

Dear Senators VANORDEN, Zuiderveld, Wintrow, and
Representatives VANDER WOUDE, Erickson, Chew:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Division of Occupational and Professional Licenses - State Board of Podiatry:
IDAPA 24.11.01 - Rules of the State Board of Podiatry (ZBR Chapter Rewrite, Fee Rule) - Proposed
Rule (Docket No. 24-1101-2301).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 09/05/2023. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 10/03/2023.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Terri Kondeff
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee

FROM: Senior Legislative Drafting Attorney - Matt Drake

DATE: August 18, 2023

SUBJECT: Division of Occupational and Professional Licenses - State Board of Podiatry

IDAPA 24.11.01 - Rules of the State Board of Podiatry (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule
(Docket No. 24-1101-2301)

Summary and Stated Reasons for the Rule

The Division of Occupational and Professional Licenses - State Board of Podiatry submits Notice of Omnibus Rulemaking via Docket No. 24-1101-2301. The Division notes that this is a Zero-Based Regulation ("ZBR") chapter rewrite pursuant to Executive Order 2020-01. Accordingly, the Division states that this rulemaking is intended to streamline and simplify existing rules that were previously submitted to and reviewed by the Legislature. The Division states that no fees are being increased and no new fees are being imposed by the rulemaking.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted. The rulemaking is not anticipated to have a fiscal impact.

Statutory Authority

The proposed rule appears to be within the statutory authority granted pursuant to Sections 54-605 and 67-2604, Idaho Code.

cc: Division of Occupational and Professional Licenses - State Board of Podiatry
Michael Hyde

***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

Paul Headlee, Deputy Director Kristin Ford, Manager Keith Bybee, Manager April Renfro, Manager Norma Clark, Manager
Legislative Services Office Research & Legislation Budget & Policy Analysis Legislative Audits Information Technology

Statehouse, P.O. Box 83720
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IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.11.01 – RULES OF THE STATE BOARD OF PODIATRY

DOCKET NO. 24-1101-2301 (ZBR CHAPTER REWRITE, FEE RULE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 67-2604, Idaho Code, and Sections 54-605 and 54-606, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Wednesday, August 23, 2023 – 1:30 p.m. (MT)
Division of Occupational and Professional Licenses Chinden Campus Building 4 11341 W. Chinden Blvd., Bldg. #4 Boise, ID 83714
Telephone and web conferencing information will be posted on: https://dopl.idaho.gov/calendar/ and https://townhall.idaho.gov/

The hearing site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Under [Executive Order 2020-01](#), Zero-Based Regulation, the State Board of Podiatry is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

The fees for applications and licenses as designated in Rule 400 of these proposed rules are authorized in Sections 54-606, 54-607, and 54-613, Idaho Code. None of these fees are being changed as a result of this rulemaking or since being previously reviewed by the Idaho legislature.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the State General Fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

This rulemaking is not anticipated to have any negative fiscal impact on the State General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-ZBRR-2301. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 5, 2023 Idaho Administrative Bulletin, [Vol. 23-4, pp. 42-46](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: Per Section 54-605(7), the board adopted the “Code of Ethics” published by the America Podiatric Medical Association, Inc. as the standards of ethics for the practice of podiatry in Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Michael Hyde, Bureau Chief, at (208) 332-7133.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 23, 2023.

DATED this July 6, 2023.

Michael Hyde
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 332-7133
Email: michael.hyde@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-1101-2301
(ZBR Chapter Rewrite)

**Note – Due to extensive reorganization of this ZBR chapter, the rule text below is presented as clean text without showing amendments in legislative format. A redline copy provided by the agency has been included at the end of the docket for transparency and can be utilized to track all edits used to formulate the proposed rule.*

24.11.01 – RULES OF THE STATE BOARD OF PODIATRY

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Sections 54-605 and 54-606, Idaho Code. ()

001. SCOPE.

These rules govern the practice of podiatry in Idaho. ()

002. INCORPORATION BY REFERENCE.

The current and updated document titled “Code of Ethics,” published by the America Podiatric Medical Association, Inc. is adopted and incorporated by reference and is available on the association’s website. (https://www.apma.org/files/Code%20of%20Ethics_FINAL_1669749709677_2.pdf). ()

003. -- 099. (RESERVED)

100. LICENSURE.

01. Approved Education. Applicants must graduate from a four (4) year school of podiatry located within the United States or Canada approved by the Council on Podiatric Medical Education and the American Podiatric Medical Association, or its foreign equivalent. ()

02. Accredited Podiatric Residency. Applicants must complete a podiatric residency approved by the Council on Podiatric Medical Education of no less than twenty-four (24) months, a minimum of twelve (12) months of which must be surgical. Proof of completion must be received directly from the residency program. ()

03. Approved Examination: Applicants for licensure by examination must successfully pass all parts

of the American Podiatric Medical Licensing Examination administered by the National Board of Podiatric Medical Examiners. ()

04. Continuing Education. Licensees must submit proof of completion of thirty (30) hours of continuing education every two (2) years, reported with their renewal application. All continuing education courses must be germane to the practice of podiatry. ()

101. -- 199. (RESERVED)

200. PRACTICE STANDARDS.

01. Ethical Practice. A licensee must comply with the applicable standard of care when practicing podiatry, taking into account the licensee’s education, training, and experience. ()

201. -- 399. (RESERVED)

400. FEES.

All fees are non-refundable.

FEE TYPE	AMOUNT
Application	\$200
Original License	\$400
Annual Renewal	\$500

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401. -- 999. (RESERVED)

[Agency redlined courtesy copy]

24.11.01 – RULES OF THE STATE BOARD OF PODIATRY

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Sections s 54-605 and 54-606, Idaho Code.()

001. SCOPE.

These rules govern the practice of podiatry in Idaho.()

002. INCORPORATION BY REFERENCE.

~~The document titled American Podiatric Medical Association’s Code of Ethics as published by the American Podiatric Medical Association, dated March 2013 and referenced in Section 500, is herein incorporated by reference and is available for review at the Board’s office and on the Board’s web site at <https://apps.dopl.idaho.gov/DOPLPortal/BoardAdditional.aspx?Bureau=POD&BureauLinkID=38>:~~

The current and updated document titled “Code of Ethics,” published by the America Podiatric Medical Association, Inc. is herein adopted and incorporated by reference and is available on the association’s website. Code of Ethics_FL-NAL_1669749709677_2.pdf (apma.org) (https://www.apma.org/files/Code%20of%20Ethics_FL-NAL_1669749709677_2.pdf) ()

003. -- ~~009~~099.(RESERVED)

010. DEFINITIONS AND STANDARDS.

~~01. Reputable School. A “reputable school” of podiatry is defined as an approved podiatry school located within the United States or Canada and designated as such by the Council on Podiatric Medical Education and the American Podiatric Medical Association.(—)~~

~~011. —149.(RESERVED)~~

~~150. PRE PROFESSIONAL EDUCATION.~~

~~All applicants must provide official documentation of credits granted for at least two (2) full years of general college study in a college or university of recognized standing.(—)~~

~~151. PROFESSIONAL EDUCATION.~~

~~All applicants must possess evidence of graduation from four (4) full years of study in a reputable school of podiatry, as defined in Subsection 010.02 of these rules.(—)~~

100. LICENSURE 152.PODIATRIC RESIDENCY.

01. Approved Education. Applicants must graduate from a four (4) year school of podiatry located within the United States or Canada approved by the Council on Podiatric Medical Education and the American Podiatric Medical Association, or its foreign equivalent. ()

~~01. Residency Required for Licensure~~02. Accredited Podiatric Residency. Applicants must complete a candidate may not apply for licensure until completion of an accredited podiatric residency as approved by the Council on Podiatric Medical Education of no less than twenty-four (24) months, a minimum of twelve (12) months of which must be surgical. Proof of completion must be received directly from the residency program.()

03. Approved Examination. Applicants for licensure by examination must successfully pass all parts of the American Podiatric Medical Licensing Examination administered by the National Board of Podiatric Medical Examiners. ()

04. Continuing Education. Licensees must submit proof of completion of thirty (30) hours of continuing education every two (2) years, reported with their renewal application. All continuing education courses must be germane to the practice of podiatry. ()

~~02. Submission of Verification of Residency Curriculum. Notwithstanding the provisions of Subsection 152.01, a candidate must provide directly from the residency program such official documentation of completion of the entire curriculum as the board may require. Any deviation of this requirement must be approved by the Board. (—)~~

~~153~~101. -- 199.(RESERVED)

200. CREDENTIALS TO BE FILED BY ALL APPLICANTS.

~~01. Certified Copy of National Board Results. A copy of the applicable National Board results that has been certified as true and correct by the examining entity.(—)~~

~~02. Educational Certificate Requirement. Each applicant must provide official documentation of a collegiate education of not less than two (2) years in an accredited college or university giving instruction in letters and sciences. (—)~~

~~03. **Diploma.** Certified photostatic copy of diploma granted by any college of podiatry and official certified transcripts indicating graduation from the program.(—)~~

~~04. **Residency Certification Requirement.** All applications must include certification of completion of a residency as defined in Rule 152.(—)~~

~~201.—299.(Reserved)~~

3400. FEES.

All fees are non-refundable. ~~if a license is not issued, the license fee will be refunded.~~

FEE TYPE	AMOUNT (Not to Exceed)
Application	\$200
Original License	\$400
Written Examination	Set by National Examining Entity
Annual Renewal	\$500
Inactive License Annual Renewal	\$250

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~~301401. -- 399999.(RESERVED)~~

~~400. **LICENSURE BY EXAMINATION.**~~

~~01. **Examination of Applicants.** All applicants must successfully pass all parts of the American Podiatric Medical Licensing Examination developed and administered by the National Board of Podiatric Medical Examiners. (—)~~

~~02. **Passing Grade.** A passing grade in all subjects examined is the grade established by the examination provider.(—)~~

~~401. **LICENSURE BY ENDORSEMENT.**~~

~~Under Section 54-613, Idaho Code, applicants for licensure by endorsement may be granted a license upon the approval of the Board. Each applicant for licensure by endorsement must have a license in good standing in another jurisdiction. provide documentation for each of the following before licensure will be considered:(—)~~

~~01. **Certification of License.** Certification of having maintained a current license or other authority to practice issued by a regulatory board of Podiatry in any state or territory.(—)~~

~~02. **Credentials.** Credentials as required in Subsections 200.01 through 200.04. (—)~~

~~03. **Examination.** Successful passage of a written licensure examination covering all those subjects noted in Section 54-606, Idaho Code. Official certification of examination must be received by the board directly from the applicant's state or territory of licensure or the national board of podiatric medical examiners.:(—)~~

~~a. The applicant's state or territory of licensure; or (—)~~

~~b. The national board of podiatric medical examiners. (—)~~

~~04. **Residency.** Proof of completion of the residency requirement, as set forth in Subsection 200.04 of this rule. However, if the applicant graduated from a college of podiatry prior to 1993, this requirement will be waived. (—)~~

~~05. **Practical Experience.** Having practiced podiatry under licensure for three (3) of the last five (5) years immediately prior to the date of application.(—)~~

~~06. **Continuing Education.** Having completed at least fifteen (15) hours of continuing education germane to the practice of podiatry during the twelve (12) months prior to the date of application.(—)~~

~~07. **Disciplinary Action.** Has not been the subject of any disciplinary action including pending or unresolved licensure actions within the last five (5) years immediately prior to application and has never had a license to practice podiatry revoked or suspended either voluntarily or involuntarily in any jurisdiction.(—)~~

~~402. **TEMPORARY LICENSES.**~~

~~No temporary licenses will be granted for the practice of podiatry in Idaho.(—)~~

~~403.—409.(RESERVED)~~

~~410. **ORIGINAL APPLICATION.**~~

~~The original application will be considered null and void after a period of two (2) years from date of original application if no license has been issued.(—)~~

~~411.—424.(RESERVED)~~

~~425. **INACTIVE STATUS.**~~

~~01. **Request for Inactive Status.** Each person requesting an inactive status during the renewal of their active license must submit a written request and pay the inactive license fee.(—)~~

~~02. **Inactive License Status.** (—)~~

~~a. All continuing education requirements will be waived during the time that a licensee maintains an inactive license in Idaho.(—)~~

~~b. When the licensee desires active status, the licensee must show acceptable fulfillment of continuing education requirements for the previous twelve (12) months and submit a fee equivalent to the difference between the inactive and active renewal fee.(—)~~

~~426.—449.(RESERVED)~~

~~200. **PRACTICE STANDARDS** 450.**SCOPE OF PRACTICE.**~~

~~01. **Ethical Practice.** A licensee must comply with the applicable standard of care when practicing podiatry, taking into account the licensee's education, training, and experience. (—)~~

~~01. **Competence.** Upon being granted a license to practice podiatry, a practitioner is authorized to provide only those services and treatments for which that practitioner has the education, training, and experience to provide. Information contained within the application file and supplemental~~

~~certified information of additional training and experience included in the credential file maintained by the practitioner is prima facie evidence of the practitioner's education and experience. It is the responsibility of the individual practitioner to ensure that the information in his credential file is accurate, complete and supplemented to support all procedures, applications and treatments employed by the practitioner. Practice beyond a practitioner's documented education and experience may violate the adopted code of ethics and be grounds for discipline by the board. (—)~~

~~**02. Advanced Surgical Procedures.** Advanced surgical procedures must be performed in a licensed hospital or certified ambulatory surgical center accredited by ~~a nationally recognized accreditation entity~~ the joint commission on accreditation of healthcare organizations or the accreditation association for ambulatory health care where a peer review system is in place. Advanced surgical procedures are defined as:(—)~~

- ~~**a.** Ankle fractures—Open Reduction and Internal Fixation. (—)~~
- ~~**b.** Ankle and rearfoot arthrodesis. (—)~~
- ~~**c.** Nerve surgery of the leg. (—)~~
- ~~**d.** Major tendon repair or transfer surgery—proximal to ankle. (—)~~
- ~~**e.** Autogenous bone grafting. (—)~~
- ~~**f.** External fixation of the rearfoot, ankle and leg. (—)~~

~~**451-201. -- 499-399.(RESERVED)**~~

~~**500. STANDARDS OF THE ETHICAL PRACTICE OF PODIATRY.**~~

~~The standards for the ethical practice of podiatry is the American Podiatric Medical Association's Code of Ethics as referenced in Section 002 of these rules and are hereby adopted and apply to all practitioners of podiatry.(—)~~

~~**501.—549.(RESERVED)**~~

~~**550. DISCIPLINE.**~~

~~**01. Civil Fine.** The Board may impose a civil fine not to exceed one thousand dollars (\$1,000) upon a licensed podiatrist for each violation of Sections 54-608 and 54-609, Idaho Code.(—)~~

~~**02. Costs and Fees.** The Board may order a licensed podiatrist to pay the costs and fees incurred by the Board in the investigation or prosecution of the licensee for violation of Sections 54-608 and 54-609, Idaho Code. ()~~

~~**551.—699.(RESERVED)**~~

~~**700. CONTINUING EDUCATION.**~~

~~**01. Education Requirement for License Renewal.** Each podiatrist licensed by the state of Idaho must complete in each twelve-month period preceding the renewal of a license to practice podiatry in Idaho, a minimum of fifteen (15) full hours of podiatry continuing education. Continuing education includes lectures, conferences, seminars, moderator-guided panel discussions, clinical and practical workshops, internet-based learning and home study. Education must be germane to the practice of podiatry; and(—)~~

- ~~**a.** Approved by the Council on Podiatric Medical Education; or (—)~~

~~b. Otherwise approved by the Board. (—)~~

~~02. **Submission of License Renewal Application Form.** Each licensed Idaho podiatrist will be furnished a license renewal application form by the Division of Occupational and Professional Licenses on which each podiatrist will be required to certify by signed affidavit that compliance with the continuing education requirements has been met and must submit the renewal application together with the required fees to the Division. (—)~~

~~03. **Verification of Completion.** A licensee must maintain verification of completion by securing authorized signatures or other documentation from the course instructors or sponsoring institution substantiating any and all hours completed by the licensee. This verification must be maintained by the licensee and provided to the Board upon the request of the Board or its agent. The Board will conduct random audits to monitor compliance. Failure to provide proof of meeting the continuing education upon request of the Board will be grounds for disciplinary action. (—)~~

~~04. **Carryover of Continuing Education Hours.** Continuing education not claimed for credit in the current renewal year may be credited for the next renewal year. A maximum of fifteen (15) hours may be carried forward from the immediately preceding year. (—)~~

~~05. **Special Exemption.** The Board has authority to make exceptions for reasons of individual hardship, including health, when certified by a medical doctor, or for other good cause. The licensee must provide any information requested by the Board to assist in substantiating hardship cases. This exemption is granted at the sole discretion of the Board. (—)~~

~~701.—999.(RESERVED)~~

PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: Division of Occupational and Professional Licenses

Agency Contact: Michael Hyde **Phone:** (208) 577-2491

Date: 7/7/2022

IDAPA, Chapter and Title Number and Chapter Name:

24.11.01 – Rules of the State Board of Podiatry

Fee Rule Status: x **Proposed** **Temporary**

Rulemaking Docket Number: 24-1101-2301

STATEMENT OF ECONOMIC IMPACT: This rulemaking does not impose a new fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Idaho Legislature in the prior rules.

The following is a specific description of the fees or charges:

FEE TYPE	AMOUNT
Application	\$200
Original License	\$400
Annual Renewal	\$500

INCORPORATION BY REFERENCE SYNOPSIS

In compliance with Section 67-5223(4), Idaho Code, the following is a synopsis of the differences between the materials previously incorporated by reference in this rule that are currently of full force and effect and newly revised or amended versions of these same materials that are being proposed for incorporation by reference under this rulemaking.

The following agency of the state of Idaho has prepared this synopsis as part of the proposed rulemaking for the chapter cited here under the docket number specified:

IDAPA 24 – Division of Occupational and Professional Licenses

24.11.01 – Rules of the State Board of Podiatry

Proposed Rulemaking - Docket No. 24-1101-2301

The proposed rulemaking adopts and incorporates the current version of the *Code of Ethics* published by the American Podiatric Medical Association, Inc. (APMA) in 2022. The current rules incorporate an older version of the APMA's Code of Ethics published in 2013.