

**ARKANSAS  
BOARD  
OF PODIATRIC  
MEDICINE  
RULES AND  
REGULATIONS**

# ARTICLE I

## DEFINITIONS

The "Board" will be construed as meaning the Arkansas Board of Podiatric Medicine.

# ARTICLE II

## APPLICATION FOR EXAMINATION

1. Official application forms will be furnished upon request. No application for examination will be considered unless fully and completely filled out on this form and properly attested.
2. No applicant will be admitted to the examination except on presentation of a recent unmounted photograph, or copy of a valid driver's license prepared and certified together with statutory requirements, relating to pre-podiatric medical qualifications, age and moral character.
3. Applicants shall present with the application, a recent unmounted photograph in size no larger than 3 ¼" x 5" inches, and signed by the Dean of the College of Podiatric Medicine of graduation, or copy of valid driver's license.
4. Applications should be sent to the Secretary of the Arkansas Board of Podiatric Medicine.
5. The fee for examination, as set by the Board shall accompany the application. The fee shall be sent in form of cashier's check, draft or money order. Personal checks will not be accepted.
6. The applicant's diploma from the appropriate college of podiatric medicine will be presented to the Board for verification on the first day of examination. A copy of the diploma must be included with the original application for licensure.
7. The applicant will furnish with the original application transcripts under seal of the college or colleges of Podiatric Medicine attended. This may be a form of the School or photostatic copy of same.
8. When an applicant has attended one or more years in a pre-podiatric medical or podiatric medical institution other than the one from which the applicant graduated, the applicant must file with the application a statement under seal from those institutions showing the time spent and the credit received, and what would have been the class standing at the succeeding regular term of study.
9. Applicants shall provide themselves with pen and ink to be used in writing the examination. Paper and other materials will be furnished by the Board.

10. All applications must be completed and filed in the office of the Secretary at least sixty (60) days prior to the State Board Examination.
11. The application is subject to the rules and regulations of the Board and all laws pertaining to the state of Arkansas at the time of consideration of the application by the Arkansas Board of Podiatric Medicine.
12. All examinations shall be conducted in English.
13. A statement must be submitted by the applicant as to their intent to practice in Arkansas and what kind of practice the applicant intends to conduct. This statement must be properly acknowledged by a Notary Public.
14. The applicants for examination must fill out pages 1 and 2 of the application completely and in detail.
15. All examinations shall be conducted in the presence of at least one member of the Board and may consist of written, oral, or clinical sections or of any one section entirely. In the event the applicant fails to pass, the applicant may appear before the Board for not more than two examinations, all of which must be taken within a period of six months from the date of the first examination of the applicant.
16. An applicant must have official documentation sent to the Secretary of the Board from the National Board of Podiatric Medical Examiners that a passing score was achieved by the applicant on the American Podiatric Medical Licensing Examination (APMLE) Part I and Part II of the National Board Examination. Official Documentation of a passing score of the Part III Examination (formerly known as The Podiatric Medical Licensing Examination for States (PMLexis). may also be provided in lieu of taking the examination of the Board.

## **ARTICLE III**

# **CODE OF PROFESSIONAL ETHICS**

1. The conduct of a practitioner of podiatric medicine shall at all times be credible to the profession.
2. Podiatric physicians should strive continually to improve their knowledge and skill, and should make available to their patients and colleagues the benefits of their professional attainment.
3. A podiatric physician should not tender or receive a commission for referral of a patient whether in relation to another podiatric physician or a third party without disclosing to the patient the fact that a commission was tendered or received.
4. The confidence and knowledge which podiatric physicians receive, through their professional attendance upon patients, should be guarded with the most scrupulous care.

5. The podiatric physician has the obligation of not referring disparagingly in the presence of a patient to the services of another podiatric physician or to those of members of other health professions. A lack of knowledge of conditions under which the services were afforded may lead to unjust criticism and to a lessening of patient's confidence.

6. A podiatric physician should seek consultation upon request, in doubtful or difficult cases, or whenever it appears that the quality of podiatric medical service would be enhanced thereby.

7. Every profession has the responsibility to regulate itself, to determine and judge its own members. Such regulation is achieved largely through the influence of professional societies, and every podiatric physician is encouraged to become a part of a professional society and required to observe the Code of Professional Ethics.

8. A podiatric physician shall not engage in false, deceptive, or misleading advertising or other representations.

9. A podiatric physician is encouraged to participate in programs of health education of the public, provided, however, that a podiatrist shall not promote the use of procedures, devices, etc., which have not been approved by the American Podiatric Medical Association as long as it is acceptable to the podiatric medical profession in general..

10. The podiatric physician has the obligation of prescribing and supervising the work of all auxiliary personnel in the interest of rendering the best service to the patient.

## **ARTICLE IV GROUNDS FOR REVOCATION OR SUSPENSION OF LICENSE**

1. The Board may revoke or refuse to renew the license of a podiatric physician, after notice and hearing for any one or more of the following causes:

(A) A plea of guilty or nolo contendere or conviction of any crime involving moral turpitude or a felony, the judgment of any such conviction unless pending upon appeal shall be conclusive evidence of unprofessional conduct;

(B) resorting to fraud, misrepresentation or deception in applying for or securing a license to practice Podiatric Medicine, or in taking the examination for the license or in seeking the renewal of the license;.

(C) To continue to practice with knowledge that the podiatric physician is afflicted with an infectious disease.

(D) Failure to display in the primary office the current certificates of registration;

(E) Failure to comply with a reasonable standard of proficiency and maintain required continuing education.

(F) Unprofessional and dishonest conduct, including but not limited to:

(i) The willful betrayal of a professional secret.

(ii) Aiding and abetting an unlicensed person to practice Podiatric Medicine.

(iii) Making a false statement in any affidavit required of the applicant for application, examination, or registration under this Act.

(iv) Violation of Arkansas Code Annotated Section 17-96-101 et. seq.

(v) Violation of any rules of the Arkansas Board of Podiatric Medicine.

(G) as habitual, intemperate, or excessive use of narcotics or any other habit-forming drugs.

(H) incompetent to practice medicine to such an extent as to endanger the public.

(I) insanity or mental disease if evidenced by adjudication or by a voluntary commitment to an institution for treatment of a mental disease or as determined by an examination conducted by three impartial psychiatrists.

(J) Soliciting for patronage, advertising for patronage using a false, fraudulent, deceptive or misleading manner the quality of medical services or illegal procedures and practices.

(K) Submitting false, deceptive or unfounded claims, reports or opinions to any patient, insurance company or indemnity association company, individual or government authority for the purpose of obtaining a monetary payment.

(L) Gross, willful and continued overcharging for professional services.

(M) Discharge of a patient without due notice.

(N) Allowing an unqualified or unlicensed person to provide care for your patients without direct supervision.

(O) Failure to report the filing of a malpractice lawsuit within 30 days to the Arkansas Board of Podiatric Medicine by registered mail

(P) Failure to report disciplinary action, suspension or loss of privileges by a hospital, outpatient treatment or surgical facility within 30 days to the Arkansas Board of Podiatric Medicine by registered mail.

2. The Board after hearing may, by majority vote, revoke any license issued by it, licensure to any podiatric physician who has been convicted of violation of any of the provisions of the Article. The Board may also, after hearing and by majority vote, revoke the license of any person whose license was granted upon mistake of material fact. The Board may subsequently, but not earlier than one year thereafter, by majority vote,

reissue a license to a podiatric physician whose license was revoked, except as herein provided.

3. The State Board of Podiatric Medicine shall not suspend or revoke or refuse to issue or to renew, any license for any of the causes listed in Article IV unless the person accused has been given at least twenty days notice in writing of the charge and a public hearing by the Board. Upon the hearing of any such proceeding, the Arkansas Board of Podiatric Medicine may administer oaths and may use its subpoena power to procure the attendance of witnesses and the production of relevant books and papers, on behalf of the person charged or on behalf of the Board Proceedings shall be in accordance with the Arkansas Administrative Procedure Act. Ark. Code Ann. § 25-201 *et. seq.*

## **ARTICLE V**

# **OFFICERS OF THE ARKANSAS BOARD OF PODIATRIC MEDICINE AND THEIR DUTIES**

1. The officers of the Arkansas Board of Podiatric Medicine shall consist of a President and a Secretary-Treasurer. They shall be elected annually by the members of the Board and shall serve a term of one year, or until their successors are elected and qualified.

2. **President.** The president shall be the chief executive officer of the Board and shall preside at all of its meetings. The president shall approve and keep in custody the bond of the secretary, sign all licenses, and perform such other duties as may pertain to the office. The president shall approve all requests for the expenditure of funds of the Board, and shall have power to vote on all questions coming before the Board.

3. **Secretary-Treasurer.** The Secretary-Treasurer shall be in charge of the books, records, property, and money of the Arkansas Board of Podiatric Medicine. The Secretary-Treasurer shall conduct the Board's correspondence, keep a complete and accurate record of the business transactions at all meetings and of all fees received and expenses paid under these rules and regulations and shall report the same to the Arkansas Board of Podiatric Medicine annually. The Secretary-Treasurer shall also have the following duties and responsibilities:

(A) The Secretary-Treasurer shall keep a complete record listing the names and addresses of all persons to whom licenses have been granted with the number, and the date of issuance of each license.

(B) The Secretary-Treasurer shall collect all fees and renewals, and deposit to the account of the Arkansas Board of Podiatric Medicine all money received not later than the first day of the calendar month following receipt of the money,

(C) The Secretary-Treasurer shall keep a full and complete record of all forfeited, revoked and expired licenses, and shall countersign all newly issued licenses.

(D) The Secretary-Treasurer shall receive and submit to the Board for approval all applications for licensure and shall further be required to keep a full and complete record thereof.

(E) The Secretary-Treasurer shall notify the members of the Board of the dates and places of all regular and special meetings of said Arkansas Board of Podiatric Medicine, and shall notify applicants for licensure of the date and place of examination.

(F) Before taking possession of office, the Secretary-Treasurer shall file with the president of Arkansas Board of Podiatric Medicine such surety bond as may be required by the Board, the expense of which shall be paid by the Board. At the expiration of the term of office shall deliver to the successor all books, records, property, and money of the Board.

(G) The Secretary-Treasurer shall receive and submit to the Board for approval all applications for license and any complaints regarding podiatric physicians that appear to be violations of these Rules and Regulations. Complaints that are obviously not in violation of the rules and regulations need not be submitted to the Board.

(H) The Secretary-Treasurer shall not issue any duplicate license number or reassign any number that may become vacant.

4. Other members of the Board will countersign, license, preside over meetings when necessary, and aid in conducting examinations of applicants.

## **ARTICLE VI MEETINGS OF THE ARKANSAS BOARD OF PODIATRIC MEDICINE**

1. The annual business meeting of the Board will be held in June of each year. Special meetings of the Board may be called by the President, or in the absence or inability of the president to act, by the members of said Board, for the proper and efficient discharge of their duties as required by law.

2. Examining applicants for licensure shall be held during the Annual Meeting of the Board.

3. At all meetings of the Board, three members shall be necessary for the transaction of business, and all motions must have two favorable votes in order for them to carry. At examinations only one member need be present to supervise the examination and render such service as may be needed.

## **ARTICLE VII**

1. No special or private examination will be held by the Arkansas Board of Podiatric Medicine. In extraordinary circumstances only, this rule may be waived by unanimous vote of the Board after due consideration of facts.
2. A temporary license to practice podiatric medicine may be granted upon review by and majority vote of the Board.

## **ARTICLE VIII**

1. The Board shall operate in full compliance with all state laws, including the Arkansas Freedom of Information Act Ark. Code Ann. § 25-19-101 *et seq* and the Arkansas Administrative Procedure Act Ark. Code Ann. § 25-15-201 *et seq*.
2. Any interested person may obtain information, including copies of all forms used by the Board, whose name and address is appended hereto.

## **ARTICLE IX PODIATRIC PHYSICIAN DELEGATION REGULATION**

Act 472 of the 87th General Assembly of the State of Arkansas, as of the year 2009, authorized Podiatric Physicians to delegate the performance of certain medical practices or tasks to qualified and properly trained employees (commonly referred to as medical assistants), who are not licensed or otherwise specifically authorized by Arkansas law to perform the practice or task. This Regulation will set forth standards to be met and the procedures to be followed by the Podiatric Physician when delegating to employees.

Definitions for Purposes of this Regulation:

1. "Podiatrist" means an individual licensed by the Arkansas Board of Podiatric Medicine as a Podiatric Physician.
2. "Medical Practice" means those tasks or functions that are delegated to a qualified and properly trained employee, including the administration of drugs, pursuant to Act 472 of 2009 and this Regulation.
3. "Delegate" means to authorize a qualified and properly trained employee to perform a medical practice that does not conflict with a provision of the Arkansas Code that specifically authorizes an individual to perform a particular practice.

4. "Supervision" means the act by a Podiatric Physician in directing and overseeing an employee who performs a delegated medical practice.
5. "Medical Assistant" means an employee of a Podiatric Physician who has been delegated medical practices or tasks, and who has not been licensed by or specifically authorized to perform the practice or task pursuant to other provisions of Arkansas law.

#### Section 1. General Provisions

- A. The delegating Podiatric Physician remains responsible for the acts of the employee performing the delegated medical practice;
- B. The employee performing the delegated medical practice shall not be represented to the public as a licensed Podiatric Physician) licensed nurse, licensed physician's assistant, or other licensed healthcare provider; and
- C. Medical practices delegated pursuant to this statute and regulation shall be performed under the Podiatric Physician's supervision.

#### Section 2. Procedures for Delegating a Medical Practice

- A. Prior to delegating a medical practice or task, the Podiatric Physician shall determine the following:
  - 1) That the medical practice or task is within that Podiatric Physician's authority to perform;
  - 2) That the medical practice or task is indicated for the patient;
  - 3) The appropriate level of supervision for the Podiatric Physician to exercise while the medical practice or task is being performed;
  - 4) That the person to whom the medical practice or task is being delegated is qualified and properly trained to perform the medical practice or task; and
  - 5) That the medical practice is one that can be appropriately delegated when considering the following factors:
    - i. That the medical practice can be performed without requiring the exercise of judgment based on medical knowledge;
    - ii. That the results of the medical practice are reasonably predictable;
    - iii. That the medical practice can be safely performed according to exact, unchanging directions;
    - iv. That the medical practice can be performed without the need for complex observations or critical decisions; and
    - v. That the medical practice can be performed without repeated medical assessments.

#### Section 3. Additional Requirements for Delegating the Administration of Drugs

- A. A Podiatric Physician may only delegate the administration of drugs that do not require substantial, specialized judgment and skill based on knowledge and application of the principles of biological, physical, and social sciences.
- B. Administration of drugs, delegated pursuant to this Regulation, shall only be permissible within the physical boundaries of the delegating Podiatric Physician's offices;
- C. The Podiatric Physician shall evaluate the acuity of the patient and make a determination that delegation is appropriate;

D. The Podiatric Physician shall determine the competency of the person to whom the administration of drugs is being delegated through training and experience, including the physician's personal observation.

#### Section 4. Prohibitions

A. A Podiatric Physician shall not transfer his or her responsibility for supervising an unlicensed person in the performance of a delegated medical practice ,except to another Podiatric Physician who has knowingly accepted that responsibility;

B. A Podiatric Physician shall not authorize or permit an unlicensed person to whom a medical practice is delegated to delegate the performance of that practice to another person;

C. A Podiatric Physician shall not delegate to an unlicensed person the administration of anesthesia;

D. A Podiatric Physician shall not delegate a medical practice that is not within the authority of that physician or is beyond the Podiatric Physician's training, expertise, or normal course of practice; and

E. A Podiatric Physician shall not delegate a medical practice to an unlicensed person if the practice is beyond that person's competence.