

Chapter 5a Podiatric Physician Licensing Act

Part 1 Definitions

58-5a-101 Title.

This chapter is known as the "Podiatric Physician Licensing Act."

Amended by Chapter 232, 1996 General Session

58-5a-102 Definitions.

In addition to the definitions under Section 58-1-102, as used in this chapter:

- (1) "Board" means the Podiatric Physician Board created in Section 58-5a-201.
- (2) "Indirect supervision" means the same as that term is defined by the division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (3) "Medical assistant" means an unlicensed individual working under the indirect supervision of a licensed podiatric physician and engaging in specific tasks assigned by the licensed podiatric physician in accordance with the standards and ethics of the podiatry profession.
- (4) "Practice of podiatry" means the diagnosis and treatment of conditions affecting the human foot and ankle and their manifestations of systemic conditions by all appropriate and lawful means, subject to Section 58-5a-103.
- (5) "Unlawful conduct" includes:
 - (a) the conduct that constitutes unlawful conduct under Section 58-1-501; and
 - (b) for an individual who is not licensed under this chapter:
 - (i) using the title or name podiatric physician, podiatrist, podiatric surgeon, foot doctor, foot specialist, or D.P.M.; or
 - (ii) implying or representing that the individual is qualified to practice podiatry.
- (6) "Unprofessional conduct" includes, for an individual licensed under this chapter:
 - (a) the conduct that constitutes unprofessional conduct under Section 58-1-501;
 - (b) communicating to a third party, without the consent of the patient, information the individual acquires in treating the patient, except as necessary for professional consultation regarding treatment of the patient;
 - (c) allowing the individual's name or license to be used by an individual who is not licensed to practice podiatry under this chapter;
 - (d) except as described in Section 58-5a-306, employing, directly or indirectly, any unlicensed individual to practice podiatry;
 - (e) using alcohol or drugs, to the extent the individual's use of alcohol or drugs impairs the individual's ability to practice podiatry;
 - (f) unlawfully prescribing, selling, or giving away any prescription drug, including controlled substances, as defined in Section 58-37-2;
 - (g) gross incompetency in the practice of podiatry;
 - (h) willfully and intentionally making a false statement or entry in hospital records, medical records, or reports;
 - (i) willfully making a false statement in reports or claim forms to governmental agencies or insurance companies with the intent to secure payment not rightfully due;
 - (j) willfully using false or fraudulent advertising; and

- (k) conduct the division defines as unprofessional conduct by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 230, 2015 General Session

58-5a-103 Scope of practice.

- (1) Subject to Subsections (4) and (5), an individual licensed as a podiatric physician under this chapter may perform a surgical procedure on a bone of the foot or ankle, except that the individual may not perform:
 - (a) ankle fusion;
 - (b) massive ankle reconstruction; or
 - (c) reduction of a trimalleolar ankle fracture.
- (2) Notwithstanding Subsections (1)(a), (b), and (c), and subject to Subsections (4) and (5), an individual licensed as a podiatric physician under this chapter that meets the additional training requirements described in Subsection (3) may perform a surgical procedure that is related to the treatment of a foot or ankle condition, including the treatment of a foot or ankle condition that involves the soft tissues, including tendons, ligaments, and nerves, of the foot or ankle, except that the individual may only:
 - (a) treat a fracture of the tibia if at least one portion of the fracture line enters the ankle joint;
 - (b) treat a foot or ankle condition using hardware, including screws, plates, staples, pins, and wires, if at least one portion of the hardware system is attached to a bony structure at or below the ankle mortise; and
 - (c) place hardware for the treatment of soft tissues in the foot or ankle no more proximal than the distal 10 centimeters of the tibia.
- (3) An individual licensed as a podiatric physician under this chapter may not perform the procedures described in Subsection (2) unless the individual:
 - (a)
 - (i) graduated on or after June 1, 2006, from a three-year residency program in podiatric medicine and surgery that was accredited, at the time of graduation, by the Council on Podiatric Medical Education; and
 - (ii) is board certified in reconstructive rearfoot and ankle surgery by the American Board of Foot and Ankle Surgery;
 - (b)
 - (i) graduated on or after June 1, 2006, from a three-year residency program in podiatric medicine and surgery that was accredited, at the time of graduation, by the Council on Podiatric Medical Education;
 - (ii) is board qualified in reconstructive rearfoot ankle surgery by the American Board of Foot and Ankle Surgery; and
 - (iii) provides the division documentation that the podiatric physician has completed training or experience, which the division determines is acceptable, in standard or advanced midfoot, rearfoot, and ankle procedures; or
 - (c)
 - (i) graduated before June 1, 2006, from a residency program in podiatric medicine and surgery that was at least two years in length and that was accredited, at the time of graduation, by the Council on Podiatric Medical Education;
 - (ii)
 - (A) is board certified in reconstructive rearfoot ankle surgery by the American Board of Foot and Ankle Surgery;

- (B) if the residency described in Subsection (3)(c)(i) is a PSR-24 24-month podiatric surgical residency, provides proof that the individual completed the residency, to a hospital that is accredited by the Joint Commission, and meets the hospital's credentialing criteria for foot and ankle surgery; or
 - (C) in addition to the residency described in Subsection (3)(c)(i), has completed a fellowship in foot and ankle surgery that was accredited by the Council on Podiatric Medical Education at the time of completion; and
 - (iii) provides the division documentation that the podiatric physician has completed training and experience, which the division determines is acceptable, in standard or advanced midfoot, rearfoot, and ankle procedures.
- (4) An individual licensed as a podiatric physician under this chapter may not perform an amputation proximal to Chopart's joint.
- (5) An individual licensed as a podiatric physician under this chapter may not perform a surgical treatment on an ankle, on a governing structure of the foot or ankle above the ankle, or on a structure related to the foot or ankle above the ankle, unless the individual performs the surgical treatment:
- (a) in an ambulatory surgical facility, a general acute hospital, or a specialty hospital, as defined in Section 26-21-2; and
 - (b) subject to review by a quality care review body that includes qualified, licensed physicians and surgeons.

Enacted by Chapter 230, 2015 General Session

Part 2 Podiatric Physician Board

58-5a-201 Podiatric Physician Board.

- (1) There is created the Podiatric Physician Board consisting of four podiatric physicians and one member of the general public.
- (2) The board shall be appointed and serve in accordance with Section 58-1-201.
- (3) The duties and responsibilities of the board are in accordance with Sections 58-1-202 and 58-1-203.
- (4) In addition, the board shall designate one of its members on a permanent or rotating basis to:
 - (a) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and
 - (b) advise the division in its investigation of these complaints.
- (5) A board member who has, under Subsection (4), reviewed a complaint or advised in its investigation may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

Amended by Chapter 10, 1997 General Session

Part 3 Licensing

58-5a-301 License required -- License classifications.

- (1) The division shall issue to persons qualified under this chapter a license in the classification of podiatric physician.
- (2) A person may not practice podiatry unless licensed or exempted from licensure under this chapter.

Amended by Chapter 232, 1996 General Session

58-5a-302 Qualifications to practice podiatry.

An applicant for licensure to practice podiatry shall:

- (1) submit an application in a form as prescribed by the division;
- (2) pay a fee as determined by the department under Section 63J-1-504;
- (3) be of good moral character;
- (4) be a graduate of a college of podiatric medicine accredited by the Council of Podiatric Education;
- (5) if licensed on or after July 1, 2015, have completed two years of postgraduate training in a residency program recognized by the board; and
- (6) pass examinations required by rule.

Amended by Chapter 230, 2015 General Session

58-5a-303 Terms of license -- Expiration -- Renewal.

- (1) The division shall issue all licenses under this chapter in accordance with the two-year renewal cycle established by rule. A renewal period for a license may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.
- (2) At the time of renewal the licensee shall show satisfactory evidence of renewal requirements established by rule, including completion of continuing education as required under this chapter.
- (3) A license issued under this chapter expires on the expiration date shown on the license unless renewed prior to that date by the licensee in accordance with Section 58-1-308.

Amended by Chapter 12, 1994 General Session

58-5a-304 Continuing education.

- (1) The division may require each person holding a license under this chapter to complete in each two-year period not more than 40 hours of qualified continuing professional education in accordance with standards defined by rule as a requirement prior to license renewal under this chapter.
- (2) In establishing continuing education requirements under this section the division shall in collaboration with the board recognize the existing educational methods, procedures, devices, and programs in use among the various podiatry specialty organizations.
- (3) The division shall give licensees credit toward continuing education requirements for participation in and completion of continuing education programs of:
 - (a) the American Podiatric Medical Association;
 - (b) the Utah Podiatric Medical Association;
 - (c) all colleges of podiatric medicine accredited by the Council on Education of the American Podiatric Medical Association; and

- (d) similar programs of other organizations that are approved by the division in collaboration with the board.
- (4) If a renewal period is shortened or extended to effect a change of the renewal cycle, the continuing education hours required for that renewal period shall be increased or decreased accordingly, as a pro rata amount of the requirements of a two-year period.

Amended by Chapter 232, 1996 General Session

58-5a-305 License by endorsement.

The division may issue a license by endorsement to a person who holds a license to practice podiatry from another state, jurisdiction, or territory of the United States, if that person:

- (1) meets the requirements of Section 58-1-302; and
- (2) demonstrates to the board that he has been a licensed podiatric physician in the jurisdiction issuing his license for at least two years immediately prior to applying for a license under this section.

Amended by Chapter 232, 1996 General Session

58-5a-306 Exemptions from licensure.

The following persons may practice podiatry, subject to stated circumstances and limitations, without being licensed under this chapter:

- (1) a podiatric physician serving in the armed forces of the United States, the United States Public Health Service, the United States Department of Veterans Affairs, or other federal agencies while engaged in activities regulated under this chapter as a part of his employment with that federal agency if the individual holds a valid license to practice podiatry issued by any other state or jurisdiction recognized by the division;
- (2) a student engaged in activities that constitute the practice of podiatry while in training in a recognized school approved by the division to the extent the activities are under the supervision of qualified faculty or staff and the activities are a defined part of the training program;
- (3) a person engaged in an internship, residency, preceptorship, postceptorship, fellowship, apprenticeship, or on-the-job training program approved by the division while under the supervision of qualified persons;
- (4) a person residing in another state and licensed to practice podiatry there, who is called in for a consultation by a person licensed in this state and services provided are limited to that consultation or who is invited by a recognized school, association, society, or other body approved by the division to conduct a lecture, clinic, or demonstration of the practice of podiatry so long as that individual does not establish a place of business or regularly engage in the practice of podiatry in the state;
- (5) a person licensed under the laws of this state to practice or engage in any other occupation or profession while engaged in the lawful, professional, and competent practice of that occupation or profession;
- (6) persons who fit or sell corrective shoes, arch supports, or similar devices, to the extent their acts and practices involve only the fitting and selling of these items; or
- (7) a medical assistant working under the indirect supervision of a licensed podiatric physician, if the medical assistant:
 - (a) engages only in tasks appropriately delegated by the licensed podiatric physician in accordance with the standards and ethics of the practice of podiatry, and consistent with this chapter;

- (b) does not perform surgical procedures;
- (c) does not prescribe prescription medications;
- (d) does not administer anesthesia, except for a local anesthetic; and
- (e) does not engage in other practices or procedures defined by the division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in collaboration with the board.

Amended by Chapter 230, 2015 General Session

58-5a-307 Consumer access to provider charges.

Beginning January 1, 2011, a podiatric physician licensed under this chapter shall, when requested by a consumer:

- (1) make a list of professional charges available for the consumer which includes the podiatric physician's 25 most frequently performed:
 - (a) clinical procedures or clinical services;
 - (b) out-patient procedures; and
 - (c) in-patient procedures; and
- (2) provide the consumer with information regarding any discount available for:
 - (a) services not covered by insurance; or
 - (b) prompt payment of billed charges.

Enacted by Chapter 68, 2010 General Session

**Part 4
Denial of Licensure**

58-5a-401 Grounds for denial of license -- Disciplinary proceedings.

- (1) The division shall refuse to issue a license to an applicant and shall refuse to renew or shall revoke, suspend, or place on probation the license of a licensee who:
 - (a) does not meet the qualifications for licensure or renewal of licensure under this chapter; or
 - (b) is guilty of a crime which, when considered with the functions and duties of a licensee under this chapter, demonstrates a threat or potential threat to the public health, safety, or welfare.
- (2) The division may refuse to issue a license to an applicant and shall refuse to renew or shall revoke, suspend, or place on probation the license of a licensee who:
 - (a) is guilty of unlawful conduct related to practice under this chapter or unprofessional conduct as defined in this chapter, Section 58-1-501, or rules made under either;
 - (b) has obtained or attempted to obtain a license under this title by fraud or willful misrepresentation; or
 - (c) has had a license or certification to practice in any profession or occupation subjected to disciplinary action which demonstrates a threat or potential threat to the public health, safety, or welfare, when considered with the activities regulated under this chapter.

Amended by Chapter 12, 1994 General Session

Part 5

Unlawful Conduct - Penalties

58-5a-501 Unlawful conduct -- Penalties.

Any person who engages in unlawful conduct as defined in this chapter is guilty of a third degree felony, except that a violation of Subsection 58-5a-102(5) is a class A misdemeanor.

Amended by Chapter 230, 2015 General Session