by the board; a brief statement of the acts complained of, including the name of any person injured or victimized by the alleged acts or practices; a notation whether the complaint resulted in its dismissal by the board or informal charges being filed with the Administrative Hearing Commission; and the ultimate disposition of the complaint. The log book **and/or database** shall be a closed record of the board.
- (5) Each complaint received under this rule shall be acknowledged in writing. The acknowledgment shall state that the complaint is being referred to the board for consideration at its next regularly scheduled meeting. The complainant shall be informed as to whether the complaint is being investigated and later as to whether the complaint has been dismissed by the board, or is being referred to legal counsel for filing with the Administrative Hearing Commission. The complainant shall be notified of the ultimate disposition of the complaint, excluding judicial appeals, and shall be provided with copies of the decisions (if any) of the Administrative Hearing Commission and the board at that time; provided, that the provisions of this section shall not apply to complaints filed by staff members of the board based on information and belief, acting in reliance on third-party information received by the board.
- (6) Both the complaint and any information obtained as a result of the investigation shall be considered a closed record and shall not be available for inspection by the general public. However, upon written request to the board, a copy of the complaint and any attachments to the complaint may be provided to any licensee who is the subject of that complaint or his/her counsel.
- (7) This rule shall not be deemed to limit the board's authority to file a complaint with the Administrative Hearing Commission charging a licensee or temporary license holder of the board with any actionable conduct or violation, whether or not that complaint exceeds the scope of the acts charged in a preliminary public complaint filed with the board, and whether or not any public complaint has been filed with the board.
- (8) The board interprets this rule, which is required by law, to exist for the benefit of those members of the public who submit complaints to the board, and for those persons or entities within the legislative and executive branches of government having supervisory or other responsibilities or control over the professional licensing boards. This rule is not deemed to protect or inure to the benefit of those licensees or temporary license holders or other persons against whom the board has instituted or may institute administrative or judicial proceedings concerning possible violations of the provisions of Chapter 330, RSMo.

Proposed Amendment – 4 CSR 230-2.050 Reciprocity

The board reviewed proposed amendment 4 CSR 230-2.050 Reciprocity, printed in the September 1, 2004 *Missouri Register*. The rule is being amended to clarify the procedures to be used for obtaining a podiatry license by reciprocity. Areas bolded are new language and those in brackets will be deleted. No comments were received from the public. The Final Order of Rulemaking was filed with the Secretary of State's Office on January 14, 2005 with amended rule to become effective March 30, 2005.

PROPOSED AMENDMENT

4 CSR 230-2.050 Reciprocity. The board is proposing to amend sections (1), (2) and (3), and add a new section (5).

PURPOSE: This rule is being amended to clarify the requirements for Missouri licensure by reciprocity.

- (1) An applicant for a Missouri license by reciprocity **shall submit an application on the form provided by the board.** *[may be granted a license upon satisfying the board that s/he has fulfilled the following requirements:]*

(A) *[S/he must submit a copy of his/her original license, which was obtained by examination in the state from which s/he is applying for reciprocity. If the applicant was licensed in any state on or after December 4, 1989, the examination requirement of this rule shall be the PMLexis Examination.]* **The application shall be submitted with the following documentation:**

1. **A copy of his/her original license, which was obtained by examination in the state from which s/he is applying for reciprocity;**
2. **Proof of the original licensing state's educational requirements for licensure as a podiatrist, which requirements must be substantially equivalent to the current educational requirements existing in Missouri at the time of application;**
3. **A recent photograph;**
4. **The current Reciprocity License Fee; and**
5. **An official transcript from the college of podiatric medicine from which the applicant graduated. If the applicant attended more than one college of podiatric medicine in order to obtain all of his/her credits for graduation, the applicant shall submit official transcripts from all colleges s/he attended.**

(B) *[S/he must submit proof of his/her educational qualifications, which must be substantially equivalent to the requirements existing in Missouri at the time s/he originally was licensed;]* **Application forms may be obtained from the board office at P.O. Box 423, Jefferson City, MO 65102-0423 or by visiting the board's website at <http://pr.mo.gov/podiatrists.asp>. A copy of the current statutory provisions and board rules regarding the practice of podiatric medicine will be provided with the application form.**

(C) *[S/he must submit a letter from the secretary of the state board of the state from which s/he is applying attesting--*

1. *Whether or not s/he is in good standing with the board;*
2. *Whether there are any complaints pending against him/her; and*
3. *Whether or not s/he has had his/her license to practice in that state suspended or revoked.*

The letter shall be transmitted by the writer directly to the board's executive secretary;]

The applicant shall request that the regulatory entity in each state, United States territory, province, or country in which a license, certificate, registration or permit is held or has ever been held submit verification of licensure, certification, registration or permit directly to the board. The verification shall include the license, registration, certificate or permit issued; the number; status; issue and expiration dates; information regarding any disciplinary action; method of licensure, registration or certification; the name and title of the person verifying information; the date; and the entity's seal.

(D) *[S/he must submit proof that s/he has been a licensed podiatrist for at least two (2) years next preceding his/her application for a Missouri license by reciprocity; and]* **No application will be considered unless each section of the application form is fully completed, the form is properly attested and all required documentation is completed and submitted to the board.**

(E) *[S/he must]* **A reciprocity applicant shall achieve a score of [seventy-five percent (75%)] ninety percent (90%) or greater on the [reciprocity] Missouri Law [e]Examination administered by the board as an open book exam. The applicant shall be required to pay the Missouri Law Examination Administration Fee. The board's [reciprocity] Missouri Law [e]Examination will test the applicant's knowledge of [the] Missouri [podiatry] statutes and rules relating to podiatric medicine. [The examination will be administered at the time an applicant appears before the board as required in section (3) of this rule. Any applicant failing to achieve a score of seventy-five percent (75%) on this examination will be permitted to retake the examination as an open book test. All applicants must achieve at least ninety percent (90%) to be deemed to have passed an open book test over the Missouri podiatry statutes and rules.]**

(2) **All credentials required by this rule for licensure by reciprocity must be in the possession of the [board's executive secretary] board office at least thirty (30) days before any regular meeting of the board in order for the application to be considered by the board.**

(3) *[All a]* **Applicants for licensure by reciprocity [must] may be required to appear in person before the board [before their application will be approved] in order for the application to be approved.**

- (4) The board reserves the exclusive right to pass upon the standards of qualifications of the various states from which applicants may be accepted without examination and it reserves the right to reject an applicant on educational, moral, ethical, professional or other grounds.
- (5) For every person desiring to enter the profession of podiatric medicine within Missouri, the board shall conduct a criminal history background check through the Missouri State Highway Patrol. Applicants shall submit to the board the applicable fee for the criminal history background check as determined by the Missouri State Highway Patrol.

Proposed Amendment – 4 CSR 230-2.065 Temporary Certification for Registration for Internship/Residency

The board reviewed proposed amendment 4 CSR 230-2.065 Temporary Certification for Registration for Internship/Residency, printed in the September 1, 2004 *Missouri Register*. The rule is being amended to clarify the procedures to be used for obtaining a temporary podiatry license. Areas bolded are new language and those in brackets will be deleted. No comments were received from the public. The Final Order of Rulemaking was filed with the Secretary of State's Office on January 14, 2005 with amended rule to become effective March 30, 2005.

PROPOSED AMENDMENT

4 CSR 230-2.065 Temporary Licenses for Internship/Residency. The board is proposing to amend section (1); add new sections (2), (3) (6), (7), (8) and (9); and renumber and amend previously numbered sections (2), (3) and (4).

PURPOSE: This rule is being amended to clarify the procedures to be used to secure temporary licensure.

- (1) *[All applicants for a temporary internship/residency license shall pay the internship/residency registration fee. Temporary internship/residency who apply for a permanent license upon completion of their postgraduate training programs shall be assessed an application processing fee at that time and will be assessed the license fee if approved by the board.]* **Any applicant desiring to serve a period of internship/residency in a Missouri hospital may do so without obtaining a permanent license from the board if s/he qualifies for and obtains a temporary license for internship/residency for a two (2) year period from the board. Any applicant desiring to obtain a temporary license shall make application on the form provided by the board. The applicant shall also submit evidence to the board that s/he meets the requirements of this section. There shall be an application fee which shall accompany all applications for a temporary license and shall be nonrefundable.**
- (2) **Application forms may be obtained from the board office at P.O. Box 423, Jefferson City, MO 65102-0423 or by visiting the board's website at <http://pr.mo.gov/podiatrists.asp>. A copy of the current statutory provisions and board rules regarding the practice of podiatric medicine will be provided with the application form.**
- (3) **No application will be considered unless it is fully completed and properly attested. Items necessary to complete the application include:**
- (A) Each section on the application form itself;**
 - (B) A recent photograph;**
 - (C) The current Temporary Application Processing Fee;**
 - (D) An official transcript from a college of podiatric medicine;**
 - (E) A certified score report from the National Board of Podiatric Medical Examiners, certifying satisfactory completion of Parts I and II of the National Board Examination;**

(F) A letter from the residency director at the Missouri hospital accredited by the American Podiatric Medical Association where the applicant will be serving his/her internship/residency program with the beginning and ending dates of the postgraduate clinical residency program.

[(2)] (4) No person temporarily [licensed] **registered** as an [resident/intern may] **intern/resident shall** practice [podiatry] **podiatric medicine** outside the physical confines of the sponsoring hospital; provided, however, that an [resident/intern] **intern/resident** may practice at any facility approved for the residency by the Council on Podiatric Medical Education of the American Podiatric Medical Association.

[(3)] (5) For newly established **postgraduate clinical** internship/residency programs, a temporary license may be issued to applicants when **the postgraduate clinical** internship/residency program is accorded preliminary approval or candidate status by the Council on Podiatric Medical Education of the American Podiatric Medical Association. However, **an intern/resident [interns/residents] who [apply] applies** for a permanent license upon completion of such a[n] **postgraduate clinical** internship/residency program will not be eligible for permanent licensure until [their] **his/her postgraduate clinical** internship/residency program completes all the steps necessary for and receives approval or accreditation by the Council on Podiatric Medical Education of the American Podiatric Medical Association. The date on which the Council on Podiatric Medical Education of the American Podiatric Medical Association deems the **postgraduate clinical** internship/residency program approved or accredited shall be the starting date from which an intern/resident [may] **shall** receive credit toward the intern's/resident's required period of **postgraduate clinical** internship/residency.

(6) **The temporary license for postgraduate clinical internship/residency, upon approval by the board for good cause shown, may be renewed for an additional one (1) year period. If during the period of internship/residency specified in the temporary license, the holder thereof shall transfer from the postgraduate clinical internship/residency program offered by the hospital specified in his/her application, the holder must, before such transfer, receive approval for the transfer from the board. Upon approval of the transfer, the temporary license shall remain valid for one (1) year from the original date of issuance.**

(7) **An applicant approved for a temporary license shall be required to pay the current Temporary License Fee.**

(8) **For every person desiring to enter the profession of podiatric medicine within Missouri, the board shall conduct a criminal history background check through the Missouri State Highway Patrol. Applicants shall submit to the board the applicable fee for the criminal history background check as determined by the Missouri State Highway Patrol.**

(9) **Temporary internship/residency applicants who apply for a permanent license upon completion of at least a twelve month postgraduate clinical residency training program shall be assessed the Permanent Application Processing Fee at that time and shall be assessed the Permanent License Fee if approved by the board.**

[(4)] (10) Violation of [section (2) of] this rule [will] **shall** be treated as cause for initiation of disciplinary proceedings against a temporary license under section 330.160.2(5) and (6), RSMo.

Proposed Amendment – 4 CSR 230-2.070 Fee

The board reviewed proposed amendment 4 CSR 230-2.070 Fee, printed in the September 1, 2004 *Missouri Register*. The rule is being amended to update the fees charges by the board. Areas bolded are new language and those in brackets will be deleted. No comments were received from the public. The Final Order of Rulemaking was filed with the Secretary of State's Office on January 14, 2005 with amended rule to become effective March 30, 2005.

PROPOSED AMENDMENT

4 CSR 230-2.070 Fees. The board is proposing to amend subsections (1)(C) and (L); delete subsections (1)(A), (K) and (M); add new subsections (1)(B), (D), (P) and (Q); renumber and amend previously numbered subsections (1)(B), (G), (J), (O) and (P); and renumber previously numbered subsections (1)(D), (E), (F), (H), (I) and (N);

PURPOSE: The rule amends various fees charged by the board.

(1) The following fees are established by the State Board of Podiatric Medicine:

[(A)] Examination Fee	\$650.00]
[(B)] (A) Permanent License Fee	\$100.00
(B) Temporary License Fee	\$50.00
(C) Reciprocity License Fee	[\$750.00] \$350.00
(D) Missouri Law Examination Administration Fee	\$25.00
[(D)] (E) Duplicate License Fee	\$ 10.00
[(E)] (F) Biennial Renewal Fee	\$350.00
[(F)] (G) Inactive Biennial Renewal Fee	\$200.00
[(G)] (H) Renewal Late Fee (per month)	\$ 30.00
[(H)] (I) Certification of Grades Fee	\$ 5.00
[(I)] (J) Reciprocity Certification Fee	\$ 10.00
[(J)] (K) Certification of Corporation Fee	\$ [2.00] 10.00
[(K)] Print-Out of Licensees Fee	\$ 5.00]
(L) [(L)] Internship/Residency Registration	
Temporary Application Processing Fee	\$150.00
[(M)] Reactivation Fee	\$500.00]
[(N)] (M) Uncollectible Fee (uncollectible check or other uncollectible financial instrument)	\$ 25.00
[(O)] (N) Permanent Application Processing Fee	\$250.00
[(P)] (O) Continuing Education Board Review Fee	
[Sponsor Fee]	\$ 25.00
(P) Background Check Fee	
(amount determined by the Missouri State Highway Patrol)	
(Q) CME Reporting Period Late Fee	\$50.00

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

A motion was made by Dr. Reed and seconded by Dr. Van Dam to move into closed session and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from the closed meeting be closed under Section 610.021 Subsection (14) and 620.010.14 Subsection (7) RSMo for discussing educational transcripts and/or test scores and/or complaints and/or audits and/or investigative reports and/or other information pertaining to the licensee or applicant for licensure; Section 610.021 Subsection (1) RSMo for discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney; Section 610.021 Subsection (14) and Section 620.010.14 Subsection (5) RSMo for proceedings required pursuant to a disciplinary order concerning medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment of specific licensees; and Subsection of 610.021 RSMo for the purpose of reviewing and approving the closed minutes of previous meetings. Motion carried

with Dr. Klamet, Dr. Van Dam, and Dr. Reed voting in favor with no votes in opposition. Lois Riney was absent from the meeting.

Adjournment

A motion was made by Dr. Van Dam and seconded by Dr. Reed to adjourn. Motion carried with Dr. Klamet, Dr. Van Dam, and Dr. Reed voting in favor with no votes in opposition. Lois Riney was absent from the meeting. The meeting adjourned at 6:15 p.m. on Wednesday, December 22, 2004.

Executive Director: _____

Approved by the Board on: _____

Meeting Notice

State Board of Podiatric Medicine Conference Call

**December 22, 2004 – 5:30 p.m.
Division of Professional Registration
3605 Missouri Blvd.
Jefferson City, Missouri 65109**

The Missouri State Board of Podiatric Medicine will be meeting on December 22, 2004 beginning at 5:30 p.m. Notification of special needs as addressed by the American with Disabilities Act should be forwarded to the State Board of Podiatric Medicine, P. O. Box 423, 3605 Missouri Boulevard, Jefferson City, Missouri 65102 or by calling (573) 751-0873 to ensure available accommodations. The text telephone for the hearing impaired is (800) 735-2966.

Except to the extent disclosure is otherwise required by law, the State Board of Podiatric Medicine is authorized to close meetings, records and votes, to the extent they relate to the following: Sections 610.021(1), (3), (5), (7), (13) and (14), RSMo, and Section 620.010.14(7) RSMo.

The Board may go into closed session at any time during the meeting. If the meeting is closed the appropriate section will be announced to the public with the motion and vote recorded in open session minutes.

Please see attached tentative agenda for this meeting.

Attachment

cc: Marilyn Williams and Laurie Morris

**OPEN AGENDA
State Board of Podiatric Medicine
Conference Call**

**December 22, 2004 – 5:30 p.m.
Division of Professional Registration
3605 Missouri Blvd.
Jefferson City, Missouri**

Call to Order

Roll Call

1. Approval of Agenda

2. Approval of Minutes

- **October 5, 2004 Mail Ballot Meeting Minutes**
- **October 12, 2004 Mail Ballot Meeting Minutes**
- **November 3, 2004 Mail Ballot Meeting Minutes**
- **November 22, 2004 Mail Ballot Meeting Minutes**

3. Review of 4 CSR 230-2.021 Advertising Regulations–Keith Beauchamp DPM

4. Rules

- **Proposed Amendment - 4 CSR 230-1.010 General Organization**
- **Proposed Amendment - 4 CSR 230-1.020 Board Member Compensation**
- **Proposed Rule - 4 CSR 230-1.030 Definitions**
- **Proposed Amendment - 4 CSR 230-2.010 Application for Licensure by Examination**
- **Proposed Amendment – 4 CSR 230-2.020 Professional Conduct Rules**
- **Proposed Amendment – 4 CSR 230-2.021 Advertising Regulation**
- **Proposed Amendment – 4 CSR 230-2.022 Podiatry Titles**
- **Proposed Amendment – 4 CSR 230-2.030 Biennial License Renewal**
- **Proposed Amendment – 4 CSR 230-2.041 Public Complaint Handling and Disposition Procedure**
- **Proposed Amendment – 4 CSR 230-2.050 Reciprocity**
- **Proposed Amendment – 4 CSR 230-2.065 Temporary Certification for Registration for Internship/Residency**
- **Proposed Amendment – 4 CSR 230-2.070 Fee**

Closed Meeting. The Board will move into closed session pursuant to Section 610.021 Subsection (14) and 620.010.14 Subsection (7) RSMo for discussing educational transcripts and/or test scores and/or complaints and/or audits and/or investigative reports and/or other information pertaining to the licensee or applicant for licensure; Section 610.021 Subsection (1) RSMo for discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this

agency and its attorney; Section 610.021 Subsection (14) and Section 620.010.14 Subsection (5) RSMo for proceedings required pursuant to a disciplinary order concerning medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment of specific licensees; and Subsection of 610.021 RSMo for the purpose of reviewing and approving the closed minutes of previous meetings.

Adjournment