

DEPARTMENT OF HEALTH**NOTICE OF FINAL RULEMAKING**

The Director of the Department of Health, pursuant to the authority set forth under § 302(14) of the D.C. Department of Health Occupations Revision Act of 1985, effective March 15, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of the following amendment to Chapter 68 of Title 17 of the District of Columbia Municipal Regulations (DCMR). The purpose of these amendments is to clarify the educational and training requirements for Podiatry licensure. A Notice of Proposed Rulemaking was published in the *D.C. Register* on June 22, 2007 at 54 DCR 6084. Comments were received and changes have been made. These final rules will be effective upon publication of this notice in the *D.C. Register*.

Chapter 68 (Podiatry) of Title 17 DCMR (Business, Occupations & Professions) (May 1990) is amended in its entirety:

6800 GENERAL PROVISIONS

6800.1 This chapter shall apply to applicants for and holders of a license to practice podiatry.

6800.2 Chapters 40 (Health Occupations: General Rules) and 41 (Health Occupations: Administrative Procedures) of this title shall supplement this chapter.

6801 TERM OF LICENSE

6801.1 Subject to § 6801.2, a license issued pursuant to this chapter shall expire at 12:00 midnight of March 31st of each even-numbered year.

6801.2 If the Director changes the renewal system pursuant to § 4006.3 of chapter 40 of this title, a license issued pursuant to this chapter shall expire at 12:00 midnight of the last day of the month of the birthdate of the holder of the license, or other date established by the Director.

6802 EDUCATIONAL REQUIREMENTS

6802.1 Except as otherwise provided in this subtitle, an applicant shall furnish proof satisfactory to the Board that the applicant has successfully completed an educational program in the practice of podiatry at an institution accredited by the Council on Podiatric Medical Education (CPME) at the time the applicant graduated, in accordance with § 504(i) of the Act, D.C. Official Code § 3-1205.04(l) (2006 Supp).

6802.2 An applicant shall submit a certified transcript of the applicant's educational record(s) and an official certificate of graduation from the educational institution to the Board with the completed application.

6803 [RESERVED]**6804 NATIONAL EXAMINATION**

6804.1 To qualify for a license by examination, an applicant shall satisfy the following requirements in the order listed:

- (a) Graduate from a college of podiatric medicine that is accredited by the American Podiatric Medical Association's Council on Podiatric Education;
- (b) Receive a passing score on the national board examination part 3 developed by the National Board of Podiatry Examiners (the national examination) with a passing score as set by the District of Columbia Board of Podiatry.
- (c) Submit certified scores, validated by the Board of Podiatric Medical Examiners, along with a completed application; and
- (d) Complete a residency program which has been accredited by the Council on Podiatric Education.

6804.2 Repealed.

6804.3 Repealed.

6805 **Repealed.**

6806 **CONTINUING EDUCATION REQUIREMENTS**

6806.1 Subject to § 6806.2, this section shall apply to applicants for the renewal, reactivation, or reinstatement of a license for a term expiring March 31, 1992, and for subsequent terms.

6806.2 This section shall not apply to applicants for an initial license by examination, reciprocity, or endorsement, not shall it apply to applicants for the first renewal of a license granted by examination.

6806.3 A continuing education credit shall be valid only if it is part of a program or activity approved by the Board in accordance with § 6807.

6806.4 An applicant for renewal of a license shall submit proof pursuant to § 6806.7 of having completed fifty (50) hours of approved continuing education credit during the two (2) year period preceding the date the license expires. Twenty five (25) of the fifty (50) required continuing education credit may be completed on line.

6806.5 To qualify for a license, a person in inactive status within the meaning of § 511 of the Act, D.C. Official Code § 3-1205.11 (2001), who submits an application to reactivate a license shall submit proof pursuant to § 6806.7 of having completed fifteen (15) hours of approved continuing education credit for each license year after March 31, 1990, that the applicant was in inactive status, up to a maximum of seventy-five (75) hours.

6806.6 To qualify for a license, an applicant for reinstatement of a license shall submit proof pursuant to § 6806.7 of having completed twenty-five (25) hours of approved continuing education credit for each year after March 31, 1990, that the applicant was not licensed, up to a maximum of one hundred twenty-five (125) hours.

6806.7 An applicant under this section shall prove completion of required continuing education credits by submitting with the application the following information with respect to each program:

(a) **Repealed.**

(b) The name of the program, its location, a description of the subject matter

covered, and the names of the instructors;

(c) The dates on which the applicant attended the program;

(d) The hours of credit claimed; and

(e) Verification by the sponsor of completion, by signature or stamp.

6806.8 An applicant for renewal of a license who fails to submit proof of having completed continuing education requirements by the date the license expires may renew the license up to sixty (60) days after expiration by submitting proof pursuant to § 6807 and by paying the required additional late fee.

6806.9 Upon submitting proof of paying the late fee, the applicants shall be deemed to have possessed a valid license during the period between the expiration of the license and the submission of the required documentation and payment of the late fee.

6806.10 If an applicant for renewal of a license fails to submit proof of completion of continuing education requirements or pay the late fee within sixty (60) days after the expiration of applicant's license, the license shall be considered to have lapsed on the date of expiration.

6806.11 The Board may, in its discretion, grant an extension of the sixty (60) day period to renew after expiration if the applicant's failure to submit proof of completion was for good cause. For the purposes of this section, "good cause" includes the following:

(a) Serious and protracted illness of the applicant; or

(b) The death or serious and protracted illness of a member of the applicant's immediate family.

6806.12 The Board shall conduct a random audit of ten (10) percent of licensees to determine compliance with the continuing education requirements. The licensee shall submit proof of compliance with the continuing education requirements within thirty (30) days after it is requested by the Board.

6807 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

6807.1 The Board may, in its discretion, approve continuing education programs and activities that contribute to the growth of an applicant in professional competence in the practice of podiatry and which meet the other requirements of this section.

6807.2 The Board may approve the following types of continuing education programs, if the program meets the requirements of § 6807.3:

- (a) A seminar or workshop;
- (b) An educational program given at a conference; and
- (c) In-service training.

6807.3 To qualify for approval by the Board, a continuing education program shall do the following:

- (a) Be current in its subject matter;
- (b) Be developed and taught by qualified individuals; and
- (c) Meet one of the following requirements:
 - (1) Be administered or approved by a recognized national, state, or local podiatry organization; health care organization; accredited health care facility; or an accredited college or university; or
 - (2) Be submitted by the program sponsors to the Board for review no less than sixty (60) days prior to the date of the presentation and be approved by the Board.

6807.3.1 The Board may issue and update a list of approved continuing education programs.

6807.3.2 An applicant shall have the burden of verifying whether a program is approved by the Board pursuant to this section prior to attending the program.

6807.4 Repealed.

6808 CONTINUING EDUCATION CREDIT

6808.1.1 The Board may grant continuing education credit for whole hours only, with minimum of fifty (50) minutes constituting one (1) credit hour.

6808.2-6808.11 Repealed.

6809 **RESERVED**

6810 PODIATRIST'S PROFILE

6810.1 An applicant for an initial license or renewal of a license to practice podiatry shall provide to the Board of Podiatry the following information within thirty (30) days from the date of the initial application or renewal or, change in the following information:

- (a) The address and telephone number of the primary practice setting and all secondary practice settings with the percentage of time spent at each location;
- (b) The names of schools of podiatry and graduate podiatric education programs attended with dates of graduation or completion of training;
- (c) The names and dates of specialty Board certification, if any, as approved by the American Podiatry Association, the American Podiatric Medical Association, the American Association of Colleges of Podiatric Medicine, or the American Academy of Podiatric Sports Medicine;
- (d) The number of years in active, clinical practice in the United States or Canada following completion of podiatric training and the number of years, if any, in active, clinical practice outside the United States or Canada;
- (e) The area of specialty, if any, in which the podiatrist practices;
- (f) The names of hospitals with which the podiatrist is affiliated;
- (g) Appointments, if applicable, within the past ten (10) years to podiatric school faculties with the years of service and academic rank;

- (h) Publications, not to exceed ten (10) in number, in peer-reviewed literature within the most recent five-year period, to be supplied at the physician's discretion;
- (i) Access, if any, to translating services for non-English speaking patients at the primary and secondary practice setting and which, if any, foreign languages are spoken in the practice;
- (j) Whether the podiatrist participates in the District Medicaid and Medicare programs and whether he or she is accepting new Medicaid and Medicare patients, or D.C. Health Alliance;
- (k) The names of insurances accepted by the podiatrist, to be supplied at the podiatrist's discretion;
- (l) Information on misdemeanor and felony convictions including the date(s) of the conviction, the nature of the conviction, the jurisdiction in which the conviction occurred, and the sentence imposed, if any;
- (m) Within the last ten (10) years, final orders of any regulatory board of another jurisdiction that resulted in the denial, probation, revocation, suspension, or restriction of any license or that resulted in the reprimand or censure of any licensure, fines imposed, or the voluntary surrender of a license while under investigation in a jurisdiction other than the District of Columbia, restriction or termination of privileges at a healthcare facility as a result of peer review action, as well as any disciplinary action taken by a federal health institution or federal agency; and
- (n) The date, amount, and description of any malpractice settlement amount or payout resulting from a judgment made within the last ten (10) years.

6899

DEFINITIONS

6899.1

As used in this chapter, the following terms have the meanings ascribed:

Applicant – a person applying for a license to practice podiatry under this chapter.

Board – the Board of Podiatry established by § 210 of the Act, D.C. Official Code § 3-1202.10 (2001).

Podiatrist – a person licensed to practice podiatry under the Act.

6899.2

The definitions in § 4099 of chapter 40 of this title are incorporated by reference into and are applicable to this chapter.