



Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <http://rules.wyo.gov>

Revised September 2016

<u>1. General Information</u>		
a. Agency/Board Name Podiatry, Board of Registration in		
b. Agency/Board Address 2001 Capitol Ave, Rm 104	c. City Cheyenne	d. Zip Code 82002
e. Name of Agency Liaison Greg Searls		f. Agency Liaison Telephone Number (307) 777-7788
g. Agency Liaison Email Address greg.searls@wyo.gov		
h. Date of Public Notice 10-17-2016	i. Comment Period End Date 12-6-2016	
j. Public Comment URL or Email Address: greg.searls@wyo.gov		
k. Program Podiatry, Board of Registration in		
<u>2. Legislative Enactment</u> For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.		
a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?		
<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes. Please provide the Enrolled Act Numbers and Years Enacted:		
<u>3. Rule Type and Information</u>		
a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter. <i>Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification.</i>		
Chapter Number: 0	Chapter Name: Appendix A	<input type="checkbox"/> New <input type="checkbox"/> Amended <input checked="" type="checkbox"/> Repealed
Chapter Number: 1	Chapter Name: General	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 2	Chapter Name: <small>Application Process & Licensure Requirements (Podiatrist License Requirements & Application Process & Procedure)</small>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 3	Chapter Name: Fees	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 4	Chapter Name: Standards of Practice	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 5	Chapter Name: <small>Handling of Complaints Against Licensees and Deficient Applications (Practice and Procedures for Disciplinary, Application and Licensure Matters)</small>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number: 6	Chapter Name: Contested Case Procedure for Disciplinary Action and Application Denials	<input type="checkbox"/> New <input type="checkbox"/> Amended <input checked="" type="checkbox"/> Repealed
Chapter Number: 7	Chapter Name: Information Practices	<input type="checkbox"/> New <input type="checkbox"/> Amended <input checked="" type="checkbox"/> Repealed
Chapter Number: 8	Chapter Name: Podiatric Assistants	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed

4. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. No. Yes. Please complete the boxes below.

Date:	Time:	City:	Location:
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b. What is the manner in which interested persons may present their views on the rulemaking action?

By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Agency Liaison listed in Section 1 above.

5. Federal Law Requirements

a. These rules are created/amended/revoked to comply with federal law or regulatory requirements. No. Yes. Please complete the boxes below.

Applicable Federal Law or Regulation Citation:
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Indicate one (1):

The proposed rules meet, but do not exceed, minimum federal requirements.

The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

6. State Statutory Requirements

a. Indicate one (1):

The proposed rule change *MEETS* minimum substantive statutory requirements.

The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. Indicate one (1):

The Agency has complied with the requirements of W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:

By contacting the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

Not Applicable.

STATEMENT OF REASONS FOR ADOPTION OF RULES

Pursuant to authority granted under the Board of Registration in Podiatry Practice Act, W.S. §§ 33-9-101 through W.S. 33-9-114, the Wyoming State Board of Registration in Podiatry proposes the following rule changes.

These rules are drafted to implement the Board's authority to protect the public by regulating the qualifications and establishing standards of performance of persons licensed as Podiatrists and Podiatric Assistants.

These proposed amendments primarily:

- clarify the licensing requirements and standards for Podiatrists and Podiatric Assistants
- reduce the rules per the Governor's memo to streamline rules
 - rules were reduced as follows:
 - from 28 pages to 14 pages equaling a 50% reduction
 - from 8 chapters and an appendix to 6 chapters
- make adjustments in keeping with national trends and requirements in regulation of licensees

Specifically the most substantial changes are as follows:

Appendix A - Wyoming Podiatry Act - Repealed

- not necessary to repeat Statute in rules

Chapter 1 - General - Amended

- The "Purpose" and "Severability" sections of the rules do not need to be within the rules - removed as a part of the Governor's memo to streamline rules
- Definitions cleaned up and added items mentioned in rules so can use their acronyms as defined
- Added one annual regular meeting as required by W.S. § 33-1-302
- Moved change of name and verification into this chapter

Chapter 2 - Application Process & Licensure Requirements (Podiatrist License Requirements & Application Process & Procedure)- Amended

- Clarified application processes for each type of application and review of applications

Chapter 3 - Fees - Amended

- Rearranged fees for clarity as well as moved Podiatric Assistant fees from Chapter 8 to this chapter

Chapter 4 – Standards of Practice - **Amended**

- Revised statement of purpose and removed duplication of same statement in section 1 and 2
- Evidence of violation removed as it will be stated in Chapter 5

Chapter 5 - Practice and Procedure for Disciplinary, Application, and Licensure Matters (Practice and Procedures for Disciplinary, Application and Licensure Matters)- **Amended**

- Added IBM actions, investigation of applications, and complaint information
- Referenced OAH rules and added in other items necessary for contested cases in Sections 5-11

Chapter 6 - Contested Case Procedure for Disciplinary Action and Application Denials - **REPEALED**

- Contested case information moved to Chapter 5 complaint procedures

Chapter 7 - Information Practices - **REPEALED**

- Information was not necessary for rules

Chapter 8 - Podiatric Assistants - **Amended**

- Moved definitions to Chapter 1 with other definitions as well as fees moved to Chapter 3

APPENDIX A

Repealed 2016

APPENDIX A

REPEALED

WYOMING STATE STATUTES

TITLE 33, CHAPTER 9

BOARD OF REGISTRATION IN PODIATRY PRACTICE ACT

33-9-101. Definitions.

———(a)——— As used in this act:

———(i)——— "Podiatry" means the diagnosis or the medical, mechanical or surgical treatment of the ailments of the human foot, ankle and tendons that insert into the foot. Surgical treatment of the ankle and tendons that insert into the foot shall be limited to licensed podiatrists who have completed a podiatric surgical residency training program as approved by the board through rule and regulation. Podiatry also includes the fitting or the recommending of appliances, devices or shoes for the correction or relief of minor foot ailments. The practice of podiatric medicine shall include the amputation of the toes or other parts of the foot but shall not include the amputation of the foot or leg in its entirety. A podiatrist may not administer any anesthetic other than local. A general anesthesia shall be administered in a hospital by an anesthesiologist or certified nurse anesthetist authorized under the laws of this state to administer anesthesia. Podiatrists are permitted to use and to prescribe drugs and controlled substances as may be necessary in the practice of podiatry.

33-9-102. Board of registration in podiatry.

———(a)——— There is created and established the state board of registration in podiatry which shall be composed of three (3) practicing podiatrists of integrity and ability, who shall be residents of the state of Wyoming and who shall have practiced podiatry continuously in the state for a period of two (2) years immediately prior to their appointment. The members of the board shall be appointed by the governor. Annually, the governor shall appoint one (1) member who shall be a licensed podiatrist possessing the qualifications above specified, who shall serve for a period of three (3) years or until his successor has been appointed. The governor may remove any board member as provided in W.S. 9-1-202.

———(b)——— Any vacancy which occurs on the board shall be filled by an appointment of the governor and the podiatrist so appointed shall hold office until the expiration of the term. Members of the board shall elect one (1) member as president and one (1) member as secretary-treasurer.

33-9-103. License required to practice.

~~It is unlawful for a person to profess to be a podiatrist, to practice or assume the duties incident to podiatry or to advertise in any form or hold himself out to the public as a podiatrist, or in a sign or advertisement to use the word "podiatrist", "foot correctionist", "foot expert", "foot specialist", "chiroprapist" or any other term or designation indicating to the public that he is holding himself out as a podiatrist or foot correctionist in any manner, without first obtaining from the board a license authorizing the practice of podiatry in this state under this act [§§ 33-9-101 through 33-9-113].~~

~~**33-9-104. Applications for licenses.**~~

~~Persons who wish to practice podiatry in this state shall make application on a form authorized and furnished by the board for a license to practice podiatry. This application shall be granted to an applicant after he has furnished satisfactory proof that he has satisfactorily completed two (2) years in a recognized college of liberal arts or of the sciences, and that he is a graduate of a regularly established school of podiatry recognized by the American Podiatric Medical Association or its successor and the board which requires as a prerequisite to graduation the completion of at least three thousand three hundred sixty (3,360) scholastic hours of classroom work. A school of podiatry shall not be accredited by the board if it does not require for graduation at least four (4) years of instruction in the study of podiatry. Every applicant for a license to practice podiatry shall have successfully completed a residency approved by the board through rules and regulations. This requirement applies only to applicants who graduate from podiatric college after July 1, 2005. After the application has been accepted by the board, together with the payment of the license fee, the applicant must pass a satisfactory examination as prepared under the rules and regulations of the board.~~

~~**33-9-105. Examinations.**~~

~~Examinations of applicants for a license to practice podiatry shall be in the English language and shall include both clinical and written tests as the board shall determine. The examinations shall embrace the subjects of histology, surgery, hygiene, dermatology, anatomy, physiology, chemistry, bacteriology, pathology, diagnosis and treatment, pharmacology, therapeutics, clinical podiatry and such other subjects as the board may prescribe, a knowledge of which is commonly and generally required by the practitioners of podiatry. This section shall not be construed to require of the applicant a medical or surgical education. The minimum requirements for a license to practice under W.S. 33-9-101 through 33-9-114 is a general passing grade average of seventy-five percent (75%) in all of the subjects involved and not less than sixty percent (60%) in any one (1) subject. At the time of making application to practice, an examination and license fee in amounts established by the board pursuant to W.S. 33-1-201 shall be paid to the board. An applicant failing in the examination and being refused a license is entitled, within six (6) months of the refusal, to a reexamination, but only two (2) such reexaminations shall be granted to any one (1) applicant. The board may make such rules and regulations governing the conduct of the examinations as shall be necessary, and willful violation of such rules and regulations shall subject the applicant to the cancellation of the examination and loss of the fee.~~

~~**33-9-106. Registration with county clerk.**~~

~~Every person to whom a certificate of registration and license has been issued under this act [§§ 33-9-101 through 33-9-113], within one (1) month from the date of receipt of the certification of registration and license, shall deliver the certificate to the county clerk of the county in which the person has his legal residence or usual place of business, and pay a recording fee of two dollars (\$2.00). The county clerk to whom such certificate is presented shall register the name and address of the person designated in the certificate together with the date and number inscribed thereon, and this record shall be open to public inspection.~~

~~**33-9-107. Licensing matters.**~~

~~A license issued under W.S. 33-9-101 through 33-9-114 shall be designated a "registered podiatrist's license" and may not contain any abbreviations thereof nor any other designation or title except that a statement of limitation shall be contained in the license referring to the licensee as a "registered podiatrist—practice limited to the foot and ankle", so as not to mislead the public with respect to their right to treat other portions of the body. A renewal license fee in an amount established by the board pursuant to W.S. 33-1-201 shall be due to the board annually on July 1 each year, and if not paid within three (3) months the license shall be revoked and may be reissued only upon an additional application and payment of a fee in an amount established by the board pursuant to W.S. 33-1-201. Application for renewal shall be accompanied by evidence satisfactory to the board of compliance with participation in continuing education activities as established by rules and regulations of the board. The board may waive the continuing education requirement for the first renewal of a license. Licenses shall be conspicuously displayed by podiatrists at their offices or other places of practice.~~

~~**33-9-108. Disposition of fees.**~~

~~All fees and money shall be received and collected as provided by law. The state treasurer shall place ten percent (10%) of the money in the general fund of the state and the remainder in a separate account which shall be subject at all times to warrant of the state auditor drawn upon vouchers issued and signed by the president and the secretary-treasurer of the board.~~

~~**33-9-109. Exemptions.**~~

~~—— (a) — This act [§§ 33-9-101 through 33-9-113] does not apply to the commissioned podiatrists of the United States armed services in the actual performance of their official duties, to physicians or surgeons, to osteopathic physicians and surgeons regularly licensed under the laws of Wyoming, nor to any visiting podiatrist called into consultation in this state from another state where he is duly qualified under the laws of that state to practice podiatry.~~

~~—— (b) — This act [§§ 33-9-101 through 33-9-113] shall not prohibit the fitting, recommending, advertising, adjusting or sale of corrective shoes, arch supports or similar mechanical appliances or foot remedies by retail dealers or manufacturers.~~

~~**33-9-110. Revocation of license.**~~

~~_____ (a) After notice and opportunity for hearing under the terms of the Wyoming Administrative Procedure Act [§§ 16-3-101 through 16-3-115], the board may revoke or refuse to renew a license granted under this act [§§ 33-9-101 through 33-9-113] to any person otherwise qualified who is guilty of any of the following violations:~~

~~_____ (i) Obtaining a license by fraudulent representation;~~

~~_____ (ii) Incompetency in practice;~~

~~_____ (iii) Use of untruthful or improbable statements to patients or in his advertisements;~~

~~_____ (iv) Alcoholism or habitual use of controlled substance;~~

~~_____ (v) Unprofessional conduct;~~

~~_____ (vi) Selling or giving away alcohol or controlled substances for illegal purposes, but the board may reissue a license after six (6) months if in its judgment the act, acts or conditions of disqualification have been remedied; or~~

~~_____ (vii) Failure to furnish evidence showing the satisfaction of the requirements of continuing education required by the board.~~

~~_____ (b) Upon receipt from the department of family services of a certified copy of an order from a court to withhold, suspend or otherwise restrict a license issued by the board, the board shall notify the party named in the court order of the withholding, suspension or restriction of the license in accordance with the terms of the court order. No appeal under the Wyoming Administrative Procedure Act shall be allowed for a license withheld, suspended or restricted under this subsection.~~

33-9-111. Reciprocal licenses.

~~The applicant may be registered and given a certificate or registration and license if he presents satisfactory proof of the endorsement from his state board of having practiced podiatry, and the possession of a certificate of podiatry qualification or license issued to the applicant at least one (1) year prior to filing of application for reciprocal privileges. The certificate upon which reciprocity is requested shall have been issued in the United States or within any foreign country where the requirements for the certificate of qualification or license of the applicant at the date of application are deemed by the board to be equivalent to those of this act [§§ 33-9-101 through 33-9-113], and the state or country from which the applicant has received a license has like reciprocal privileges with the state of Wyoming, and the applicant has passed that state or country's examination in clinical podiatry. The fee for registration of applicants for reciprocity and for the endorsement of reciprocity to another state shall be in amounts established by the board pursuant to W.S. 33-1-201.~~

33-9-112. Compensation of board.

~~Each member of the board shall receive reimbursement for per diem, mileage and expenses for attending meetings, in the same manner and amount as state employees. Any incidental expenses necessarily incurred by the board or any member, if approved by the board, shall be paid from the state treasury, but only from the fees received under the provisions of this act [§§ 33-9-101 through 33-9-113] that are paid into the state treasury by the board.~~

33-9-113. Penalties.

~~Any person violating any of the provisions of this act [§§ 33-9-101 through 33-9-113] is guilty of a misdemeanor and upon conviction, shall be punished by a fine of not more than one hundred dollars (\$100.00) or imprisonment for not more than six (6) months, or both, for each offense.~~

33-9-114. Education and training standards for unlicensed podiatric personnel exposing ionizing radiation; mandatory machine inspections; exemptions.

~~(a) Any person employed by or assisting a podiatrist licensed under this chapter shall in addition to any other requirements imposed by rule and regulation of the board of registration in podiatry, successfully complete minimum safety education and training requirements specified under this section prior to operating any machine source of ionizing radiation or administering radiation to any patient.~~

~~(b) Education and training required under subsection (a) of this section shall consist of not less than twenty (20) hours of educational instruction or supervised training in the following areas:~~

~~(i) Podiatric nomenclature;~~

~~(ii) Machine operation exposure factor;~~

~~(iii) Operator and patient safety;~~

~~(iv) Practical or clinical experience in the following:~~

~~(A) Foot and ankle techniques for exposing radiographs;~~

~~(B) Film handling and storage;~~

~~(C) Processing procedures; and~~

~~(D) Patient record documentation for radiographs.~~

~~(c) Education and training required under this section shall be obtained from board approved programs only. Written verification of required educational curricula and training protocol shall be in a form prescribed by rule and regulation of the board. Nothing in this subsection prohibits on the job training by a licensed podiatrist.~~

~~————(d)—— Any licensed podiatrist using an x-ray machine shall have that machine inspected by a qualified radiation expert periodically as determined by the board.~~

~~————(e)—— The board shall promulgate reasonable rules and regulations necessary to implement and administer this section.~~

~~————(f)—— Subsection (a) of this section shall not apply to any person licensed as a radiologic technologist or radiologic technician under W.S. 33-37-101 through 33-37-113.~~

CHAPTER 1

GENERAL

Section 1. Statement of Purpose. The Board of Registration in Podiatry rules and regulations are set forth for the purposes of interpreting and implementing W.S. § 33-9-101 through 33-9-114, provide for the administration of this Act, promulgate rules and regulations providing for the licensure of podiatrists, regulate the qualification and standards of education and performance required for licensure and licensure renewal, provide for enforcement and penalties, and the setting of fees.

Section 2. Terms Defined Herein. As used in these regulations, the following terms shall have the meanings set forth unless the context or subject matter clearly requires a different interpretation.

- (a) "Act" means W.S. § 33-9-101 through 33-9-114.
- (b) "APMA" means the American Podiatric Medical Association.
- (c) "ARC" means Application Review Committee
- (d) "ASPMA" means the American Society of Podiatric Medical Assistants
- (e) "Board" means the Board of Registration in Podiatry.
- (f) "CPME" shall mean Council on Podiatric Medical Education
- (g) "Podiatrist" means any licensed person who practices podiatric medicine.
- (h) "JCAHO" means the Joint Commission on Accreditation of Healthcare Organizations.
- (j) "WAPA" means the Wyoming Administrative Procedure Act, W.S. 16-3-101 through 115

Section 3. Board Office. The Board office is located at 2001 Capitol Ave., Room 104, Cheyenne, WY.

Section 4. Board Meetings.

- (a) The Board shall have a regular meeting annually on the second Wednesday of May at the Board's office.
- (b) The Board shall meet as necessary at the time and place designated by the Board

president.

Section 5. Change of Name, Address of phone number. Each applicant and licensee shall notify the Board in writing of any change to their legal name, home address, business address, e-mail address, or telephone number within thirty (30) days of the change.

Section 6. Verification of Licensure to Another Jurisdiction. Upon receipt of a written request for verification of licensure and the required administrative fee the Board shall provide the information to the jurisdiction specified by the licensee.

CHAPTER 1

GENERAL

~~Section 1. — Authority. These rules and regulations are promulgated by the Wyoming Board of Registration in Podiatry pursuant to their authority under the Podiatry Practice Act, W.S. § 33-9-101 through 33-9-114.~~

~~Section 2.~~**Section 1. Statement of Purpose.** The Board of Registration in Podiatry rules and regulations are set forth for the purposes of interpreting and implementing W.S. § 33-9-101 through 33-9-114, provide for the administration of this Act, promulgate rules and regulations providing for the licensure of podiatrists, regulate the qualification and standards of education and performance required for licensure and licensure renewal, provide for enforcement and penalties, and the setting of fees.

~~Section 3. — Severability. If any provision of these regulations or the application thereof to any person or circumstance is declared invalid, such invalidity shall not affect other provisions or application of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.~~

~~Section 4. — Terms Defined by Statute. Terms defined in W.S. § 33-9-101 through 33-9-114 shall have the same meaning when used in these regulations unless the context or subject matter clearly requires a different interpretation.~~

~~Section 5.~~**Section 2. Terms Defined Herein.** As used in these regulations, the following terms shall have the meanings set forth unless the context or subject matter clearly requires a different interpretation.

(a) "Act" shall mean § W.S. § 33-9-101 through 33-9-114.

(b) "APMA" shall mean § the American Podiatric Medical Association.

(c) “ARC” means Application Review Committee

(d) “ASPMA” means the American Society of Podiatric Medical Assistants

~~(e)~~(e) "Board" shall mean § the Board of Registration in Podiatry.

~~(d)~~(f) “CPME” means Council on Podiatric Medical Education

~~(d)~~ — "Podiatric Medicine" shall mean the practice of podiatry.

(e) (g) "Podiatrist" shall mean § any licensed person who practices podiatry podiatric medicine.

~~(f) —“CPME” shall mean Council on Podiatric Medical Education.~~

~~(g)~~(h) “JCAHO” shall means the Joint Commission on Accreditation of Healthcare Organizations.

(j) —“WAPA” means the Wyoming Administrative Procedure Act, W.S. 16-3-101 through 115.

Section 3. Board Office. The Board Office is located at 2001 Capitol Ave., Room 104, Cheyenne, WY.

~~Section 6.~~**Section 4. Board Meetings.**

~~(a) The Board shall meet once (1) annually at a date, place and time established by the Chair with special meetings held as requested by the Chair or by a majority of the members.~~

~~(b) The Board shall elect annually from its membership a president, vice president and secretary/treasurer~~meet as necessary at the time and place designated by the Board president.

~~(c) —Notice of Board meetings shall be given to any person who requests such notice as specified by the Wyoming Administrative Procedures Act. The notice shall specify the time and place of the meeting and the business to be transacted.~~

~~(d) —All meetings shall be open to the public; the Board may conduct executive sessions in accordance with W.S. § 16-4-404(a).~~

~~(e) —A majority of the Board members constitutes a quorum for the conduct of a Board meeting. The act of the majority of members present at a meeting, which includes a quorum, shall be the act of the Board of Registration in Podiatry.~~

~~(f) —A written record shall be kept of all meetings and such records shall be retained as the permanent record of the transactions of the Board.~~

Section 5. Change of Name, Address or phone number. Each applicant and licensee shall notify the Board in writing of any change to their legal name, home address, business address, e-mail address or telephone number within thirty (30) days of the change.

Section 6. Verification of Licensure to Another Jurisdiction. Upon receipt of a written request for verification of licensure and the required administrative fee, the Board shall provide the information to the jurisdiction specified by the licensee.

CHAPTER 2

PODIATRIST LICENSE REQUIREMENTS & APPLICATION PROCESS & PROCEDURE

Section 1. Education Requirement. Every applicant for licensure shall:

- (a) Be a graduate of a school of podiatry accredited by the CPME or its successor;
- (b) Have successfully completed a residency program approved by the CPME or its successor; and
- (c) Podiatrists performing surgical treatment of the ankle and tendons that insert into the foot shall have completed a podiatric surgical residency training program approved by the CPME or its successor.

Section 2. Examination Requirement. Every applicant for licensure shall:

- (a) Successfully pass parts one (1), two (2), and three (3) of the examination administered by the National Board of Podiatric Medical Examiners or its successor; and
- (b) Successfully pass the Jurisprudence Examination.

Section 3. License by Reciprocity. Every applicant shall submit a completed application and verification from all jurisdictions where the applicant holds or has held a license in any discipline. At the time of application in Wyoming, a license issued by another jurisdiction shall be in good standing for at least one year.

Section 4. Application. It is the sole responsibility of the applicant to ensure that the Board receives all documentation necessary to prove to the Board's satisfaction that the applicant meets all the requirements for licensure. Applications expire one year from receipt. A completed application shall include:

- (a) A complete and legible application and fee;
- (b) An official transcript which reflects the award of a Doctor of Podiatric Medicine degree mailed directly from the school to the Board;
- (c) A letter verifying successful completion of the applicant's residency program mailed directly from the program to the Board;
- (d) Passing score verification for parts one (1), two (2), and three (3) of the examination from the National Board of Podiatric Medical Examiners or its successor

mailed directly to the Board;

(e) Two (2) letters of professional recommendation mailed directly to the Board from reputable practitioners of podiatry attesting to the applicant's competence in the practice of podiatry,

Section 5. Application Review Committee's review of Application

(a) An applicant for licensure shall have committed no acts which are grounds for disciplinary action, or if the act was committed, the ARC has found after investigation that sufficient restitution has been made and the applicant no longer presents a threat to the public safety; and

(b) Has no felony convictions, and no misdemeanor convictions involving moral turpitude, although exceptions to this requirement may be granted by the Board if consistent with the public interest.

Section 6. License Renewal. All licenses issued by the Board shall be renewed on or before July 1 of each year.

(a) The Board shall mail a renewal notice to active licensees at their address of record no later than thirty (30) days before the license expiration date.

(b) Failure to receive notice for renewal of license from the Board does not excuse a licensee from the requirement for renewal under the Act and this rule.

(c) License renewal fees must be postmarked no later than the expiration date.

(d) Each licensee shall, on or before July 1 of each even numbered year, complete forty (40) hours of continuing education, complying with Section 7, as a prerequisite for the licensee's next license renewal.

(e) A licensee using an x-ray machine other than those at a JCAHO, State or Federal accredited hospital or a JCAHO or State accredited surgical center shall have that machine inspected by a qualified radiation expert no less frequently than 5 year intervals beginning July 1, 2005.

Section 7. Continuing Education

(a) All licensees shall complete 40 (forty) hours of continuing education every two years. All continuing education hours shall be earned within two years prior to the license expiration date. There shall be no carryover of hours from one renewal period to another.

(b) The content of continuing education activities shall help individual podiatric physicians to carry out his or her professional responsibilities more effectively and efficiently.

(c) Examples of appropriate content include, but are not limited to the following:

(i) clinical medicine and surgery topics,

(ii) risk management associated with patient care (e.g., understanding of and proper documentation of complications, effective communication with patients, and informed consent),

(iii) medical and professional ethics,

(iv) public health,

(v) epidemiology and related issues.

(d) Approved courses to meet the continuing education requirement shall include:

(i) Programs approved by the American Podiatric Medical Association and their affiliated organizations,

(ii) Programs approved for Category 1 credit of the American Medical Association, and their affiliated organizations,

(iii) Programs by sponsors approved by the Council on Podiatric Medical Education to conduct continuing education,

(iv) Self-directed learning where there is an examination involved in the learning, so long as the self-directed learning complies with the requirements of Section 7 (b) below. This may include tapes, journals, articles, books, or websites.

(v) The Wyoming Board of Registration in Podiatry may approve additional educational programs.

Section 8. Re-licensure. Any license not renewed within three (3) months of the expiration date shall be considered inactive by the Board. Every applicant for re-issuance of an inactive license must appear in person before the Board. Re-issuance shall be determined on a case by case basis.

CHAPTER 2

PODIATRIST APPLICATION PROCESS & LICENSURE REQUIREMENTS & APPLICATION PROCESS & PROCEDURE

Section 1. Education Requirement. Every applicant for licensure ~~must~~shall:

(a) Be a graduate of a regularly established school of podiatry accredited by the ~~Council on Podiatric Medical Education (CPME)~~ or its successor.

(b) Have successfully completed a residency program approved by the ~~Council on Podiatric Medical Education (CPME)~~ or its successor;and

(c) Podiatrists performing surgical treatment of the ankle and tendons that insert into the foot shall have completed a podiatric surgical residency training program approved by the ~~Council on Podiatric Medical Education (CPME)~~ or its successor.

Section 2. Examination Requirement. ~~The Board requires the following~~Every applicant for licensure shall:

(a) Successfully pass ~~P~~parts one (1), two (2), and three (3) of the ~~E~~examination administered by the National Board of Podiatric Medical Examiners or its successor.

(b) ~~P~~pass the ~~State of Wyoming Board of Registration in Podiatry~~ Jurisprudence Examination.

~~(i) The Board shall administer the State exam once (1) per year.~~

~~(ii) Special arrangements may be made with the Board if there is substantial need for the applicant to be examined and/or licensed prior to the next scheduled administration of the exam. The applicant shall bear the cost for administration of a special exam.~~

~~(c) The Board may waive the examination requirement for an applicant who is licensed in another jurisdiction whose standards for licensure or registration are equivalent to the Act, and who extends reciprocity to Wyoming licensed Podiatrists.~~

~~(i) The license held must be current and have been issued at least one (1) year prior to filing an application in Wyoming.~~

~~(ii) At the time of application in Wyoming, a license issued by another jurisdiction must not be suspended or revoked.~~

Section 3. License by Reciprocity. Every applicant shall submit a completed application and verification from all jurisdictions where the applicant holds or has held a license in any discipline. At the time of application in Wyoming, a license issue by

another jurisdiction shall be in good standing for a least one year.

Section 34. Requirements for Licensure Application. It is the sole responsibility of the applicant to ensure that the Board receives all documentation necessary to prove to the Board's satisfaction that the applicant meets all the requirements for licensure. Applications expire one year from receipt. A completed application shall include ~~All applicants for licensure must have submitted to the Board the following documents thirty (30) days prior to the next scheduled examination:~~

(a) A complete and legible application and fee ~~with a recent, un-mounted, full-face photograph;~~

~~(b) The required fee in the form of a money order or cashier's check;~~

~~(e)b) An official transcript which reflects the award of a Doctor of Podiatric Medicine degree mailed directly from the school to the Board;~~

(c) A letter verifying successful completion of the applicant's residency program mailed directly from the program to the Board;

(d) Passing score verification for parts one (1), two (2), and three (3) of the examination from the National Board of Podiatric Medical Examiners or its successor mailed directly to the Board;

(e) Two (2) letters of professional recommendation mailed directly to the Board from reputable practitioners of podiatry attesting to the applicant's competence in the practice of podiatry,

~~(f) The names, addresses, and phone numbers of four individuals the Board can contact for personal or professional references and relationship to the individual.~~

~~(g) Requests for special accommodations.~~

~~(h) Applications expire one (1) year from receipt.~~

Section 5. Application Review Committee's review of Applications

(a) An applicant for licensure shall have committed no acts which are grounds for disciplinary action, or if the act was committed, the ARC had found after investigation that sufficient restitution has been made and the applicant no longer presents a threat to public safety; and

(b) Has no felony convictions and no misdemeanor convictions involving moral turpitude, although exceptions to this requirement may be granted by the Board if consistent with the public interest.

~~Section 4. Notification of Applicants and Right of Appeal. If the Board~~

~~approves the application, the applicant will be provided written notification along with information and instruction for sitting for the state examination. If the application is denied the reasons for the denial shall be communicated to the applicant in writing. The applicant shall have the right to submit new information and/or the right to appear before the Board to demonstrate that the licensure requirements have been met.~~

~~**Section 5. — Issuance of License.** The Board shall issue to the successful applicant a license bearing the full name of the license holder, date of issuance, license number and appropriate seal.~~

~~(a) — The license holder shall notify the Board if a license is lost, stolen or destroyed.~~

~~(b) — Duplicate wall certificates may be issued by the Board. All requests for duplicate certificates must be in writing and must be accompanied by the appropriate fee.~~

Section 6. License Renewal. All licenses issued by the Board shall be renewed~~are renewable~~ on or before July 1 of each year.

(a) The Board shall mail a renewal notice to active licensees at their address of record no later than thirty (30) days before the license expiration date.

(c) Failure to receive notice for renewal of license from the Board does not excuse a licensee from the requirements for renewal under the Act and this rule.

~~(b)~~(c) License renewal fees must be postmarked no later than the expiration date.

~~(e)~~(d) Each licensee~~licensed podiatrist~~ shall, on or before July 1 of each even numbered year, complete forty (40) hours of continuing education, complying with Section 7, as a prerequisite for the licensee's next license renewal.

~~(d)~~(e) A licensee~~Podiatrist~~ using an x-ray machine other than those at a JCAHO, State or Federal accredited hospital or a JCAHO or State accredited surgical center shall have that machine inspected by a qualified radiation expert no less frequently than 5 year intervals beginning July 1, 2005.

~~(e) — Failure to receive notice for renewal of license from the Board does not excuse a licensee from the requirement for renewal under the Act and this rule.~~

Section 7. Continuing Education

(a) All licensees shall complete 40 (forty) hours of continuing education every two years. All continuing education hours shall be earned within a renewal period two years prior to the license expiration date. There shall be no carryover of hours from one renewal period to another.

(b) The content of continuing education activities ~~should~~shall help individual podiatric physicians to carry out his or her professional responsibilities more effectively and efficiently.

(c) Examples of appropriate content include, but are not limited to the following:

(i) clinical medicine and surgery topics,

(ii) risk management associated with patient care (e.g., understanding of and proper documentation of complications, effective communication with patients, and informed consent),

(iii) medical and professional ethics,

(iv) public health,

(v) epidemiology and related issues.

(d) Approved courses to meet the continuing education requirement shall include:

(i) Programs approved by the American Podiatric Medical Association and their affiliated organizations,

(ii) Programs approved for Category 1 credit of the American Medical Association, and their affiliated organizations,

(iii) Programs by sponsors approved by the Council on Podiatric Medical Education to conduct continuing education,

(iv) Self-directed learning where there is an examination involved in the learning, so long as the self-directed learning complies with the requirements of Section ~~8~~7 (b) above. This may include tapes, journals, articles, books, or websites.

(v) The Wyoming Board of Registration in Podiatry may approve additional educational programs.

Section 8. Re-issuancelicensure. Any license not renewed within three (3) months of the expiration date shall be considered inactive by the Board. Every applicant for re-issuancelicensure of an inactive license must appear in person before the Board. Re-issuance shall be determined on a case by case basis.

CHAPTER 3

FEES

Section 1. Statement of Purpose. These rules and regulations are adopted to implement the Board's authority to determine and collect reasonable fees in an amount to cover the cost of administering the Act.

Section 2. General Information.

(a) Fees shall be payable in the exact amount, by money order or cashier's check for all services and shall be paid in advance of the services rendered. Fees for renewal of licensure may, in addition to money order or cashier's check, be paid by personal check.

(b) All fees collected by the Board are non-refundable.

Section 3. Fees. Services for which the Board charges a fee shall include but not be limited to the following fee schedule:

(a)	Application Fees	
	(i) Podiatrist License	\$800.00
	(ii) Podiatric Assistant Certificate	\$50.00
(b)	License Renewal Fee	\$400.00
(c)	Late Renewal Fee	\$100.00
(d)	Duplicate Wall Certificate	\$25.00
(e)	Roster Fee	\$200.00
(f)	Verification of License	\$25.00
(g)	Transfer of Podiatric Assistant Certificate	\$20.00
(h)	Copy fee	\$0.25 per page

CHAPTER 3

FEES

Section 1. Statement of Purpose. These rules and regulations are adopted to implement the Board's authority to determine and collect reasonable fees in an amount to cover the cost of administering the Act.

Section 2. General Information.

~~(a) — The current fee schedule shall appear in the official records of the Board's activities and shall be kept on file in the Board office.~~

~~(b) — At the time of application, a copy of the current fee schedule shall be provided to applicants.~~

~~(a)~~ Fees shall be payable in the exact amount, by money order or cashier's check for all services and shall be paid in advance of the services rendered. Fees for renewal of licensure may, in addition to money order or cashier's check, be paid by personal check.

~~(b)~~ All fees collected by the Board are non-refundable.

Section 3. Fees. Services for which the Board charges a fee shall include but not be limited to the following fee schedule:

(a)	Application Fees for licensure and Examination	\$800.00
	(i) Podiatrist License	\$800.00
	(ii) Podiatric Assistant Certificate	\$50.00
(b)	Verification of License	\$25.00
(b)	License Renewal Fee	\$400.00
(c)	Late Renewal Fee	\$100.00
(d)	Duplicate <u>Wall</u> Certificate	\$25.00
(e)	Re-examination Fee	\$600.00
(e)	Roster Fee	\$200.00
(f)	Verification Fee	\$25.00
(g)	Late Renewal Fee	\$100.00

(g) Transfer of Podiatric Assistant Certificate.....\$20.00

(h) Copy fee\$0.25 per page

~~(h) Special Examination Fee \$1,800.00~~

CHAPTER 4

STANDARDS OF PRACTICE

Section 1. Statement of Purpose. These rules and regulations are adopted to implement the Board's Authority to regulate the professional conduct of licensed podiatrists and provide for enforcement and penalties.

Section 2. Code of Ethics.

(a) The failure of a licensee to abide by the ethical standards adopted by the Board shall constitute unprofessional conduct and grounds for disciplinary action.

(b) Licensees shall:

(i) Practice in a manner that is in the best interest of the public and does not endanger the public health, safety or welfare;

(ii) Not perform any procedure in the course of a patient's care beyond the podiatrist's training and competence;

(iii) Be able to justify all services rendered to patients as necessary for diagnostic or therapeutic purposes;

(iv) Report to the Board known or suspected violations of the laws and regulations governing the practice of podiatrists in Wyoming;

(v) Provide patients with accurate and complete information regarding the extent and nature of services available to them;

(vi) Respect the privacy of patients and hold in confidence all information obtained in the course of professional service;

(vii) Disclose patient records to others only with the expressed written consent of the patient or as required by law;

(viii) Refrain from engaging in sexual intimacies with a patient during the course of patient care;

(ix) When advertising their services to the public, ensure that such advertising is neither fraudulent nor misleading;

(x) Not practice, facilitate or condone discrimination on the basis of race, sex, sexual orientation, age, religion, nation of origin, marital status, political belief, mental or physical handicap or other preferences or characteristics;

(xi) Respond to all requests for information and all other correspondence from the Board;

(xii) Not aid or abet in the practice of podiatry any person not licensed to practice podiatry or any person whose license to practice podiatry is suspended;

(xiii) Not administer, dispense, or prescribe any controlled substance other than in the course of legitimate professional practice;

(xiv) Not commit any crime involving moral turpitude; and

(xv) Not violate any Statute or Rule of this or any other State in which a license to practice podiatry is held.

CHAPTER 4

STANDARDS OF PRACTICE

Section 1. Statement of Purpose. ~~The protection of the public health, safety and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of all persons whose activities are regulated by the Board.~~

Section 2. Code of Ethics.

~~(a) — These rules and regulations are adopted to implement the Board's authority to regulate the professional conduct of licensed podiatrists and provide for enforcement and penalties.~~ These rules and regulations are adopted to implement the Board's Authority to regulate the professional conduct of licensed podiatrist and provide for enforcement and penalties.

~~(b)~~ (a) The failure of a ~~person~~licensee to abide by the ethical standards adopted by the Board shall constitute unprofessional conduct and grounds for disciplinary action.

~~(c)~~ (b) ~~Persons licensed by the Board~~Licenses shall:

(i) Practice in a manner that is in the best interest of the public and does not endanger the public health, safety or welfare~~;~~

(ii) Not perform any procedure in the course of a patient's care beyond the podiatrist's training and competence~~;~~

(iii) Be able to justify all services rendered to patients as necessary for diagnostic or therapeutic purposes~~;~~

(iv) Report to the Board known or suspected violations of the laws and regulations governing the practice of podiatrists in Wyoming~~;~~

(v) Provide patients with accurate and complete information regarding the extent and nature of services available to them~~;~~

(vi) Respect the privacy of patients and hold in confidence all information obtained in the course of professional service~~;~~

(vii) Disclose patient records to others only with the expressed written consent of the patient or as required by law~~;~~

(viii) Refrain from engaging in sexual intimacies with a patient during the course of patient care~~;~~

(ix) When advertising their services to the public, ensure that such advertising

is neither fraudulent nor misleading-;

(x) Not practice, facilitate or condone discrimination on the basis of race, sex, sexual orientation, age, religion, nation of origin, marital status, political belief, mental or physical handicap or other preferences or characteristics-;

(xi) Respond to all requests for information and all other correspondence from the Board-;

(xii) Not aid or abet in the practice of podiatry any person not licensed to practice podiatry or any person whose license to practice podiatry is suspended-;

(xiii) Not administer, dispense, or prescribe any controlled substance other than in the course of legitimate professional practice-;

~~(d)~~(xiv) Not commit any crime involving moral turpitude-;and

~~(e)~~(xv) Not violate any Statute or Rule of this or any other State in which a license to practice podiatry is held.

Section 3. Evidence of Violation

~~(a) — A certified copy of a Final Order or other similar document in any disciplinary action or criminal action shall be conclusive evidence of any violation shown thereon.~~

CHAPTER 5

PRACTICE AND PROCEDURES FOR DISCIPLINARY, APPLICATION AND LICENSURE MATTERS

Section 1. Complaints.

(a) Any complaint made against a licensee shall be made in writing on a complaint form provided by the Board, signed by the complainant, and shall include the following information:

(i) Name, address, place of employment and position of the individual believed to have violated the Board's Practice Act or its rules and regulations;

(ii) The nature of the complaint and a description of the incident(s) involved, including date(s), time(s), and location(s) and any other relevant information which substantiates an infraction of the Board's Practice Act or its rules and regulations;

(iii) The available names, addresses and phone numbers of other witnesses;

(iv) The available written and verbal statements of other witnesses; and

(v) The signature, address and phone number of the person making the complaint.

(b) The receipt of a complaint and the initiation of an investigation shall be acknowledged in writing to both the complainant and licensee by the Board. The complainant and the licensee will be informed of the ultimate disposition of the complaint.

Section 2. Investigations of Complaints.

(a) Complaints shall be assigned and investigated by an IBM.

(b) IBM Action. The IBM may:

(i) Recommend dismissal of a complaint;

(ii) Recommend issuance of an advisory letter;

(iii) Recommend a settlement agreement which may include voluntary surrender, revocation, suspension, imposition of restrictions or conditions, reprimand or other discipline; or

(iv) Recommend Summary Suspension

(c) Summary Suspension. Upon recommendation of Summary Suspension by the

IBM, the Board may conduct an expedited hearing if the IBM believes that the licensee's continued practice presents a danger to the public health, safety or welfare.

Section 3. Investigations of Applications.

(a) Application review.

(i) Every application for a license issued by the Board shall be subject to investigation to determine whether the requirements set forth in the Act and Board Rules are satisfied;

(ii) If any application, including renewals, reveals any information which merits further investigation, the matter shall be assigned to the ARC.

(b) ARC Action. The ARC may:

(i) Recommend a license be issued or renewed;

(ii) Recommend a settlement agreement which may include the issuance of a license or renewal with the imposition of restrictions, conditions, reprimand or a combination thereof; or

(iii) Recommend denial of the application.

(c) Notice of Intent to Recommend Denial. The ARC shall notify the applicant of its intent to recommend denial. Such notification shall contain:

(i) A brief description of the facts or conduct which warrant the denial of licensure;

(ii) A statement of the nature of the actions which warrant the denial or other authorized action, the facts upon which the denial or other action is based, the specific statutory provisions or the specific Board Rules involved; and

(iii) Notice of the right to a hearing if a written request is received in the Board office within thirty (30) days of the date of mailing the letter of the denial.

(d) Applicant's Request for Hearing. If the ARC recommends denial of an application, the applicant may request a contested case hearing in writing within thirty (30) days of the mailing of the notification.

Section 4. Petition and Notice of Hearing.

(a) Petition. Formal proceedings for disciplinary action against a Podiatrist shall be commenced by serving a notice of hearing and petition and complaint by certified or regular mail at least twenty (20) days prior to the date set for hearing.

(b) Notice of Hearing. The Notice of Hearing shall contain:

- (i) The name and last address of the Podiatrist;
- (ii) A statement in ordinary and concise language of the matters asserted, which shall contain the nature of the complaint filed with the Board, the facts upon which the complaint is based, the specific statutory provisions and the specific Board Rules that the Podiatrist is alleged to have violated;
- (iii) The time, place and nature of the hearing;
- (iv) The legal authority and jurisdiction; and
- (v) A statement indicating that failure to respond to the petition within twenty (20) days of its receipt may result in a default judgment.

Section 5. Lawful Service. There shall be a presumption of lawful service of a Petition, Notice of Hearing, or any other communication required by these Board Rules if sent to the last known address of the Podiatrist or applicant by certified or regular mail.

Section 6. Default. The Board may enter an order of default judgment based on the allegations contained in the Petition and complaint in any case where the licensee or the licensee's representative has not responded and not appeared at a scheduled noticed hearing.

Section 7. Answer or Appearance. The licensee or certificate holder shall file an Answer to the Notice and Complaint within twenty (20) calendar days of receipt of the Notice and Complaint or within twenty five (25) days from the date that the Notice and Complaint was mailed to the licensee, whichever is longer. The Answer shall contain specific responses and defenses to the allegations in the Notice and Complaint.

Section 8. Default in Licensee or Certificate Answering or Appearing. In the event of the failure of a licensee or certificate holder to file an answer within the time allowed or otherwise appear at any scheduled hearing, a default may be entered and the allegations as set forth in the Petition shall be taken as true and an Order of the Board entered accordingly.

Section 9. Contested Case Process. The Board hereby incorporates by reference the following uniform rules outlining the entire contested case process and practice that will be followed:

(a) Chapter 2 - Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on October 17, 2014, found at: <http://soswy.state.wy.us/Rules/RULES/9644.pdf>.

(b) For these rules incorporated by reference:

(i) The Board has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (a) of this section; and

(iii) The incorporated rules are maintained at the Board's office and are available for public inspection and copying at cost at the same location.

Section 10. Board Decision and Order.

(a) Board Action. The Board may resolve a complaint by:

(i) Approving the recommendations of the IBM or ARC; or

(ii) Conduct a contested case hearing. Following the hearing and deliberation of all evidence admitted at a contested case hearing, the Board may:

(A) Dismiss the complaint due to lack of clear and convincing evidence;

(B) Issue an advisory letter; or

(C) Impose discipline by revocation, suspension, reprimand, restriction, condition, non-renewal, or a combination thereof, for a violation of any provision of the Act or the Board Rules.

(b) Board Order. The Board shall make and enter a written decision and order. The decision and order shall be sent to the applicant, licensee, or their attorneys by certified or regular mail.

Section 11. Appeals to District Court. Appeals from Board decisions shall be taken to the district court having jurisdiction and proper venue in accordance with applicable statutes and the Wyoming Rules of Appellate Procedure.

CHAPTER 5

~~HANDLING OF COMPLAINTS AGAINST LICENSEES AND DEFICIENT APPLICATIONS~~ **PRACTICE AND PROCEDURES FOR DISCIPLINARY, APPLICATION, AND LICENSURE MATTERS**

Section 1. Complaints.

(a) Any complaint made against a licensee shall be made in writing on a complaint form provided by the Board, signed by the complainant, and shall include the following information:

(i) Name, address, place of employment and position of the individual believed to have violated the Board's Practice Act or its rules and regulations;

(ii) The nature of the complaint and a description of the incident(s) involved, including date(s), time(s), and location(s) and any other relevant information which substantiates an infraction of the Board's Practice Act or its rules and regulations;

(iii) The available names, addresses and phone numbers of other witnesses;

(iv) The available written and verbal statements of other witnesses; **and**

(v) The signature, address and phone number of the person making the complaint.

~~(b) Any member of the public or the profession, or any federal, state, or local official, may file a complaint with the Board.~~

~~(e)~~ (b) The receipt of a complaint and the initiation of an investigation shall be acknowledged in writing to both the complainant and licensee by the Board. The complainant and the licensee will be informed of the ultimate disposition of the complaint.

Section 2. Investigations of Complaints.

(a) ~~The Board President shall assign a e~~ **Complaints shall be assigned and investigated by** to an ~~investigative Board member who shall investigate the allegations in the complaint and determine if the allegations are substantiated~~ **IBM.**

(b) ~~Upon completion of the investigation, the investigative Board member~~ **IBM Action. The IBM** may:

(i) ~~File a formal Petition and Complaint and Notice of Hearing, in conjunction with the prosecuting attorney assigned to the Board by the Attorney General's Office~~ **Recommend dismissal of a complaint.**

(ii) Recommend ~~the Board dismiss the complaint;~~ or issuance of an advisory letter;

(iii) Recommend ~~the Board approve a settlement agreement between the licensee and the investigative Board member;~~ which may include voluntary surrender, revocation, suspension, imposition of restrictions or conditions, reprimand or other discipline; or

(iv) Recommend Summary Suspension

(c) Summary Suspension. Upon recommendation of Summary Suspension by the IBM, the Board may conduct an expedited hearing if the IBM believes that the licensee's continued practice presents a danger to the public health, safety or welfare.

Section 3. Disposition of Complaints.

(a) ~~The Board may resolve a complaint by any of the following actions:~~

~~(i) Written decision following a contested case proceeding;~~

~~(ii) Dismissing the complaint;~~

~~(iii) Approving any settlement agreement reached between the licensee and the investigative Board member.~~

Section 43. Investigations of Applicants Applications.

(a) ~~The Board President shall assign any application which appears deficient or problematic to an application review Board member who shall investigate the problems or deficiencies with the application and determine if the problems or deficiencies are substantiated and if so, whether they should preclude licensure~~ Application review.

(i) Every application for a license issued by the Board shall be subject to investigation to determine whether the requirements set forth in the Act and Board Rules are satisfied;

(ii) If any application, including renewals, reveals any information which merits further investigation, the matter shall be assigned to the ARC.

(b) ~~Upon completion of the investigation, the application review Board member may~~ ARC Action. The ARC may:

(i) Recommend ~~the Board deny the application~~ a license be issued or renewed;

(ii) Recommend ~~the Board issue a license~~ a settlement agreement which may include the issuance of a license or renewal with the imposition of restrictions, conditions, reprimand or a combination thereof; or

~~(iii) Recommend the Board approve a settlement agreement between the applicant and the application review Board member~~denial of the application.

(c) Notice of Intent to Recommend Denial. The ARC shall notify the applicant of its intent to recommend denial. Such notification shall contain:

(i) A brief description of the facts or conduct which warrant the denial of licensure;

(ii) A statement of the nature of the actions which warrant the denial or other authorized action, the facts upon which the denial or other action is based, the specific statutory provisions or the specific Board Rules involved; and

(iii) Notice of the right to a hearing if a written request is received in the Board office within thirty (30) days of the date of mailing the letter of the denial.

(d) Applicant's Request for Hearing. If the ARC recommends denial of an application, the applicant may request a contested case hearing in writing within thirty (30) days of the mailing of the notification.

~~(A) If the Board denies the application, notice of the denial shall be sent by letter to the applicant's last known address, certified mail, return receipt requested. The applicant shall have thirty (30) days to request, in writing, a formal contested case hearing before the Board on the denial of his/her application. If no such request is made, the denial will be final.~~

Section 5. Disposition of Deficient or Problematic Applications.

~~(a) The Board may resolve a deficient or problematic application by any of the following actions:~~

~~(i) Denying the application and providing the applicant notice that he/she has thirty (30) days in which to submit a written request for a contested case hearing on the denial;~~

~~(ii) Written decision following a contested case proceeding;~~

~~(iii) Issuing the license;~~

~~(iv) Approving a settlement agreement between the applicant and the application review committee.~~

Section 4. Petition and Notice of Hearing.

(a) Petition. Formal proceedings for disciplinary action against a Podiatrist shall be commenced by serving a notice of hearing and petition and complaint by certified or regular mail at least twenty (20) days prior to the date set for hearing.

(b) Notice of Hearing. The Notice of Hearing shall contain:

(i) The name and last address of the Podiatrist;

(ii) A statement in ordinary and concise language of the matters asserted, which shall contain the nature of the complaint filed with the Board, the facts upon which the complaint is based, the specific statutory provisions and the specific Board Rules that the Podiatrist is alleged to have violated;

(iii) The time, place and nature of the hearing;

(iv) The legal authority and jurisdiction; and

(v) A statement indicating that failure to respond to the petition within twenty (20) days of its receipt may result in a default judgment.

Section 5. Lawful Service. There shall be a presumption of lawful service of a Petition, Notice of Hearing, or any other communication required by these Board Rules if sent to the last known address of the Podiatrist or applicant by certified or regular mail.

Section 6. Default. The Board may enter an order of default judgment based on the allegations contained in the Petition and complaint in any case where the licensee or the licensee's representative has not responded and not appeared at a scheduled noticed hearing.

Section 7. Answer or Appearance. The licensee or certificate holder shall file an Answer to the Notice and Complaint within twenty (20) calendar days of receipt of the Notice and Complaint or within twenty five (25) days from the date that the Notice and Complaint was mailed to the licensee, whichever is longer. The Answer shall contain specific responses and defenses to the allegations in the Notice and Complaint.

Section 8. Default in Licensee or Certificate Answering or Appearing. In the event of the failure of a licensee or certificate holder to file an answer within the time allowed or otherwise appear at any scheduled hearing, a default may be entered and the allegations as set forth in the Petition shall be taken as true and an Order of the Board entered accordingly.

Section 9. Contested Case Process. The Board hereby incorporates by reference the following uniform rules outlining the entire contested case process and practice that will be followed:

(a) Chapter 2 - Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on October 17, 2014, found at: <http://soswy.state.wy.us/Rules/RULES/9644.pdf>.

(b) For these rules incorporated by reference:

(i) The Board has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (a) of this section; and

(iii) The incorporated rules are maintained at the Board's office and are available for public inspection and copying at cost at the same location.

Section 10. Board Decision and Order.

(a) Board Action. The Board may resolve a complaint by:

(i) Approving the recommendations of the IBM or ARC; or

(ii) Conduct a contested case hearing. Following the hearing and deliberation of all evidence admitted at a contested case hearing, the Board may:

(A) Dismiss the complaint due to lack of clear and convincing evidence;

(B) Issue an advisory letter; or

(C) Impose discipline by revocation, suspension, reprimand, restriction, condition, non-renewal, or a combination thereof, for a violation of any provision of the Act or the Board Rules.

(b) Board Order. The Board shall make and enter a written decision and order. The decision and order shall be sent to the applicant, licensee, or their attorneys by certified or regular mail.

Section 11. Appeals to District Court. Appeals from Board decisions shall be taken to the district court having jurisdiction and proper venue in accordance with applicable statutes and the Wyoming Rules of Appellate Procedure.

CHAPTER 6

**CONTESTED CASE PROCEDURE FOR DISCIPLINARY ACTION AND
APPLICATION DENIALS**

REPEALED 2016

CHAPTER 6

CONTESTED CASE PROCEDURE FOR DISCIPLINARY ACTION AND APPLICATION DENIALS

REPEALED 2016

~~Section 1. Letter of Intent and Opportunity to Show Compliance~~

~~(a) — Prior to filing a Petition and Complaint seeking disciplinary action against a licensee, the investigative Board member, in conjunction with the prosecuting attorney assigned to the Board by the Attorney General's Office, shall mail the licensee a Letter of Intent setting forth the facts or conduct which warrant the intended disciplinary action.~~

~~(b) — The Letter of Intent shall provide the licensee an opportunity to demonstrate compliance with all lawful requirements for retention of his/her license. The licensee shall have fifteen (15) days from the date of mailing the Letter of Intent to provide a written response.~~

~~(c) — The Letter of Intent shall be mailed to the licensee's last known address.~~

~~Section 2. Service of Notice and Formal Complaint~~

~~(a) — Notice of Hearing and the Petition and Complaint shall be served by mail or personal service at least twenty (20) days prior to the date set for hearing.~~

~~(b) — There shall be a presumption of lawful service when the Notice of Hearing and Petition and Complaint are:~~

~~(i) — Sent to the last known address of the licensee by certified mail return receipt requested; and~~

~~(ii) — Returned, marked undelivered, unclaimed or refused.~~

~~Section 3. Filing of Hearing Notice and Formal Complaint~~

~~(a) — Formal proceedings for board disciplinary action against a licensee shall be commenced by the filing of a Petition and Complaint and Notice of Hearing signed by the investigative Board member, board staff or prosecuting attorney assigned to the Board by the Attorney General's Office.~~

~~(b) — The Notice of Hearing shall contain the following information:~~

~~(i) — Date, time and address for the hearing;~~

~~(ii) — The nature of the hearing with a concise and ordinary statement setting for the facts upon which the underlying complaint is based as well as the applicable statutory and regulatory provision(s) involved;~~

~~(iii) — The Board’s jurisdictional authority to hear the case;~~

~~(iv) — Failure to respond to the Petition and Complaint within twenty (20) days may result in the entry of a default judgment;~~

~~(v) — The licensee may represent himself/herself at the hearing or be represented by any attorney authorized to practice law in the state of Wyoming.~~

~~———— **Section 4. Petition and Complaint.**~~

~~(a) — The Petition and Complaint filed in any disciplinary matter shall include the factual basis for which disciplinary action is sought and specific citations to the statutory and regulatory provisions deemed applicable by the investigative Board member and the prosecuting attorney assigned to the Board by the Wyoming Attorney General’s office.~~

~~———— **Section 5. Default.**~~

~~(a) — The Board may enter an order based on the allegations in a complaint in any case where the licensee has not responded no later than five (5) days prior to hearing, or in which the licensee or the licensee’s representative does not appear at a scheduled hearing for which notice had been provided.~~

~~———— **Section 6. Motions.**~~

~~(a) — All pre-trial motions shall be filed in writing no later than ten (10) days prior to the date set for hearing.~~

~~———— (i) — The Board or hearing officer may, for good cause shown, allow a motion to be filed at any time.~~

~~———— **Section 7. Discovery.**~~

~~———— (a) — In all formal proceedings before the Board, discovery shall be afforded in accordance with the Wyoming Administrative Procedure Act.~~

~~———— **Section 8. Subpoenas.**~~

~~(a) — The issuance and enforcement of subpoenas is governed by the Wyoming Administrative Procedure Act.~~

~~(b) — Subpoenas for appearance or to produce books, papers, documents, or exhibits shall be issued by the executive director or the presiding officer designated to hear the case, upon receipt of the written application for same by any party to the case:~~

~~(i) — Written requests for subpoenas shall describe with particularity, the materials requested for production.~~

~~(c) — The party requesting the issuance of a subpoena shall bear the costs of such issuance to the extent and in the same manner as those fees are paid in the District Courts of the State of Wyoming.~~

~~**Section 9. Witnesses.**~~

~~(a) — All persons testifying at a hearing before the board shall be administered a standard oath.~~

~~(b) — No testimony will be received from a witness except under oath or affirmation.~~

~~(c) — The party calling a witness shall bear the costs associated with the witness's appearance.~~

~~**Section 10. Representation.**~~

~~(a) — A licensee may represent himself/herself or be represented by counsel authorized to practice law in the state of Wyoming.~~

~~(b) — An appearance in person or the filing of an answer or other pleadings shall constitute an appearance by an attorney.~~

~~(c) — A representative of the Attorney General's Office, designated the prosecuting attorney, shall present evidence, on behalf of the investigative Board member, on all matters enumerated and described in the Notice of Hearing and Petition and Complaint.~~

~~(d) — A representative of the Attorney General's Office, designated as the advisory attorney, shall be present at a hearing, if requested, for the purpose of providing legal counsel to the board.~~

~~**Section 11. Order of Procedure.**~~

~~(a) — As nearly as practicable, the order of procedure at any hearing before the Board shall be as follows:~~

~~(i) — The hearing officer shall announce that the hearing is convened upon the call of the docket number and title of the matter and case to be heard.~~

~~(ii) — Opening statements may be made by each of the parties. The hearing officer may limit the duration of opening statement at his/her or the Board's discretion.~~

~~(iii) — The party who bears the burden of proof shall thereupon proceed to present the evidence related to the matters set forth in the Notice of Hearing, as well as the Petition and Complaint, when applicable. Witnesses may be cross-examined by the opposing party, and exhibits may be received into evidence in accordance with the Wyoming Administrative Procedure Act and the Wyoming Rules of Evidence. Redirect examination may~~

~~be allowed following cross-examination or as follow-up to examination by the Board or hearing officer.~~

~~(iv) The responding party may then present evidence, including witness testimony and exhibits as referenced in subsection (iii) above.~~

~~————(v) Rebuttal evidence may be allowed at the discretion of the hearing officer.~~

~~————(vi) The Board and hearing officer shall have the right and opportunity to examine any witness upon the conclusion of his/her testimony.~~

~~————(vii) Closing arguments may be made by each party. The party bearing the burden of proof shall proceed first, and shall be provided a rebuttal argument, if requested. The hearing officer may limit the duration of any closing argument at his/her or the Board's discretion.~~

~~————(viii) After all proceedings have been concluded, the hearing officer shall dismiss and excuse all witnesses, and declare the hearing closed. Any party wishing to present written memoranda of law may do so, and the presiding officer may request written briefs or memoranda. The Board shall take the case under advisement and shall inform the licensee that the decision shall be announced within due and proper time following consideration of all matters presented at the hearing and any briefs or memoranda.~~

~~————Section 12. Decision and Order.~~

~~(a) The Board shall make and enter a written decision and order containing findings of fact and conclusions of law, stated separately.~~

~~————(b) The decision and order shall be sent by certified mail to the licensee's last known address and to the licensee's attorneys of record by U.S. Mail.~~

~~(i) All decisions of the Board shall be effective as of the time of the filing of the written decision and order.~~

~~(ii) No Board member, staff member or agent of the Board who participated or advised in the investigation or presentation of evidence at the hearing shall participate in or advise the Board during deliberations or in making decisions.~~

~~————Section 13. Record of Proceedings.~~

~~(a) In a contested case, the proceedings, including all testimony, shall be reported verbatim by a competent court reporter or by other methods deemed sufficient by the Board. Such other methods may include the use of tape recorders. In the case of an appeal to the district court, the appellant shall arrange and pay for a transcript of the testimony.~~

~~————Section 14. Surrender of License.~~

~~(a) — In the event a license is suspended or revoked by the Board, surrendered for discipline or otherwise restricted as a result of a settlement agreement, the licensee shall surrender his/her current license to the Board office.~~

~~———— **Section 15. Appeals.**~~

~~(a) — Appeals from decisions of the board are governed by the Wyoming Administrative Procedure Act and the Wyoming Rules of Appellate Procedure.~~

~~(b) — Costs of transcripts and any reasonable costs assessed by the Board regarding the record on appeal shall be borne by the party making the appeal.~~

~~———— **Section 16. Application Denials.**~~

~~(a) — Contested case proceedings requested by an applicant following denial of an application by a designated application review Board member shall conform to the procedures above. The term “licensee” used above will be replaced by the term, “applicant”.~~

~~(b) — Prior to a hearing on the denial of an application, the designated application review Board member, in conjunction with the assigned prosecuting attorney, shall serve a Notice of Hearing upon the applicant in accordance with Sections 2 and 3 of this Chapter. The Notice of Hearing shall contain:~~

~~————— (i) — Date, time and address for the contested case proceeding.~~

~~(ii) — The nature of the hearing with a concise and ordinary statement setting for the reasons for the application being denied and the applicable statutory and regulatory provision(s) involved.~~

~~(iii) — The Board’s jurisdictional authority to hear the case.~~

~~(iv) — Failure to appear at the proceeding will result in the entry of a default judgment.~~

~~(v) — The applicant may represent himself/herself in the contested case proceeding or be represented by an attorney authorized to practice law in the state of Wyoming.~~

~~———— **Section 17. Petition for Reinstatement.**~~

~~(a) — A person whose license has been revoked may petition the Board for reinstatement of his/her license no sooner than two (2) years after the date of the Order revoking the license.~~

~~(b) — A petition for reinstatement shall be accompanied by at least two (2) recommendations from licensed podiatrists and by at least four (4) recommendations from~~

~~citizens having personal knowledge of the activities of the petitioner since the revocation was imposed. In addition, the petition must be accompanied by an application for licensure, proof of requisite continuing education, and an application fee.~~

~~(c) — The petition for reinstatement and all materials set forth in subsection (b) above shall be assigned to an application review Board member for recommendations to the Board. If the reinstatement is denied by the board, notice of the denial shall be sent to the applicant's last known address, certified mail, return receipt requested, and shall provide the applicant thirty (30) days to submit a written request for a hearing on the denial.~~

~~(d) — If the applicant requests a hearing on the denial, the procedure for the hearing shall conform to the procedure set forth above for all applicants.~~

~~(e) — The applicant may be required to successfully pass part III of the National Board of Podiatric Medical Examiners and any additional examinations deemed appropriate to ensure the applicant is competent to return to practice.~~

~~**Section 18. Wyoming Rules of Civil Procedure.**~~

~~(a) — The Wyoming Rules of Civil Procedure shall apply to all hearings, insofar as they are applicable to and not inconsistent with the Wyoming Administrative Procedure Act or the Rules & Regulations of the Board.~~

CHAPTER 7
INFORMATION PRACTICES
REPEALED 2016

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INFORMATION PRACTICES

REPEALED 2016

~~**Section 1. — Statement of Purpose.** These rules and regulations are adopted to implement the Board's authority to ensure the security, confidentiality and privacy of the personal information concerning licensees and prospective licensees.~~

~~**Section 2. — Disclosure.**~~

~~(a) — The personal information compiled by the Board concerning each licensee or prospective licensee is confidential and shall be released only to the person to whom the record pertains, to others with his/her notarized written consent or upon court order.~~

~~(b) — Disclosure of confidential records and public records shall also be governed by W.S. § 16-4-201 et seq., Public Records Act.~~

~~**Section 3. — Access.**~~

~~(a) — Any licensee, prospective licensee, or others with the licensee's notarized written consent may personally inspect the contents of his/her Board file with the following exceptions:~~

~~(i) — Personal recommendations.~~

~~(b) — Record inspection shall take place under the following conditions:~~

~~(i) — An appointment must be made to review the file between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday at the offices of the Board.~~

~~(ii) — Record inspection must take place in the presence of a member of the Board or a representative of its administrative staff.~~

~~(iii) — Original documents must remain with the Board but may be copied at the Board offices for a reasonable fee.~~

~~**Section 4. — Correction and Amendment.** Any licensee or prospective licensee may clarify erroneous, inaccurate or misleading information in his/her file by submitting a written statement to the Board which will be placed in their file.~~

~~**Section 5. — Change of Name and/or Address.**~~

~~(a) — A licensee must register with the Board any change in his/her legal name within thirty (30) days of the change in writing.~~

~~(b) — A licensee must file with the Board any change of his/her current home and professional mailing addresses and telephone numbers within thirty (30) days of the change in writing.~~

~~**Section 6. — Verification of Licensure to Another Jurisdiction.** Upon receipt of a written request for verification of licensure and the required administrative fee the Board shall provide the information to the jurisdiction specified by the licensee.~~

~~**Section 7. — Requests for Roster of Licensees.**~~

~~(a) — The roster shall be available to state agencies, professional associations, and licensees upon written request. The Roster will be sent via e-mail.~~

~~(b) — Any other organization may obtain a roster in the following manner:~~

~~(i) — A money order or cashiers check in the amount of \$200.00 must accompany the “Release of Licensee” form for an electronic copy of the roster.~~

CHAPTER 8

PODIATRIC ASSISTANTS

Section 1. Statement of Purpose. This Chapter is adopted to implement the Board's authority to establish the qualification and standards of education and performance needed to operate X-ray equipment.

Section 2. Certificate required; exemptions. No individual shall operate any machine source of ionizing radiation or administering radiation to any patient unless that individual holds a current certificate issued by the Board. This Chapter shall not apply to those persons not operating X-ray equipment and to licensed radiologic technicians and radiologic technologists.

Section 3. Internship or Examination Requirement. Every applicant for certification shall either:

- (a) Successfully pass the ASPMA examination or;
- (b) Intern with a Podiatrist for training which shall consist of not less than twenty hours of educational instruction or supervised training in the following areas:
 - (i) Podiatric nomenclature;
 - (ii) Machine operation exposure factor;
 - (iii) Operator and patient safety;
 - (iv) Practical or clinical experience in the following:
 - (A) Foot and ankle techniques for exposing radiographs;
 - (B) Film handling and storage, if applicable;
 - (C) Processing procedures; and
 - (D) Patient record documentation for radiographs.

Section 4. Application Process. As proof of satisfaction of the certification requirements stated in Section 3 above, all applicants shall submit an application as prescribed by the Board, the required fee as set forth in Chapter 3 and the following document :

- (a) Written verification from the ASPMA that the applicant has successfully passed the examination; or

(b) Written verification from a Podiatrist stating the applicant has completed at least 20 hours of education in those areas as set forth above in Section 3 (b).

Section 5. Issuance and renewal of certificate; responsibility of Podiatrist.

(a) The Board shall issue a certificate to all successful applicants bearing the full name of the certificate holder, the current podiatric employer, date of issuance, certificate number and seal.

(b) Transferal of certificates occurs when a podiatric assistant leaves the podiatrist of who is named on the certificate. It is that podiatrist's responsibility to return the certificate of the assistant to the Board upon the assistant's termination of employment. Upon the podiatric assistant being employed elsewhere, it is the responsibility of the new podiatric employer to see that the board reissues a new certificate to the podiatric assistant.

CHAPTER 8

PODIATRIC ASSISTANTS

~~Section 1. Authority. These rules and regulations are promulgated by the Wyoming Board of Registration in Podiatry pursuant to WYO. STAT. § 9-134.~~

Section 21. Statement of Purpose. This Chapter is adopted to implement the Board's authority to establish the qualification and standards of education and performance needed to operate X-ray equipment.

~~Section 3. Terms Defined Herein. As used in these regulations, the following terms shall have the meanings set forth unless the context or subject matter clearly requires a different interpretation.~~

~~(a) "APAA" means the American Podiatric Assistant Association.~~

~~(b) "Podiatric Assistant" means a person who assists a Podiatrist.~~

Section 42. Certificate required; exemptions. No individual shall operate any machine source of ionizing radiation or administering radiation to any patient unless that individual holds a current certificate issued by the Board. This Chapter shall not apply to those persons not operating X-ray equipment and to licensed ~~radiology~~radiologic technicians and radiologic technologists.

Section 53. Internship or Examination Requirement. Every applicant for certification ~~must~~shall either:

(a) Successfully pass the ~~American Podiatric Assistants Association~~ASPMA examination ~~and~~/or;

(b) Intern with a Podiatrist for training which shall consist of not less than twenty hours of educational instruction or supervised training in the following areas:

- (i) Podiatric nomenclature;
- (ii) Machine operation exposure factor;
- (iii) Operator and patient safety;
- (iv) Practical or clinical experience in the following:
 - (A) Foot and ankle techniques for exposing radiographs;
 - (B) Film handling and storage, if applicable;

- (C) Processing procedures; ~~and~~
- (D) Patient record documentation for radiographs; ~~;~~

Section 64. Application Process. As proof of satisfaction of the certification requirements stated in Section 53 above, all applicants ~~must~~shall submit an application as prescribed by the Board, the required fee as set forth in ~~Section 8~~Chapter 3 and the following documents ~~along with an application as prescribed by the Board~~:

- (a) Written verification from the ~~APAA~~ASPMA that the applicant has successfully passed the examination; or
- (b) Written verification from a Podiatrist stating the applicant has completed at least 20 hours of education in those areas as set forth above in Section 53 (b); ~~and~~.

Section 75. Issuance and renewal of certificate; responsibility of Podiatrist.

- (a) The Board shall issue a certificate to all successful applicants bearing the full name of the certificate holder, the current podiatric employer, date of issuance, certificate number and seal.
- (b) Transferal of certificates occurs when a podiatric assistant leaves the podiatrist of who is named on the certificate. It is that podiatrist’s responsibility to return the certificate of the assistant to the Board upon the assistant’s termination of employment. Upon the podiatric assistant being employed elsewhere, it is the responsibility of the new podiatric employer to see that the board reissues a new certificate to the podiatric assistant.

Section 8. Fees.

(a) Certificate.....	\$50.00
(b) Transferal.....	\$20.00