

The following rules are being circulated for comments from interested parties. The proposed changes are highlighted below.

4731-12-01 Preliminary Education for Licensure in Podiatric Medicine and Surgery-Proposed to rescind

4731-12-01 Preliminary Education for Licensure in Podiatric Medicine and Surgery-Proposed new rule

This rule is proposed to be amended to be a definitions rule for the chapter. The information regarding the preliminary education will be added to Rule 4731-12-02, OAC.

4731-12-02 Standing of Colleges of Podiatric Surgery and Medicine-Proposed to rescind

4731-12-02 Standing of Colleges of Podiatric Surgery and Medicine-Proposed new rule

This rule is proposed to be amended to include information regarding preliminary education and to update the language.

4731-12-03 Eligibility for the Examination in Podiatric Surgery and Medicine-Proposed to rescind

4731-12-03 Eligibility for the Examination in Podiatric Surgery and Medicine-Proposed new rule

This rule is proposed to be amended to reflect the current designation of the American Podiatric Medical Licensing Examination as the examination of the National Board of Podiatric Medical Examiners.

4731-12-04 Eligibility of Licensure in Podiatric Medicine and Surgery by Endorsement from Another State-Proposed to rescind

4731-12-04 Eligibility of Licensure in Podiatric Medicine and Surgery by Endorsement from Another State-Proposed new rule

This rule is proposed to be amended to reflect the repeal of Section 4731.53 of the Revised Code and to update the examination language.

4731-12-05 Application Procedures for Licensure in Podiatric Medicine and Surgery, Investigation, Notice of Hearing Rights-Proposed to rescind

4731-12-05 Application Procedures for Licensure in Podiatric Medicine and Surgery, Investigation, Notice of Hearing Rights-Proposed new rule

This rule is proposed to be amended to update the language and be more consistent with rules for MD/DO licensure.

4731-12-06 Visiting Podiatric Faculty Certificates-Proposed to rescind

This rule is proposed to be rescinded as it is inconsistent with and/or redundant of Section 4731.572 of the Revised Code.

4731-12-07 Podiatric Training Certificates-Proposed to rescind

4731-12-07 Podiatric Training Certificates-Proposed to amend

This rule is proposed to be amended to be consistent with the provisions for MD/DO training certificates.

4731-12-01

Definitions.

- (A) "APMLE" means the american podiatric medical licensing examination prepared by the national board of podiatric medical examiners.
- (B) "Board" means the state medical board of Ohio.
- (C) "CPME" means the council on podiatric medical education.
- (D) "Examination in podiatric medicine and surgery" means the examination to determine competency to practice podiatric medicine and surgery under section 4731.52 of the Revised Code.
- (E) "License" means a license to practice podiatric medicine and surgery issued under section 4731.56 of the Revised Code.
- (F) "NBPME" means the national board of podiatric medical examiners
- (G) "PMLexis" means the podiatric medical licensing examination prepared by the national board of podiatric medical examiners.
- (H) "Training Program" means an internship, residency, or clinical fellowship program that meets the requirements of division (A)(2) of section 4731.573 of the Revised Code.

TO BE RESCINDED

*** DRAFT - NOT YET FILED ***

4731-12-01

Preliminary education for licensure in podiatric medicine and surgery.

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

4731-12-02

Preliminary education for licensure and standing of colleges of podiatric surgery and medicine.

(A) For the purposes of sections 4731.52 and 4731.572 of the Revised Code, and rule 4731-12-07 of the Administrative Code, a college of podiatric medicine and surgery in the United States shall be defined as being in good standing if, at the time the diploma was issued, the institution was accredited by the CPME or its predecessor accrediting organizations.

(B) Production of a diploma from a college of podiatric medicine and surgery in good standing, at the time the diploma was issued, constitutes prima facie evidence that an applicant for a license has met the requirements of divisions (A)(1)(b) and (A)(1)(c) of section 4731.52 of the Revised Code. An applicant producing a diploma from a college of podiatric medicine and surgery located outside the United States must present evidence sufficient to establish to the board's satisfaction that the educational program met or exceeded the standards established by the CPME.

TO BE RESCINDED

*** DRAFT - NOT YET FILED ***

4731-12-02

Standing of colleges of podiatric surgery and medicine.

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

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4731-12-03

Podiatric Examination.

(A) The examination in podiatric medicine and surgery shall be all parts of the APMLE. An applicant shall have passed all parts and achieved a recognized passing performance on each part.

TO BE RESCINDED

*** DRAFT - NOT YET FILED ***

4731-12-03

Eligibility for the examination in podiatric medicine and surgery; passing average.

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

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

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

4731-12-04

Eligibility for licensure.

The board shall issue a license to each individual who meets all applicable requirements under section 4731.52 of the Revised Code, and who passes the examination in podiatric medicine and surgery in accordance with rule 4731-12-03 of the Administrative Code, or has passed one of the following examinations:

(A) The "PMLexis" administered between June 12, 1990 and December 4, 2000, in addition to the holding of a passing status or diplomate status with the NBPME.

(B) An examination of a state of the United States, United States territory, or district administered before June 12, 1990, that was, in part, a written examination and

(1) Taken without previous or subsequent failure of the examination offered by the NBPME ; and

(2) Taken without previous or subsequent failure of the PMLexis or part III of the APMLE.

TO BE RESCINDED

*** DRAFT - NOT YET FILED ***

4731-12-04

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

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

be made by the board in those cases where an applicant cannot renew his or her license in the other jurisdiction for purposes of endorsement due to residency or similar requirements.

4731-12-05

Application procedures for licensure in podiatric medicine and surgery; investigation.

- (A) Pursuant to division (A) of section 4731.52 of the Revised Code, all applicants for a license shall submit to the board an application under oath in the manner determined by the board, and provide such other facts and materials as the board requires. No application shall be considered submitted to the board until the appropriate fee has been received by the board.
- (B) No application shall be considered complete until the applicant has complied with the requirements of paragraph (A) of rule 4731-4-02 of the Administrative Code and the board has received the results of the criminal records checks.
- (C) The board reserves the right to thoroughly investigate all materials submitted as part of an application . The board may contact individual agencies or organizations for recommendations or other information about applicants as the board deems necessary. Applicants may be requested to appear before the board or a representative thereof as part of the application process.
- (D) If an applicant for any license or certificate issued under section 4731.56, 4731.572, or 4731.573, fails to complete the application process within six months of initial application filing, the board may notify the applicant in writing of its intention to consider the application abandoned. If no response to that notice is received by the board within thirty days, the board shall consider the application as abandoned and no further processing shall be undertaken with respect to that application.
- (E) If the application process extends for a period longer than six months, the board may require updated information as it deems necessary.
- (F) No application being investigated under section 4731.22 of the Revised Code, may be withdrawn without approval of the board.
- (G) Application fees are not refundable.

TO BE RESCINDED

*** DRAFT - NOT YET FILED ***

4731-12-05

Application procedures for licensure in podiatric medicine and surgery; investigation.

- (A) All applicants for licensure in podiatric medicine and surgery shall file an application in the manner provided in section 4731.52 of the Revised Code, and provide such other facts and materials as the board requires including proof of completion of a minimum of one year of postgraduate training in a podiatric internship, residency or clinical fellowship program accredited by the "Council on Podiatric Medical Education."
- (B) No application shall be considered filed until the appropriate fee has been received by the board.
- (C) No application shall be considered complete until the applicant has complied with the requirements of paragraph (A) of rule 4731-4-02 of the Administrative Code and the board has received the results of the criminal records checks and any other forms required to be submitted pursuant to paragraph (A) of rule 4731-4-02 of the Administrative Code.
- (D) All application materials submitted to the board by applicants for licensure in podiatric medicine and surgery will be thoroughly investigated. The board will contact individual agencies or organizations for recommendations or other information about applicants as the board deems necessary. Applicants may be requested to appear before the board or a representative thereof as part of the application process.
- (E) Applications to take the examination for licensure in podiatric medicine and surgery in Ohio shall be filed at the board offices not less than sixty days prior to the first day of the examination. Under special circumstances, later filing may be permitted at the discretion of the board.

TO BE RESCINDED

*** DRAFT - NOT YET FILED ***

4731-12-06

Visiting podiatric faculty certificates.

- (A) For purposes of section 4731.572 of the Revised Code, the following definitions apply:
- (1) "Approved college of podiatric medicine and surgery in good standing" means a college of podiatric medicine and surgery accredited by the "Council on Podiatric Medical Education," or its predecessor accrediting organizations.
 - (2) "A current, unrestricted license" means a license or other authority granted by the appropriate entity or governmental body which lawfully permits the applicant to practice podiatric medicine and surgery without governmental restriction or limitation.
- (B) The duties of the applicant shall be set forth upon the application and approved by the board.
- (C) By signing the application for a visiting podiatric faculty certificate, the dean of the school and the medical director of each affiliated teaching hospital are responsible for assuring that the holder of the certificate does not engage in practice outside its scope. They are further responsible for reporting to the board any belief that practice outside its scope has occurred.
- (D) An individual shall be granted only one visiting podiatric faculty certificate, and shall be ineligible to apply for its renewal .

4731-12-07

Podiatric training certificates.

(A) A training certificate is mandatory for participation in a training program unless the participant holds a license to practice podiatric medicine and surgery. The participation in the program prior to receiving an acknowledgment letter or a training certificate from the board is the unlicensed practice of medicine pursuant to section 4731.34 of the Revised Code.

(B) An individual may not begin participation in a training program unless the individual has been issued a diploma from a college of podiatric medicine and surgery in good standing.

(C) Evidence that the applicant for a training certificate has been accepted or appointed to a training program meeting the requirements of division (A)(2) of section 4731.573 of the Revised Code must include a certification from the training program of both of the following:

(1) The training program will verify that the applicant has been issued a diploma before permitting the applicant to begin participation in the training program; and

(2) The training program will notify the board if a holder of a training certificate has not been issued a diploma before the start date of the training program.

(D) The holder of a training certificate shall immediately notify the board in writing if the holder has not been issued a diploma before the start date of the training program.

(E) Upon the board's receipt of an application for a training certificate, or upon the board's receipt of written notice from an applicant for a license that the applicant intends to participate in a training program, and after verifying that the applicant has paid the appropriate fee, the board may issue to the applicant an acknowledgment letter. Fees are neither refundable nor transferable.

(1) Upon receipt of that acknowledgment letter, the applicant may begin participating in the training program that meets the requirements of section 4731.573 of the Revised Code, and this chapter of the Administrative Code, to which the applicant has been appointed while the application is being processed. The acknowledgment letter will serve as proof that the board has received the application and that the applicant is entitled to continue participation in the training program.

(2) If an applicant has not received an acknowledgment letter or training certificate from the board within forty-five days after submitting an application, then the applicant shall immediately inform the board and the director of his or her training program in writing.

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

board:

(a) Issues the certificate; or

(b) Issues an order in accordance with Ohio law suspending without a prior hearing the authority to participate; or

(c) Accepts a withdrawal of the application; or

(d) Issues a notice of opportunity for hearing in accordance with Chapter 119. of the Revised Code, in which case the authority to participate shall continue until the board's issuance of a final order granting or denying the application, or until the end of the training year, whichever comes first; or

(e) In the case of an applicant for a license, advises the applicant in writing that a substantial question of a violation of this chapter or the rules adopted under it exists and that investigation is continuing, in which case the authority to participate shall continue until one of the following occur:

(i) The board issues a license; or

(ii) The board issues a final order in accordance with Chapter 119. of the Revised Code; or

(iii) The training year ends.

Except as provided in this rule, participation in a training program pursuant to an acknowledgment letter cannot be renewed or extended beyond one hundred twenty days.

(F) If at the end of one hundred twenty days following issuance of an acknowledgment letter to an applicant for a training certificate the board has commenced but not yet concluded investigation or inquiry into issues of possible violations of Chapter 4731. of the Revised Code, it shall issue a training certificate to the applicant but shall not be deemed to have waived any issues which would constitute grounds to impose discipline under Chapter 4731. of the Revised Code.

(G) If the applicant or training certificate holder changes training programs, the board must be notified in writing immediately. A new application need not be completed and a new training certificate will not be issued. The training certificate will continue to be valid until its date of expiration.

(H) A person who holds a suspended license to practice podiatric medicine and surgery is not eligible for a training certificate. Such a person must restore that license in accordance with sections 4731.222 and 4731.281 of the Revised Code before

beginning postgraduate training in Ohio. A person whose license to practice podiatric medicine and surgery has been permanently revoked or permanently denied is ineligible to participate in a training program in Ohio.

TO BE RESCINDED
*** DRAFT - NOT YET FILED ***

4731-12-07

Podiatric training certificates.

- (A) Upon the board's receipt of an application for a training certificate, or upon the board's receipt of written notice from an applicant for a certificate to practice podiatric medicine and surgery under section 4731.53 of the Revised Code, that the applicant intends to participate in a training program described in paragraph (A) of this rule, and after verifying that the applicant has paid the appropriate fee, the board will issue to the applicant an acknowledgment letter. Upon receipt of that acknowledgment letter the applicant may begin participating in the program that meets the requirements of section 4731.573 of the Revised Code, and this chapter of the Administrative Code, to which he or she has been appointed while the application is being processed. That acknowledgment letter will serve as proof that the board has received the application and that the applicant is entitled to continue participation in the training program. If an applicant has not received an acknowledgment letter from the board within forty-five days of submitting an application, then the applicant shall immediately inform the board and the director of his or her training program in writing.
- (B) An acknowledgment letter issued under this rule shall authorize participation in a training program for one hundred and twenty days, unless prior to that time the board:
- (1) Issues the certificate; or
 - (2) Issues an order in accordance with Ohio law suspending without a prior hearing the authority to participate; or
 - (3) Accepts a withdrawal of the application; or
 - (4) Issues a notice of opportunity for hearing in accordance with Chapter 119. of the Revised Code, in which case the authority to participate shall continue until the board's issuance of a final order granting or denying the application, or until the end of the training year, whichever comes first; or
 - (5) In the case of an applicant for a certificate under section 4731.53 of the Revised Code, advises the applicant in writing that a substantial question of a violation of this chapter or the rules adopted under it exists and that investigation is continuing, in which case the authority to participate shall continue until one of the following occur:
 - (a) The board issues a certificate; or
 - (b) The board issues a final order in accordance with Chapter 119. of the

Revised Code; or

(c) The training year ends.

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

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

denied is ineligible to participate in postgraduate training in Ohio.