



Notice of Intent to Adopt Rules

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

Revised June 2020

1. General Information			
a. Agency/Board Name* Podiatry, Board of Registration			
b. Agency/Board Address 2001 Capital Ave Rm 105		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 6/31/2020		i. Comment Period End Date 9/21/2020	
j. Public Comment URL or Email Address: greg.searls@wyo.gov			
k. Program Podiatry, Board of Registration			
Amended Program Name (if applicable): Podiatry, Board of Registration in			
* <input type="checkbox"/> By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.			
2. Legislative Enactment			
For purposes of this Section 2, "new" only applies to regular non-emergency 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 non-emergency regular 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. If the rules are new, please provide the Legislative Chapter Numbers and Years Enacted (e.g. 2015 Session Laws Chapter 154):			
3. Rule Type and Information			
For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.			
a. Provide the Chapter Number, Title and Proposed Action for Each Chapter. Please use the "Additional Rule Information" form to identify additional rule chapters.			
Chapter Number: 1	Chapter Name: General	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number: 2	Chapter Name: Podiatrist License Requirements and Application Process and Procedure	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable): License Requirements, Application Process and Procedure			
Chapter Number: 3	Chapter Name: Fees	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number: 4	Chapter Name: Standards of Practice	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number: 5	Chapter Name: Practice and Procedures for Disciplinary, Application and Licensure Matters	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number: 8	Chapter Name: Podiatric Assistants	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			

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/repealed 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. The Agency has completed a takings assessment as required by 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: _____

7. Additional APA Provisions

a. Complete all that apply in regards to uniform rules:

These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

(Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

(Provide chapter numbers)

b. Checklist

The Statement of Principal Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

If applicable: In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

8. Authorization

a. I certify that the foregoing information is correct.

<i>Printed Name of Authorized Individual</i>	Greg Searls
<i>Title of Authorized Individual</i>	Executive Director
<i>Date of Authorization</i>	7/24/2020

WYOMING BOARD OF REGISTRATION IN PODIATRY

2001 Capitol Avenue, Room 105 ♦ Cheyenne WY 82002 ♦ (307) 777-3628 ♦ Fax: (307) 777-3508
podiatry.wyo.gov

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.

All Chapters

- All chapters have language correction to clarify the requirements and make the language more directive in nature. The Board believes this will reduce confusion and help the licensees and applicants understand the requirements of the Rules. Changes were also made to correct typographical and grammar errors.

Chapter 1 - General - **Amended**

- Section 1. Added the Authority language to reference the legislative authority for the Board to create and adopt Rules as required by Wyo. Stat. Ann. 16-3-104(a).
- Section 2. Clarified the statement of purpose.
- Section 3. Changed the name of the section and add a definition for Investigative Committee which is used in the updated Chapter 5.
- Section 4. Updated the location of the Board Office.
- Section 8. Incorporated by Reference both the Uniform Procedures, Fees, Costs and Charges for Inspecting, Copying and Producing Public Records and the most recent Uniform Rules for Contested Case Practice and Procedure. Wyoming Statute 16-3-103(j) requires the Board to adopt both of these sets of rules.

Chapter 2 – License Requirements, Application Process, and Licensure Requirements - **Amended**

- Section 1. Added the Statement of Purpose and Authority as required by Wyo. Stat. Ann. 16-3-104(a).
- Section 2. Added language to clarify the status of an application. Specifically, the proposed rules add sections explaining when application requirements must be completed, what constitutes a complete application, and how long an application is valid for.
- Section 3. Added the language to explain the Application Review Committee process.
- Section 4. Moved the jurisprudence examination eligibility out of the application section to clarify it applies to all applicants and established the passing score in rule.
- Section 5. Clarified the language to make it directive in nature to explain the requirements.

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- Section 6. Clarified the language to make it directive in nature to explain the requirements.
- Section 7. Clarified the language to make it directive in nature. Removed the requirement of the Board to mail notices of renewal. The Board still intends to send renewal reminders, but removing this provision in rules allows the Board to use technology to send the notices. The Board can make further policy changes as needed to keep with advancements in technology to provide the notification.
- Section 8. Clarified the language to make it directive in nature and to explain that acceptable continuing education courses must be related to the practice of podiatry. Also added the requirement that three hours of continuing education must be related to the responsible prescribing of controlled substance as required in SEA 0066 (2019). Also, added a process to audit continuing education compliance to mirror other regulatory boards in the state.
- Section 9. Added language to explain the administrative grace period and the procedure for an individual who fails to timely renew or to renew during the administrative grace period.
- Section 10. Amended the language to define when an applicant would must apply for relicensure and established the requirements to complete the application.
- Chapter 11. Added the language to define when an applicant must apply for reinstatement and established the requirements to complete the application.

Chapter 3 - Fees - **Amended**

- Removed the Late Renewal fee as the Board was advised they lack statutory authority to charge this fee.
- Removed the Roster fee as the Board was advised this is a public record and would come under the public record fee as being incorporated by reference in Chapter 1.
- Added Relicensure and Reinstatement Fees for the application types in Chapter 2.

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

- Section 1. Added the Statement of Authority as required by Wyo. Stat. Ann. 16-3-104(a).
- Section 3. Removed the requirement for a licensee to respond to all requests for information from the board because it was unnecessary. Removed the requirement that a licensee shall not violate a statute or any rule in this state or any other state in which the licensee holds a license. Also, amended the moral turpitude language and updated it to allow for consistency with revisions made to other board's statutory authority to discipline licensees.

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

- This entire chapter was revised to streamline it with the process and procedures used by other boards in disciplinary, application and licensure matters before the Board. This will help ensure that a matter is handled in a uniform process no matter what Board the matter would come before.

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Chapter 8 - Podiatric Assistants - **Amended**

- Section 1. Added the Statement of Authority. Authority as required by Wyo. Stat. Ann. 16-3-104(a).
- Section 3. Removed the unnecessary language as the Board has no authority over radiologic technologists.
- Section 6. Made the language directive in nature to clarify the process for renewal and separated the language regarding renewal and termination into separate sub-paragraphs.

Chapter 1

General

Section 1. Authority. These rules are adopted under the Board’s authority granted by Wyoming Statute 33-9-101 through -114.

Section 2. Statement of Purpose. The Board’s rules are set forth for the purposes of interpreting and implementing Wyoming Statute § 33-9-101 through 33-9-114.

Section 3. Definitions. As used in these rules, 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” means Council on Podiatric Medical Education.
- (g) “IC” means Investigative Committee, which may consist of one or more Board members.
- (h) “Podiatrist” means any licensed person who practices podiatric medicine.
- (i) “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 4. Board Office. The Board office is located at 2001 Capitol Ave., Room 105, Cheyenne, WY.

Section 5. 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 6. 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 7. 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 8. Incorporation by Reference.

(a) The Board hereby incorporates by reference the following uniform rules:

(i) Chapter 2 - Uniform Procedures, Fees, Costs and Charges for Inspecting, Copying and Producing Public Records adopted by the Department of Administration and Information and effective on September 6, 2016, found at <http://podiatry.wyo.gov>.

(ii) Chapter 2 - Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on July 20, 2017, found at: <http://podiatry.wyo.gov>.

(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 office and are available at <http://podiatry.wyo.gov>.

Chapter 2

License Requirements, Application Process, and Procedure

Section 1. Statement of Purpose and Authority. These rules are promulgated under the Board's authority to establish the requirements and procedures for licensure pursuant to Wyoming Statute 33-9-104, 105, 107, and 111.

Section 2. Application Status.

(a) For those applicants seeking licensure, all requirements shall be met during the timeframe identified immediately prior to submitting a completed application.

(b) Applications shall be deemed "complete" when all necessary documentation has been received by the Board office.

(c) Applications shall expire one (1) year after submission. If an application expires, an applicant shall submit a new application, including payment of fee.

Section 3. Application Review Committee.

(a) Every application shall be reviewed by the ARC.

(b) An applicant for licensure shall have committed no acts that 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.

(c) If the ARC is unable to ascertain from documents submitted by the applicant that the applicant is eligible for licensure, the ARC may require the applicant to provide additional documentation, information, or meet informally with the ARC.

Section 4. Jurisprudence Examination.

(a) The ARC shall recommend eligibility for an applicant to sit for the jurisprudence examination.

(b) To successfully pass the jurisprudence examination, the applicant shall score at least 80%.

Section 5. Initial Licensure by Education and Examination.

(a) Eligibility. An applicant may seek initial licensure if the applicant is not currently licensed to practice in another jurisdiction and if the applicant has never been licensed in Wyoming.

- (b) Application Requirements. Each applicant for licensure shall:
 - (i) Submit a completed initial application;
 - (ii) Pay the applicable fee;
 - (iii) Have an official transcript from a school of podiatry accredited by CPME, or its successor, that reflects the award of a Doctor of Podiatric Medicine degree sent directly from the school to the Board office;
 - (iv) Have a letter verifying successful completion of a residency program approved by the CPME, or its successor, sent directly from the program to the Board office;
 - (v) Have a 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 sent directly to the Board office; and
 - (vi) Successfully pass the Jurisprudence Examination
- (c) To be able to perform surgical treatment of the ankle and tendons that insert into the foot, the applicant shall also send the Board office verification of completion of a podiatric surgical residency training program approved by the CPME or its successor.

Section 6. License by Reciprocity.

(a) Eligibility. An applicant may seek licensure by reciprocity if the applicant is currently licensed to practice in another jurisdiction with licensure requirements as stringent as Wyoming, has held that license for at least one (1) year, and can present satisfactory proof of endorsement from that jurisdiction. Satisfactory proof of endorsement shall mean a license in good standing without restriction, condition, or other disciplinary action.

- (b) Application Requirements. Each applicant for licensure by reciprocity shall:
 - (i) Submit a completed application;
 - (ii) Pay the applicable fee; and
 - (iii) Have an official verification of a license or certificate in good standing sent directly to the Board office from all jurisdictions where the applicant holds a current license and has held that license for at least one (1) year.

Section 7. License Renewal.

- (a) All licenses issued by the Board shall expire on July 1.

- (b) Renewal Procedure. Each licensee seeking to renew his or her license shall:
 - (i) Submit a completed renewal application that must be postmarked no later than July 1.
 - (ii) Pay the applicable fee; and
 - (iii) In even numbered years, submit verification of forty (40) hours of continuing education that complies with Section 8.

(c) X-Ray Machine Inspection. If a licensee uses an x-ray machine other than those at a JCAHO, State, or Federal accredited hospital or a JCAHO or State accredited surgical center, the licensee shall have that machine inspected by a qualified radiation expert at least every five (5) years. The licensee shall submit evidence of that inspection with his or her renewal application.

Section 8. Continuing Education Requirements

(a) Initial Renewal. A licensee shall be exempt from the continuing education requirement for the first renewal after being issued an initial license.

(b) Continuing Education Requirements. A licensee shall complete a minimum of forty (40) hours of continuing education every two (2) years to renew a license. Three (3) of the required forty (40) hours of continuing education shall be related to the responsible prescribing of controlled substances. All continuing education hours shall be earned within two (2) years prior to the license expiration date. There shall be no carryover of hours from one renewal period to another.

(c) Continuing Education Content. The content of continuing education shall relate to the scope of practice of podiatry as defined in W.S. 33-9-101(a)(i). Appropriate content includes, but is 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; and
 - (v) Epidemiology and related issues.
- (d) Sponsorship and Approved Course/Programs. The Board shall accept:

- (i) Programs approved by the APMA and their affiliated organizations;
 - (ii) Programs approved for Category 1 credit of the American Medical Association, and their affiliated organizations; and
 - (iii) Programs by sponsors approved by the CPME to conduct continuing education.
 - (iv) Other educational courses/programs approved by the Board.
- (e) Compliance Review.
- (i) The ARC shall review each renewal applicant's continuing education.
 - (ii) The ARC shall send a Notice of Deficiency to a renewal applicant if:
 - (A) The applicant is unable to provide satisfactory documentary evidence of compliance with this section; or
 - (B) The ARC does not approve the continued education claimed by the applicant.
 - (iii) Within sixty (60) days from the date of the Notice of Deficiency, the applicant shall submit:
 - (A) Satisfactory documentary evidence of continuing education to correct the deficiency; or
 - (B) A written request for the Board to review the ARC's denial of claimed continuing education.
 - (iv) If the applicant/licensee does not provide satisfactory documentary evidence or request Board review, the application shall be denied.
 - (v) Continuing education earned and submitted in response to the Notice of Deficiency shall not be used to demonstrate competency in the next renewal.

Section 9. Failure to Timely Renew.

- (a) Unlicensed Practice. Failure to timely renew may subject the licensee to disciplinary action for unlicensed practice.
- (b) Administrative Grace Period.
 - (i) The administrative grace period shall be from July 1 to October 1 annually.

(ii) A licensee who failed to timely renew may apply for renewal during the administrative grace period. However, the licensee shall not practice until the Board issues his or her license.

(iii) On or before October 1, a licensee who failed to timely renew shall:

(A) Submit a completed renewal application postmarked no later than October 1;

(B) Pay the applicable fee; and

(C) In even numbered years, submit verification of completion of forty (40) hours of continuing education that complies with Section 8.

(iv) On October 2, any license not renewed during the administrative grace period shall be revoked. If a license is revoked under this section, the podiatrist shall apply for relicensure.

Section 10. Relicensure.

(a) Eligibility. An applicant may seek relicensure if the applicant has been licensed in Wyoming and allowed his or her license to be revoked due to failure to timely renew.

(b) Application Requirements. Applicant shall:

(i) Submit a completed relicensure application;

(ii) Pay the applicable fee; and

(iii) Submit evidence of completion of forty (40) hours of CE for every two (2) years since the last license renewal that complies with Section 8. The total number of CE hours will be determined pro rata on a case-by-case basis.

Section 11. Reinstatement.

(a) Eligibility. An applicant may seek reinstatement if the applicant's Wyoming license has been revoked, surrendered, suspended, conditioned, or restricted.

(b) Application Requirements. Applicant shall:

(i) Submit a completed reinstatement application;

(ii) Pay the applicable fee;

(iii) Submit evidence of complying with the requirements of a previous Board

order; if applicable;

(iv) Submit evidence of the applicant's ability to safely skillfully, and competently practice;

(v) Submit evidence of completion of forty (40) hours of continuing education for every two (2) years since the last license was active that complies with Section 8. The total number of CE hours shall be determined pro rata on a case-by-case basis; and

(vi) Submit evidence demonstrating just cause for reinstatement.

Chapter 3

Fees

Section 1. Authority. These rules are adopted promulgated under the Board's authority in Wyoming Statute 33-9-104, 105, 107, 111, and 114.

Section 2. Statement of Purpose. These rules 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 3. General Information.

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

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

Section 4. Fees. Services for which the Board charges a fee shall include:

(a)	Application Fees	
	(i) Podiatrist License	\$800.00
	(ii) Podiatric Assistant Certificate	\$50.00
(b)	License Renewal Fee	\$400.00
(c)	Duplicate Wall Certificate	\$25.00
(d)	Verification of License	\$25.00
(e)	Transfer of Podiatric Assistant Certificate	\$20.00
(f)	Re-Licensure	\$450.00
(g)	Reinstatement	\$500.00

Chapter 4

Standards of Practice

Section 1. Authority. These rules are promulgated under the Board's authority in Wyoming Statute 33-9-110.

Section 2. 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 3. 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 licensee'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) Not aid or abet in the practice of podiatry by any person not licensed to practice podiatry or any person whose license to practice podiatry is suspended;

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

(xiii) Not commit any crime that relates adversely to the practice of podiatry or the ability to practice podiatry.

Chapter 5

Practice and Procedures for Disciplinary, Application and Licensure Matters

Section 1. Statement of Purpose and Authority. These rules are adopted under the Board's authority granted by Wyoming Statute 33-9-110 and 16-3-107 through -115 to:

- (a) Conduct investigations, hearings, and proceedings concerning:
 - (i) Actions relating to an application for initial licensure, renewal, relicensure, or reinstatement of a license;
 - (ii) Petitions for modification of conditions or restrictions imposed upon a license; or
 - (iii) Alleged violations of the Act and/or the Board's rules
- (b) Determine and administer appropriate disciplinary action against an applicant or licensee.

Section 2. Grounds for Discipline. The Board may take disciplinary action or refuse to issue or renew a license for any one (1) or more of the following acts or conduct:

- (a) Violations of the Act or Board rules;
- (b) Violation of the Code of Ethics as defined in Chapter 4, Section 3.

Section 3. Application Review and Investigation Process.

- (a) Application review. In application matters:
 - (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 recommend:
 - (i) A license be issued, renewed, relicensed, or reinstated;
 - (ii) A license be issued, renewed, relicensed, or reinstated subject to an advisory;

(iii) A license be issued, renewed, relicensed, or reinstated subject to conditions, restrictions, or other disciplinary action;

(iv) Approval of a settlement agreement, which may include the issuance of a license, renewal, relicensure, or reinstatement with the imposition of restrictions, conditions, reprimand or a combination thereof; or

(v) Denial of the application.

(c) Notice of Intent.

(i) The ARC shall notify the applicant of its intent to recommend:

(A) Issuance of a license subject to conditions, restrictions, or other disciplinary action; or

(B) Denial of the application.

(ii) The notice of intent shall contain:

(A) A brief description of the facts or conduct that warrant denial or issuance of a license subject to conditions, restrictions, or other disciplinary action;

(B) A statement of the nature of the actions that warrant the denial or issuance of a license subject to conditions, restrictions, or other disciplinary action, and a citation to the applicable statutory provisions or Board Rules involved;

(C) An opportunity to show compliance with all lawful requirements for retention of the license or respond within fifteen (15) days from the date of mailing; and

(D) 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 notice of intent.

(d) Applicant's Request for Hearing.

(i) The applicant may request a hearing if the ARC recommends:

(A) Approval of the license subject to conditions, restrictions, or other disciplinary action; or

(B) Denial of the application.

(ii) To request a hearing, the applicant shall submit a written request for hearing to the Board office within thirty (30) days of the date of mailing the notice of intent.

(e) Applicant's Failure to Request a Hearing. If the applicant fails to timely request a

hearing of the ARC's recommendation, the Board may:

- (i) Approve the ARC's recommendation without a hearing;
- (ii) Set a hearing; or
- (iii) Dismiss the application.

Section 4. Petition for Modification of Conditions or Restrictions.

(a) Petition for Modification of Conditions or Restrictions.

(i) A licensee may petition the Board for modification of the conditions or restrictions imposed upon their license.

(ii) A licensee shall submit a petition for modification to the Board office in writing, which shall include documentation demonstrating compliance with a previously entered Board order, the modification is consistent with their treatment plan if applicable, and the modification is sufficient to ensure the public is adequately protected.

(iii) A petition for modification shall be reviewed by the IC.

(b) IC Recommendation.

(i) If the IC agrees with the requested modification, the parties may file a stipulated motion with the Board.

(ii) If the IC does not agree with the requested modification, the DC shall notify the licensee of its intent to recommend denial of the petition.

(c) Board Consideration.

(i) The Board shall consider the petition, the IC's recommendation, or a stipulated motion at its earliest convenience.

(ii) The Board may accept or reject the petition for modification.

Section 5. Complaints Review and Investigation Process.

(a) Complaint Review. Every complaint submitted to the Board or initiated by Board staff shall be investigated by an IC.

(b) IC Action. The IC may recommend:

(i) Dismissal of a complaint;

- (ii) Issuance of an advisory or warning letter;
- (iii) Approval of a settlement agreement which may include voluntary surrender, revocation, suspension, imposition of restrictions or conditions, reprimand or other discipline;
- (iv) Disciplinary action against the licensee including revocation, suspension, reprimand, restrictions or conditions, or other discipline, or a combination thereof; or
- (v) Summary suspension

Section 6. Voluntary Surrender.

- (a) A licensee may petition the Board, in writing, to voluntarily surrender their license in lieu of discipline.
- (b) The Board shall consider the petition at its earliest convenience.
- (c) The Board may consider whether the licensee is under investigation and may accept or reject the petition.

Section 7. Summary Suspension.

- (a) Recommendation. If the IC recommends summary suspension, the Board shall hold a meeting to consider whether the public health, safety or welfare imperatively requires emergency action.
- (b) Notice of Intent to Recommend Summary Suspension.
 - (i) The IC shall notify the licensee of its intent to recommend summary suspension;
 - (ii) The notice of intent shall contain:
 - (A) Copy of the complaint; and
 - (B) Notice that a meeting to consider the IC's recommendation for summary suspension shall be set at the earliest opportunity a quorum of Board members may be assembled.
- (c) Notice of Meeting. Board staff shall notify the licensee in writing of the date and time of the meeting in which the IC's recommendation will be considered.
- (d) Scope of Summary Suspension Proceeding. The scope of the summary suspension proceeding shall be limited to a presentation of the evidence the IC believes warrants summary suspension and any information the licensee may present on his or her behalf. The Board shall

order summary suspension if it concludes probable cause exists that the allegations, if proven, would imperatively require emergency action to protect the public health, safety, or welfare. The Board shall incorporate a finding to that effect in its order granting summary suspension.

Section 8. Formal Proceedings for Disciplinary Action

(a) Notice of Intent to Recommend Disciplinary Action.

(i) The IC shall notify the licensee of its intent to recommend disciplinary action.

(ii) The notice of intent shall:

(A) Include a brief description of the facts or conduct that warrant the intended action; and

(B) Provide the licensee an opportunity to show compliance or respond to the allegations for disciplinary action within fifteen (15) days of the date of mailing

(b) Petition. The IC shall initiate formal proceedings for disciplinary action by filing a petition with the Board office.

Section 9. Notice of Hearing.

(a) Timing. Board staff shall serve a notice of hearing upon an applicant or licensee at least (30) days prior to the hearing.

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

(i) The name and last address of the applicant or licensee;

(ii) A brief statement of the matters asserted:

(A) In application matters, the recommendation, the facts upon which the recommendation is based, and the statutory provisions or Board rules the applicant is alleged to have violated; or

(B) In disciplinary matters, the nature of the petition, the facts upon which the petition is based, and the statutory provisions or Board rules the licensee 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:

(A) The applicant's failure to appear at a noticed hearing or pursue proceedings may result in a dismissal; or

(B) The licensee's failure to answer the allegations contained in the petition within twenty (20) days of the date of mailing and failure to appear at a noticed hearing may result in a default judgment.

Section 10. 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 licensee or applicant by regular mail.

Section 11. Dismissal or Default.

(a) The Board may dismiss an application where the applicant or the applicant's representative has not requested a hearing or appeared at a noticed hearing.

(b) The Board may enter an order of default judgment based on the allegations contained in the petition in any case where the licensee or the licensee's representative has not answered the allegations contained in the petition and has not appeared at a noticed hearing.

Section 12. Contested Case Process.

(a) The hearing officer shall preside over the formal contested case hearing which shall be conducted pursuant to the WAPA and the Office of Administrative Hearings rules concerning contested case proceedings as adopted in Chapter 1.

Section 13. Burden and Standard of Proof.

(a) Application Matters. The applicant shall bear the burden to prove by a preponderance of the evidence, that he or she meets the qualifications for licensure. The burden shall shift to the ARC to prove by clear and convincing evidence, that the applicant should be denied a license. The burden shall shift back to the applicant to persuade the Board that the ARC's grounds for denial or issuance of a license subject to conditions or restrictions are insufficient.

(b) Petition for Modification Matters. The licensee shall bear the burden to prove by a preponderance of evidence that the petition for modification of conditions should be granted.

(c) Disciplinary Matters. The IC shall bear the burden to prove by clear and convincing evidence that the licensee violated the Act, Board Rules, or both.

Section 14. Board Decision and Order.

(a) Board Action. The Board may resolve a complaint, application matter, complaint, or petition by:

- (i) Approving the recommendations of the IC or ARC;
- (ii) Ruling in favor of a party on a dispositive motion; or
- (iii) Conducting a contested case hearing. Following the hearing and deliberation of all evidence admitted at a contested case hearing, the Board may:
 - (A) Issue, renew, relicense, or reinstate a license;
 - (B) Issue, renew, relicense, or reinstate a license subject to advisory, conditions, restrictions, or other disciplinary action;
 - (C) Deny a license, renewal, relicensure, or reinstatement;
 - (D) Approve or deny a petition for modification of conditions or restrictions;
 - (E) Dismiss the complaint or petition;
 - (F) Dismiss the complaint or petition with an advisory or warning letter;
 - (G) Impose a reprimand, conditions, restrictions, suspension revocation, other discipline, or a combination thereof.

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

Section 15. Judicial Review.

(a) Appeals from decisions of the Board are governed by the WAPA 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.

Chapter 8

Podiatric Assistants

Section 1. Authority. These rules are promulgated under the Board's authority in Wyoming Statute 33-9-114.

Section 2. 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. 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.

Section 4. 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 (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, if applicable;
 - (C) Processing procedures; and
 - (D) Patient record documentation for radiographs.

Section 5. Application Process. As proof of satisfaction of the certification requirements stated in Section 4 above, an applicant shall submit:

- (a) An application as prescribed by the Board;
- (b) The required fee as set forth in Chapter 3; and

(c) One of the following:

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

(ii) Written verification from a Podiatrist stating the applicant has completed at least twenty (20) hours of education in those areas as set forth in Section 4(b).

Section 6. Issuance and transfer of certificate.

(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) A certificate is valid as long as the certificate holder remains employed by the same podiatrist. While the certificate holder is employed by the same podiatrist, the certificate does not need to be renewed.

(c) Upon terminating employment with the podiatric employer named on the certificate, the certificate holder shall return the certificate to the Board Office. Upon application and payment of the transfer fee, the Board Office shall issue a new certificate with the current podiatric employer.

Chapter 1

General

Section 1. Authority. These rules are adopted under the Board's authority granted by Wyoming Statute 33-9-101 through -114.

Section 21. Statement of Purpose. ~~The Board's of Registration in Podiatry rules and regulations are set forth for the purposes of interpreting and implementing Wyoming Statute § 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 32. Definitions Terms Defined Herein. As used in these ~~rules~~ 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~~ means Council on Podiatric Medical Education.
- (g) "IC" means Investigative Committee, which is composed of one Board member.
- ~~(g)~~(h) "Podiatrist" means any licensed person who practices podiatric medicine.
- ~~(h)~~(i) "JCAHO" means the Joint Commission on Accreditation of Healthcare Organizations.
- ~~(i)~~(j) "WAPA" means the Wyoming Administrative Procedure Act, W.S. 16-3-101 through 115.

Section 43. Board Office. The Board office is located at 2001 Capitol Ave., Room ~~104~~ 105, Cheyenne, WY.

Section 54. 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 65. Change of Name, Address of 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 76. 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 8. Incorporation by Reference.

(a) The Board hereby incorporates by reference the following uniform rules:

(i) Chapter 2 - Uniform Procedures, Fees, Costs and Charges for Inspecting, Copying and Producing Public Records adopted by the Department of Administration and Information and effective on September 6, 2016, found at <http://podiatry.wyo.gov>.

(ii) Chapter 2 - Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on July 20, 2017, found at: <http://podiatry.wyo.gov>.

(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 office and are available at <http://podiatry.wyo.gov>.

Chapter 2

Podiatrist License Requirements, & Application Process, & Procedure

Section 1. Statement of Purpose and Authority. These rules are promulgated under the Board's authority to establish the requirements and procedures for licensure pursuant to Wyoming Statute 33-9-104, 105, 107, and 111.

Section 2. Application Status.

(a) For those applicants seeking licensure, all requirements shall be met during the timeframe identified immediately prior to submitting a completed application.

(b) Applications shall be deemed "complete" when all necessary documentation has been received by the Board office.

(c) Applications shall expire one (1) year after submission. If an application expires, an applicant shall submit a new application, including payment of fee.

Section 3. Application Review Committee.

(a) Every application shall be reviewed by the ARC.

(b) An applicant for licensure shall have committed no acts that 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.

(c) If the ARC is unable to ascertain from documents submitted by the applicant that the applicant is eligible for licensure, the ARC may require the applicant to provide additional documentation, information, or meet informally with the ARC.

Section 4. Jurisprudence Examination.

(a) The ARC shall recommend eligibility for an applicant to sit for the jurisprudence examination.

(b) To successfully pass the jurisprudence examination, the applicant shall score at least 80%.

Section 5. Initial Licensure by Education and Examination Education Requirement.

(a) Eligibility. An applicant may seek initial licensure if the applicant is not currently licensed to practice in another jurisdiction and if the applicant has never been licensed in Wyoming.

(b) Application Requirements. EachEvery applicant for licensure shall:

- (i) Submit a completed initial application;
- (ii) Pay the applicable fee;
- (iii) Have an official transcript from a school of podiatry accredited by CPME, or its successor, that reflects the award of a Doctor of Podiatric Medicine degree sent directly from the school to the Board office;
- (iv) Have a letter verifying successful completion of a residency program approved by the CPME, or its successor, sent directly from the program to the Board office;
- (v) Have a 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 sent directly to the Board office; and
- (vi) Successfully pass the Jurisprudence Examination

To be able to perform surgical treatment of the ankle and tendons that insert into the foot, the applicant shall also send the Board office verification of completion of a podiatric surgical residency training program approved by the CPME or its successor.

~~(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. ~~Each~~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 63. License by Reciprocity.

(a) Eligibility. An applicant may seek licensure by reciprocity if the applicant is currently licensed to practice in another jurisdiction with licensure requirements as stringent as Wyoming, has held that license for at least one (1) year, and can present satisfactory proof of endorsement from that jurisdiction. Satisfactory proof of endorsement shall mean a license in good standing without restriction, condition, or other disciplinary action.

(b) Application Requirements. EachEvery applicant for licensure by reciprocity

shall;

(i) Submit a completed application; and

(ii) Pay the applicable fee; and

(iii) Have an official verification of a license or certificate in good standing sent directly to the Board office from all jurisdictions where the applicant holds or has held a current license and has held that license for at least one (1) year. 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 (1) 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 76. License Renewal.

(a) All licenses issued by the Board shall expire on ~~be renewed on or before~~ July

1 of each year.

(b) Renewal Procedure. Each licensee seeking to renew his or her license shall:

~~(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)(i) Submit a completed renewal application that must be License-renewal fees must be postmarked no later than July 1 the expiration date.~~

(ii) Pay the applicable fee; and

~~(d)(iii) Each licensee shall, on or before July 1 of each In even numbered years, submit verification of complete forty (40) hours of continuing education that complies, complying with Section 87, as a prerequisite for the licensee's next license renewal.~~

~~(e) X-Ray Machine Inspection. If aA licensee usesusing an x-ray machine other than those at a JCAHO, State, or Federal accredited hospital or a JCAHO or State accredited surgical center, the licensee shall have that machine inspected by a qualified radiation expert at least every no less frequently than five (5) years. The licensee shall submit evidence of that inspection with his or her renewal application intervals beginning July 1, 2005.~~

Section 87. Continuing Education Requirements

(a) Initial Renewal. A licensee shall be exempt from the continuing education requirement for the first renewal after being issued an initial license.

~~(a)(b) Continuing Education Requirements. All licensees shall complete a minimum of forty (40) (forty) hours of continuing education every two (2) years to renew a license. Three (3) of the required forty (40) hours of continuing education shall be related to the responsible prescribing of controlled substances. All continuing education hours shall be earned within two (2) years prior to the license expiration date. There shall be no carryover of hours from one renewal period to another.~~

~~(b)(c) Continuing Education Content. The content of continuing education activities shall relate to the scope of practice of podiatry as defined in W.S. 33-9-101(a)(i). help individual podiatric physicians to carry out his or her professional responsibilities more effectively and efficiently.~~

~~(e) Examples of Appropriate content includes, but areis not limited to the following:~~

(i) Cclinical 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; and

(v) Epidemiology and related issues.

(d) Sponsorship and Approved Course/Programs. The Board shall ~~accept~~ Approved courses to meet the continuing education requirement shall include:

(i) Programs approved by the APMA ~~American Podiatric Medical Association~~ and their affiliated organizations;

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

(iii) Programs by sponsors approved by the CPME ~~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.~~

(iv) Other educational courses/programs approved by the Board. ~~The Wyoming Board of Registration in Podiatry may approve additional educational programs.~~

(e) Compliance Review.

(i) The ARC shall review each renewal applicant's continuing education.

(ii) The ARC shall send a Notice of Deficiency to a renewal applicant if:

(A) The applicant is unable to provide satisfactory documentary evidence of compliance with this section; or

(B) The ARC does not approve the continued education claimed by the applicant.

(iii) Within sixty (60) days from the date of the Notice of Deficiency, the applicant shall submit:

(A) Satisfactory documentary evidence of continuing education to correct the deficiency; or

(B) A written request for the Board to review the ARC's denial of claimed continuing education.

(iv) If the applicant/licensee does not provide satisfactory documentary evidence or request Board review, the application shall be denied.

(v) Continuing education earned and submitted in response to the Notice of Deficiency shall not be used to demonstrate competency in the next renewal.

Section 9. Failure to Timely Renew.

(a) Unlicensed Practice. Failure to timely renew may subject the licensee to disciplinary action for unlicensed practice .

(b) Administrative Grace Period.

(i) The administrative grace period shall be from July 1 to October 1 annually.

(ii) A licensee who failed to timely renew may apply for renewal during the administrative grace period. However, the licensee shall not practice until the Board issues his or her license.

(iii) On or before October 1, a licensee who failed to timely renew shall:

(A) Submit a completed renewal application postmarked no later than October 1;

(B) Pay the applicable fee; and

(C) In even numbered years, submit verification of completion of forty (40) hours of continuing education that complies with Section 8.

(iv) On October 2, any license not renewed during the administrative grace period shall be revoked. If a license is revoked under this section, the podiatrist shall apply for relicensure.

Section 10. Relicensure.

(a) Eligibility. An applicant may seek relicensure if the applicant has been licensed in Wyoming and allowed his or her license to be revoked due to failure to timely renew. Any license not renewed within three (3) months of the expiration date shall be considered inactive by the Board. Every applicant for reissuance of an inactive license must appear in person before the Board. Re-issuance shall be determined on a case by case basis.

(b) Application Requirements. Applicant shall:

(a) Submit a completed relicensure application;

(b) Pay the applicable fee; and

(c) Submit evidence of completion of forty (40) hours of CE for every two (2) years since the last license renewal that complies with Section 8. The total number of CE hours will be determined pro rata on a case-by-case basis.

Section 11. Reinstatement.

(a) Eligibility. An applicant may seek reinstatement if the applicant's Wyoming license has been revoked, surrendered, suspended, conditioned, or restricted.

(b) Application Requirements. Applicant shall:

(i) Submit a completed reinstatement application;

(ii) Pay the applicable fee;

(iii) Submit evidence of complying with the requirements of a previous Board order; if applicable;

(iv) Submit evidence of the applicant's ability to safely skillfully, and competently practice;

(v) Submit evidence of completion of forty (40) hours of continuing education for every two (2) years since the last license was active that complies with Section 8. The total number of CE hours shall be determined pro rata on a case-by-case basis; and

(vi) Submit evidence demonstrating just cause for reinstatement.

Chapter 3

Fees

Section 1. Authority. These rules are adopted ~~promulgated~~ under the Board's authority in Wyoming Statute 33-9-104, 105, 107, 111, and 114.

Section 21. 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 32. General Information.

(a) Fees shall be payable in the exact amount, by personal check, 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 43. 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
(f)	Relicensure		\$450
(g)	Reinstatement		\$500

Chapter 4

Standards of Practice

Section 1. Authority. These rules are adopted promulgated under the Board's authority in Wyoming Statute 33-9-110.

Section 21. Statement of Purpose. These rules and regulations are adopted to implement the Board's ~~a~~Authority to regulate the professional conduct of licensed podiatrists and provide for enforcement and penalties.

Section 32. 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 licensee's~~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 by 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; and

(xiv) Not commit any crime involving moral turpitude that relates adversely to the practice of podiatry or the ability to practice podiatry; and.

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

Chapter 5

Practice and Procedures for Disciplinary, Application and Licensure Matters

Section 1. Statement of Purpose and Authority. These rules are adopted under the Board's authority granted by Wyoming Statute 33-9-110 and 16-3-107 through -115 to:

- (a) Conduct investigations, hearings, and proceedings concerning:
 - (i) Actions relating to an application for initial licensure, renewal, relicensure, or reinstatement of a license;
 - (ii) Petitions for modification of conditions or restrictions imposed upon a license; or
 - (iii) Alleged violations of the Act and/or the Board's rules
- (b) Determine and administer appropriate disciplinary action against an applicant or licensee.

Section 2. Grounds for Discipline. The Board may take disciplinary action or refuse to issue or renew a license for any one (1) or more of the following acts or conduct:

- (a) Violations of the Act or Board rules;
- (b) Violation of the Code of Ethics as defined in Chapter 4, Section 3.

Section 3. Application Review and Investigation Process.

- (a) Application review. In application matters:
 - (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 recommend:
 - (i) A license be issued, renewed, relicensed, or reinstated;
 - (ii) A license be issued, renewed, relicensed, or reinstated subject to an advisory;
 - (iii) A license be issued, renewed, relicensed, or reinstated subject to

conditions, restrictions, or other disciplinary action;

(iv) Approval of a settlement agreement, which may include the issuance of a license, renewal, relicensure, or reinstatement with the imposition of restrictions, conditions, reprimand or a combination thereof; or

(v) Denial of the application.

(c) Notice of Intent.

(i) The ARC shall notify the applicant of its intent to recommend:

(A) Issuance of a license subject to conditions, restrictions, or other disciplinary action; or

(B) Denial of the application.

(i) The notice of intent shall contain:

(A) A brief description of the facts or conduct that warrant denial or issuance of a license subject to conditions, restrictions, or other disciplinary action;

(B) A statement of the nature of the actions that warrant the denial or issuance of a license subject to conditions, restrictions, or other disciplinary action, and a citation to the applicable statutory provisions or Board Rules involved;

(C) An opportunity to show compliance with all lawful requirements for retention of the license or respond within fifteen (15) days from the date of mailing; and

(D) 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 notice of intent.

(d) Applicant's Request for Hearing.

(i) The applicant may request a hearing if the ARC recommends:

(A) Approval of the license subject to conditions, restrictions, or other disciplinary action; or

(B) Denial of the application.

(ii) To request a hearing, the applicant shall submit a written request for hearing to the Board office within thirty (30) days of the date of mailing the notice of intent.

(e) Applicant's Failure to Request a Hearing. If the applicant fails to timely request a hearing of the ARC's recommendation, the Board may:

- _____ (i) Approve the ARC's recommendation without a hearing;
- _____ (ii) Set a hearing; or
- _____ (iii) Dismiss the application.

Section 4. Petition for Modification of Conditions or Restrictions.

(a) Petition for Modification of Conditions or Restrictions.

(i) A licensee may petition the Board for modification of the conditions or restrictions imposed upon their license.

(ii) A licensee shall submit a petition for modification to the Board office in writing, which shall include documentation demonstrating compliance with a previously entered Board order, the modification is consistent with their treatment plan if applicable, and the modification is sufficient to ensure the public is adequately protected.

(iii) A petition for modification shall be reviewed by the IC.

(b) IC Recommendation.

(i) If the IC agrees with the requested modification, the parties may file a stipulated motion with the Board.

(ii) If the IC does not agree with the requested modification, the DC shall notify the licensee of its intent to recommend denial of the petition.

(c) Board Consideration.

(i) The Board shall consider the petition, the IC's recommendation, or a stipulated motion at its earliest convenience.

(ii) The Board may accept or reject the petition for modification.

~~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 the Board's 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 52. Investigations of Complaints Review and Investigation Process.

~~(a) Complaint Review. Every complaint submitted to the Board or initiated by Board staff shall be investigated by an IC. Complaints shall be assigned and investigated by an IBM.~~

~~(b) ICBM Action. The ICBM may recommend:~~

~~(i) Recommend Dismissal of a complaint;~~

~~(ii) Recommend Issuance of an advisory or warning letter;~~

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

~~(iv) Disciplinary action against the licensee including revocation, suspension, reprimand, restrictions or conditions, or other discipline, or a combination thereof; or~~

~~(iv) Recommend 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.~~

~~(e) 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 6. Voluntary Surrender.

(a) A licensee may petition the Board, in writing, to voluntarily surrender their license in lieu of discipline.

(b) The Board shall consider the petition at its earliest convenience.

(c) The Board may consider whether the licensee is under investigation and may accept or reject the petition.

section 7. Summary Suspension.

(a) Recommendation. If the IC recommends summary suspension, the Board shall hold a meeting to consider whether the public health, safety or welfare imperatively requires emergency action.

(b) Notice of Intent to Recommend Summary Suspension.

(i) The IC shall notify the licensee of its intent to recommend summary suspension;

(ii) The notice of intent shall contain:

(A) Copy of the complaint; and

(B) Notice that a meeting to consider the IC's recommendation for summary suspension shall be set at the earliest opportunity a quorum of Board members may be assembled.

(c) Notice of Meeting. Board staff shall notify the licensee in writing of the date and time of the meeting in which the IC's recommendation will be considered.

(d) Scope of Summary Suspension Proceeding. The scope of the summary suspension proceeding shall be limited to a presentation of the evidence the IC believes warrants summary suspension and any information the licensee may present on his or her behalf. The Board shall order summary suspension if it concludes probable cause exists that the allegations, if proven, would imperatively require emergency action to protect the public health, safety, or welfare. The Board shall incorporate a finding to that effect in its order granting summary suspension.

Section 8. Formal Proceedings for Disciplinary Action

(a) Notice of Intent to Recommend Disciplinary Action.

(i) The IC shall notify the licensee of its intent to recommend disciplinary action.

(ii) The notice of intent shall:

(A) Include a brief description of the facts or conduct that warrant the intended action; and

(B) Provide the licensee an opportunity to show compliance or respond to the allegations for disciplinary action within fifteen (15) days of the date of mailing

(b) Petition. The IC shall initiate formal proceedings for disciplinary action by filing a petition with the Board office.

Section 94. ~~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.~~

(a) Timing. Board staff shall serve a notice of hearing upon an applicant or licensee at least (30) days prior to the hearing.

(b) Notice of Hearing. The ~~N~~notice of ~~H~~hearing shall contain:

(i) The name and last address of the applicant or licensee~~Podiatrist~~;

(ii) A brief 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;~~

(A) In application matters, the recommendation, the facts upon which the recommendation is based, and the statutory provisions or Board rules the applicant is alleged to have violated; or

(B) In disciplinary matters, the nature of the petition, the facts upon which the petition is based, and the statutory provisions or Board rules the licensee 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.~~

(A) The applicant's failure to appear at a noticed hearing or pursue proceedings may result in a dismissal; or

(B) The licensee's failure to answer the allegations contained in the petition within twenty (20) days of the date of mailing and failure to appear at a noticed hearing may result in a default judgment.

Section 105. Lawful Service. There shall be a presumption of lawful service of a ~~P~~petition, ~~N~~notice of ~~H~~hearing, or any other communication required by these Board Rules if sent to the last known address of the licensee~~Podiatrist~~ or applicant by ~~certified or~~ regular mail.

Section 116. Dismissal or 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.~~

(a) The Board may dismiss an application where the applicant or the applicant's representative has not requested a hearing or appeared at a noticed hearing.

(b) The Board may enter an order of default judgment based on the allegations contained in the petition in any case where the licensee or the licensee's representative has not answered the allegations contained in the petition and has not appeared at a 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 129. Contested Case Process.

(a) The hearing officer shall preside over the formal contested case hearing which shall be conducted pursuant to the WAPA and the Office of Administrative Hearings rules concerning contested case proceedings as adopted in Chapter 1.

~~(b) The Board hereby incorporates by reference the following uniform rules outlining the entire contested case process and practice that will be followed:~~

~~(i) Chapter 2 — Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on October 17, 2014 July 20, 2017, found at: <http://sos.wy.state.wy.us/Rules/RULES/9644.pdf>.~~

~~(ii) For these rules incorporated by reference:~~

~~(A) 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;~~

~~(B) 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~~

~~(C) 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 13. Burden and Standard of Proof.

(a) Application Matters. The applicant shall bear the burden to prove by a preponderance of the evidence, that he or she meets the qualifications for licensure. The burden shall shift to the ARC to prove by clear and convincing evidence, that the applicant should be denied a license. The burden shall shift back to the applicant to persuade the Board that the ARC's grounds for denial or issuance of a license subject to conditions or restrictions are insufficient.

(b) Petition for Modification Matters. The licensee shall bear the burden to prove by a preponderance of evidence that the petition for modification of conditions should be granted.

(c) Disciplinary Matters. The IC shall bear the burden to prove by clear and convincing evidence that the licensee violated the Act, Board Rules, or both.

Section 1410. Board Decision and Order.

(a) Board Action. The Board may resolve a complaint, application matter, complaint, or petition by:

(i) Approving the recommendations of the ICBM or ARC; ~~or~~

(ii) Ruling in favor of a party on a dispositive motion; or

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

(A) Issue, renew, relicense, or reinstate a license;

(B) Issue, renew, relicense, or reinstate a license subject to advisory, conditions, restrictions, or other disciplinary action;

(C) Deny a license, renewal, relicensure, or reinstatement;

(D) Approve or deny a petition for modification of conditions or restrictions;

(E) Dismiss the complaint or petition;

(F) Dismiss the complaint or petition with an advisory or warning letter;

(G) Impose a reprimand, conditions, restrictions, suspension, revocation, other discipline, or a combination thereof.

~~(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 issue~~ a written decision and

order. The decision and order shall be sent to the applicant, licensee, or their representative attorneys by certified or regular mail.

Section 1511. Judicial Review ~~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.~~

(a) Appeals from decisions of the Board are governed by the WAPA 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.

Chapter 8

Podiatric Assistants

Section 1. Authority. These rules are promulgated under the Board's authority in Wyoming Statute 33-9-114.

Section 21. Statement of Purpose. This ~~c~~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 32. 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 cChapter shall not apply to those persons not operating X-ray equipment and to licensed radiologic technicians and radiologic technologists.~~

Section 43. 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 (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, if applicable;
 - (C) Processing procedures; and
 - (D) Patient record documentation for radiographs.

Section 54. Application Process. As proof of satisfaction of the certification requirements stated in Section ~~43~~ above, ~~an~~ an applicants shall submit:

- (a) An application as prescribed by the Board;

_____ (b) ~~The~~ required fee as set forth in Chapter 3; and

(c) One of the following: ~~and the following document:~~

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

_____ (ii)~~(b)~~ Written verification from a Podiatrist stating the applicant has completed at least twenty (20) hours of education in those areas as set forth ~~above~~ in Section 43(b).

Section 65. Issuance and ~~renewal~~ transfer 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. A certificate is valid as long as the certificate holder remains employed by the same podiatrist. While the certificate holder is employed by the same podiatrist, the certificate does not need to be renewed.~~

_____ (c) Upon terminating employment with the podiatric employer named on the certificate, the certificate holder shall return the certificate to the Board Office. Upon application and payment of the transfer fee, the Board Office shall issue a new certificate with the current podiatric employer.