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ARKANSAS

~~STATE PODIATRY~~

~~EXAMINING~~

BOARD

OF PODIATRIC

MEDICINE

RULES AND

REGULATIONS

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ARTICLE I DEFINITIONS

The "Board" will be construed as meaning the Arkansas ~~State Podiatry Examining Board~~ Board of Podiatric Medicine.

ARTICLE II APPLICATION FOR EXAMINATION

1. Official application forms ~~will be furnished upon request~~ are available on the Board's website. No application for examination will be considered unless fully and completely filled out on this form and properly attested.

2. An applicant must have official documentation sent to the Secretary of the Board from the National Board of Podiatric Medical Examiners that a passing score was achieved by the applicant on the American Podiatric Medical Licensing Examination (APMLE) Part I and Part II of the National Board Examination.

3. An applicant may take the state examination or submit official documentation from the National Board of Podiatric Medical Examiners of a passing score on the Part III Examination.

4. No applicant will be admitted to the state examination except on presentation of ~~a recent unmounted photograph, a valid driver's license or other form of government-issued photo identification prepared and certified together with statutory requirements, relating to pre-podiatry qualifications, age and moral character.~~

~~3. Applicants shall present with the application, a recent unmounted photograph no larger than 3 1/4 x 5, and signed by the Dean of the Podiatry College, or copy of valid driver's license or by Secretary of State Board of the State in which the college is located, certifying that the same is a genuine photograph of the applicant.~~

5. Applications should be sent to the ~~Secretary of the Arkansas State Podiatry Examining Board~~ address provided on the Board's website.

~~56.~~ The fee for examination, as set by the Board shall accompany the application. The fee shall be sent in form of cashier's check, draft, personal check or money order. ~~Personal checks will not be accepted.~~

~~6. The applicant's Podiatry diploma will be presented to the Board for verification on the first day of examination.~~

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7. The applicant will furnish with the application transcripts under seal of ~~both~~ the college or colleges of podiatric medicine pre-Podiatry and Podiatry School he attended. ~~This may be a form of the School or photostatic copy of the same.~~

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8. ~~When an applicant has attended one or more years in a pre-podiatry or podiatry institution other than the one from which he applicant graduated, he must file with the application a statement under seal from those institutions showing the time spent and the credit he received, and what would have been his class standing at the succeeding regular term of study.~~

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9. Applicants shall provide themselves with pen and ink to be used in writing the state examination. Paper and other materials will be furnished by the Board.

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10. All applications must be completed and ~~filed in the office of the Secretary~~ submitted to the Board at least sixty (60) days prior to the ~~S~~state Board Examination, ~~unless otherwise provided by law.~~

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11. The application is subject to ~~the rules and regulations of the Board and all laws pertaining to the state of Arkansas~~ Arkansas law at the time of consideration of the application by the Arkansas State Podiatry Examining Board of Podiatric Medicine.

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12. ~~All examinations~~ The state examination shall be conducted in English.

13. Each applicant shall submit a photostatic copy of his High School Diploma (8 1/2 X 14).

14. ~~A statement must be submitted by the applicant as to whether he intends to practice in Arkansas and what kind of practice he intends to conduct. This statement must be properly acknowledged.~~

15. Applicants for examination must fill out pages 1 and 2 of the application completely and in detail.

16. All state examinations shall be conducted in the presence of at least one member of the Board and may consist of written, oral, or clinical sections or of any one section entirely.

17. ~~In the event that an~~ applicant fails to pass the state examination, ~~he or she the applicant~~ may appear before the Board for not more than two examinations, all of which must be taken within a period of six months from the date of the first examination of the applicant.

18. An applicant who can demonstrate that he meets the following criteria may have his license reinstated upon payment of the application fee:

(A) Was previously licensed as a podiatrist at any time in this state;

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- (B) Held his or her license in good standing at the time of licensing;
(C) Did not have his or her license revoked for:
- (i) An act of bad faith; or
- (ii) A violation of law, rule, or ethics;
- (D) Is not holding a suspended or probationary license in any state; and
- (E) Has been practicing as a podiatrist in another state and holds a license there that is in good standing.

**ARTICLE
III
~~CODE OF PROFESSIONAL~~
ETHICS**

EMERGENCY PROVISIONAL LICENSE

1. In addition to the provisional license the Board may grant under Article VIII.2., the Board may grant an emergency provisional license in case of emergency and to prevent hardship after receiving evidence that the applicant:
- (A). Has all qualifications and meets all requirements of Ark. Code Ann. §§ 17-96-303; and
- (B). Holds a current license, in good standing, to practice podiatric medicine in another state; and
- (C). Is not holding a revoked, suspended, or probationary license in any state; and
- (D). Has paid the application fee.
2. An emergency provisional license issued pursuant to this Article automatically expires ninety (90) days from the date of issuance.
3. An emergency provision license may be renewed once under the same requirements described in Article III(1).
- ~~4. The conduct of a practitioner of podiatry shall at all times be such as becomes a gentleman, and should be credible to the profession of a which he is member. The principal objective of the podiatry profession is to render~~

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~~service to humanity, with full respect for the dignity of man. Podiatrists should merit the confidence of patients entrusted to their care, rendering to each a full measure of service and devotion.~~

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~~2. Podiatrists should strive continually to improve their knowledge and skill, and should make available to their patients and colleagues the benefits of their professional attainment.~~

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~~3. A podiatrist should not tender or receive a commission for referral of a patient whether in relation to another podiatrist or a third party without disclosing to the patient the fact that a commission was tendered or received.~~

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~~5. The confidence and knowledge which podiatrists receive, through their professional attendance upon patients, should be guarded with the most scrupulous care.~~

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~~6. The podiatrist has the obligation of not referring disparagingly in the presence of a patient to the services of another podiatrist or to those of members of other health professions. A lack of knowledge of conditions under which the services were afforded may lead to unjust criticism and to a lessening of patient's confidence.~~

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~~7. A podiatrist should seek consultation upon request, in doubtful or difficult cases, or whenever it appears that the quality of podiatric service would be enhanced thereby.~~

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~~8. Every profession has the responsibility to regulate itself, to determine and judge its own members. Such regulation is achieved largely through the influence of professional societies, and every podiatrist has the dual obligation of making himself a part of a professional society and of observing rules of ethics.~~

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~~9. A podiatrist shall not engage in false, deceptive, or misleading advertising or other representations.~~

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~~10. A podiatrist is encouraged to participate in programs of health education of the public, provided, however, that a podiatrist shall not promote the use of procedures, devices, etc., which have not been approved by the American Podiatry Association.~~

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~~11. The podiatrist has the obligation of prescribing and supervising the work of all auxiliary personnel in the interest of rendering the best service to the patient.~~

ARTICLE IV GROUNDS FOR REVOCATION OR SUSPENSION OF LICENSE

~~1. In accordance with Ark. Code Ann. §§ 17-96-308 and 25-15-217, the Board may revoke, suspend, or refuse to renew, or otherwise penalize the license of a~~

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~~podiatric physician, any podiatrist's license, after notice and hearing for any one or more of the following causes:~~

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~~(A) His conviction of a felony, as shown by a certified copy of the Judgment of Conviction; A plea of guilty or nolo contendere or conviction of any crime involving moral turpitude or a felony;~~

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~~(B) His procurement of, or attempt to procure certificate of registration or money or any other thing of value by fraudulent misrepresentation;~~

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~~(C) His commission of acts constituting malpractice;~~

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~~(D) His continued practice with knowledge that he has an infectious or contagious disease~~

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~~(E)(B) His failure, Failure to display in his the primary office his the current certificates of registration;~~

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~~(F) His practicing, or attempting to practice, under a name other than his own;~~

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~~(G) His failure to comply with a reasonable standard of proficiency.~~

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~~(H)(C) His unprofessional, Unprofessional and dishonest conduct, including but not limited to: Some of the following are examples of unprofessional conduct. This list is not intended to be all-inclusive:~~

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~~(i) The willful betrayal of a professional secret.~~

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~~(ii) Knowingly having professional connection with Aiding and abetting an unregistered unlicensed podiatrist person to practice Podiatric Medicine-;~~

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~~(iii) The making of a false statement in any affidavit required of the applicant for application, examination, or registration under this Act.~~

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~~(iv) Conviction of any offense involving moral turpitude.~~

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~~(v) Misrepresentation of any material fact in obtaining a certificate.~~

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~~(vi)(ii) Violation of any of the provisions of Act 610 of 1923, Act 187 of 1937, Act 31 of 1973 and/or Act 429 of 1983. Ark. Code Ann. §§ 17-96-101, et seq and~~

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~~(vii)(iii) Violation of any statute, rules, or order of the State Arkansas Board of Podiatry, Podiatric Medicine-;~~

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~~(viii) Conducting a practice under any other name than that appearing on his or her license.~~

~~(4)(D) Habitual, intemperate, or excessive drunkenness or addiction to the use of narcotics or any other habit-forming drugs;~~

~~(J) His betrayal of professional secret; or~~

~~(K) His having professional connection with, or knowingly lending the use of his name to an unregistered podiatrist.~~

~~(E) Incompetent to practice medicine to such an extent as to endanger the public;~~

~~(F) Insanity or mental disease if evidenced by adjudication or by an involuntary commitment to an institution for treatment of a mental disease or as determined by an examination conducted by three impartial psychiatrists;~~

~~(G) Submitting false, deceptive or unfounded claims, reports or opinions to any patient or payor;~~

~~(H) Gross, willful and continued overcharging for professional services.~~

~~(I) Failure to report to the Board any disciplinary action, suspension or loss of privileges by a hospital, outpatient treatment or surgical facility within 30 days of such action; and~~

~~(J) Failure to check the check the information in the Prescription Drug Monitoring Program when prescribing controlled substances, as required by the Prescription Drug Monitoring Program Act, Ark. Code Ann. §§ 20-7-601 et seq.~~

~~2. The Board after hearing may, by majority vote, revoke any certificate issued by it, and cancel the registration of any podiatrist who has been convicted of violation of any of the provisions of the Article. The Board may also, after hearing and by majority vote, revoke the certificate and cancel the registration of any person whose registration was granted upon mistake of material fact. The Board may subsequently, but not earlier than one year thereafter, by majority vote, reissue any certificate and register anew a podiatrist whose certificate was revoked, and whose registration was cancelled by the Board, except as herein provided.~~

~~3. The State Board of Podiatry shall not suspend or revoke or refuse to issue or to renew, any certificate of registration for any of the causes listed in Article IV unless the person accused has been given at least twenty days notice in writing of the charge against him and a public hearing by the Board. Upon the hearing of any such proceeding, the State Board of Podiatry may administer oaths and may use its subpoena power to procure the attendance of witnesses and the~~

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~~production of relevant books and papers, on behalf of the person charged or on behalf of the Board Proceedings shall be in accordance with the Arkansas Administrative Procedure Act (Ark. Stat. Ann. §5-701 et seq.). All hearings shall be conducted in accordance with the Administrative Procedure Act, Ark. Code Ann. §§ 25-15-201, et seq.,~~

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ARTICLE V

OFFICERS OF THE ~~STATE~~ **PODIATRY** ~~EXAMINING ARKANSAS~~ **BOARD OF** ~~PODIATRIC MEDICINE~~ **AND THEIR DUTIES**

1. The officers of the ~~State Examining Arkansas Board of Podiatric Medicine~~ shall consist of a President and a Secretary-Treasurer. They shall be elected annually by the members of the Board and shall serve a term of one year, or until their successors are elected and qualified.

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2. **President.** The president shall be the chief executive officer of the Board and shall preside at all of its meetings. ~~He, The president~~ shall approve and keep in custody the bond of the secretary, sign all licenses, and perform such other duties as may pertain to ~~his, the office.~~ ~~He, The president~~ shall approve all requests for the expenditure of funds of the Board, and shall have power to vote on all questions coming before the Board.

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3. **Secretary-Treasurer.** The Secretary-Treasurer shall be in charge of the books, records, property, and money of the Arkansas ~~State Board of Podiatry, Medicine Examining Board.~~ ~~He, The Secretary-Treasurer~~ shall conduct the Board's correspondence, keep a complete and accurate record of the business transactions at all meetings and of all fees received and expenses paid under these rules and regulations and shall report the same to the ~~State, Arkansas Board of Podiatry, Podiatric Medicine Examining Board~~ annually. ~~The Secretary-Treasurer~~ shall also have the following duties and responsibilities:

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(A) ~~He, The Secretary-Treasurer~~ shall keep a complete record listing the names and addresses of all persons to whom licenses have been granted with the number, ~~grade percentage,~~ and the date of issuance of each license.

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(B) ~~He, The Secretary-Treasurer~~ shall collect all fees and renewals, ~~giving his receipt therefore,~~ and deposit to the account of the Arkansas ~~State Board of Podiatric Medicine Examining Board~~ all money received ~~by him,~~ not later than the first day of the calendar month following ~~his~~ receipt of the money.

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(C) ~~He, The Secretary-Treasurer~~ shall keep a full and complete record of all forfeited, revoked and expired licenses, and shall countersign all newly issued licenses.

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(D) ~~He, The Secretary-Treasurer~~ shall receive and submit to the Board for approval all applications for ~~license, licensure~~ and shall further be required to keep a full and complete record thereof.

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(E) ~~He, The Secretary-Treasurer~~ shall notify the members of the Board of the dates and places of all regular and special meetings of said ~~State Board Podiatry Examining Board~~, and shall notify applicants for ~~license, licensure~~ of the date and place of examination.

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(F) Before taking possession of ~~his~~ office, ~~he, the Secretary-Treasurer~~ shall file with the president of ~~Arkansas State the Board Podiatry Examining Board~~ such surety bond as may be required by the Board, the expense of which shall be paid by the Board, ~~and, at~~ At the expiration of ~~his, the~~ term of office ~~the Secretary-Treasurer~~ shall deliver to ~~his, the~~ successor all books, records, property, and money of the Board, ~~in his possession.~~

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(G) ~~He, The Secretary-Treasurer~~ shall receive and submit to the Board for approval all applications for license and ~~or city attorney, as the case may be of any violation of the law, (Act 610 of 1923 as amended by Act 187 of 1937, Act 31 of 1973 and Act 479 of 1983), after the State Podiatry Examining Board has determined that violation has occurred. He shall submit to such prosecuting attorney or city attorney all information or data which may have been received by the Board pertaining to such violation, and any complaints regarding podiatric physicians that appear to be violations of these Rules and Regulations.~~

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(H) ~~He, The Secretary-Treasurer~~ shall not issue any duplicate license number ~~in any case should a number become vacant, or reassign any number that may become vacant.~~

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4. Other members of the Board ~~will~~ may countersign, license, preside over meetings when necessary, and aid in conducting examinations of applicants.

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ARTICLE VI MEETINGS OF THE ARKANSAS STATE BOARD OF PODIATRY-PODIATRIC MEDICINE EXAMINING BOARD

1. ~~The annual business meeting of the Board will be held in June of each year.~~ The Board shall hold an annual business meeting. Special meetings of the Board may be called by the President, or in ~~his, the~~ absence or inability of the

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President to act, by the members of said Board, for the proper and efficient discharge of their duties as required by law.

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~~2. The meeting of the Board for the purpose of examining applicants for license shall be held during the first or second month following the graduation of students from schools recognized by the Board.~~

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~~3. At all meetings of the Board, three members shall be necessary for the transaction of business, and all motions must have two favorable votes in order for them to carry. At examinations only one member need be present to supervise the examination and render such service as may be needed.~~

ARTICLE VII

~~1. No special or private examination will be held by the Arkansas State Podiatry Examining Board. In extraordinary circumstances only, this rule may be waived by unanimous vote of the Board after due consideration of facts.~~

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~~2. No temporary certificates or license to practice podiatry shall be granted.~~

PODIATRIC PHYSICIAN DELEGATION REGULATION

1. Act 472 of the 87th General Assembly of the State of Arkansas, as of the year 2009, authorized Podiatric Physicians to delegate the performance of certain medical practices or tasks to qualified and properly trained employees (commonly referred to as medical assistants), who are not licensed or otherwise specifically authorized by Arkansas law to perform the practice or task. This Regulation will set forth standards to be met and the procedures to be followed by the Podiatric Physician when delegating to employees.

2. Definitions for Purposes of this Article VII:

(A) "Podiatrist" means an individual licensed by the Arkansas Board of Podiatric Medicine as a Podiatric Physician.

(B) "Medical Practice" means those tasks or functions that are delegated to a qualified and properly trained employee, including the administration of drugs, pursuant to Act 472 of 2009 and this Regulation.

(C) "Delegate" means to authorize a qualified and properly trained employee to perform a medical practice that does not conflict with a provision of the Arkansas Code that specifically authorizes an individual to perform a particular practice.

(D) "Supervision" means the act by a Podiatric Physician in directing and overseeing an employee who performs a delegated medical practice.

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(E). "Medical Assistant" means an employee of a Podiatric Physician who has been delegated medical practices or tasks, and who has not been licensed by or specifically authorized to perform the practice or task pursuant to other provisions of Arkansas law.

3. General Provisions

(A). The delegating Podiatric Physician remains responsible for the acts of the employee performing the delegated medical practice;

(B). The employee performing the delegated medical practice shall not be represented to the public as a licensed Podiatric Physician) licensed nurse, licensed physician's assistant, or other licensed healthcare provider; and

(C). Medical practices delegated pursuant to this statute and regulation shall be performed under the Podiatric Physician's supervision.

4. Procedures for Delegating a Medical Practice

Prior to delegating a medical practice or task, the Podiatric Physician shall determine the following:

(A). That the medical practice or task is within that Podiatric Physician's authority to perform;

(B). That the medical practice or task is indicated for the patient;

(C). The appropriate level of supervision for the Podiatric Physician to exercise while the medical practice or task is being performed;

(D). That the person to whom the medical practice or task is being delegated is qualified and properly trained to perform the medical practice or task; and

(E). That the medical practice is one that can be appropriately delegated when considering the following factors:

i. That the medical practice can be performed without requiring the exercise of judgment based on medical knowledge;

ii. That the results of the medical practice are reasonably predictable;

iii. That the medical practice can be safely performed according to exact, unchanging directions;

iv. That the medical practice can be performed without the need for complex observations or critical decisions; and

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v. That the medical practice can be performed without repeated medical assessments.

5. Additional Requirements for Delegating the Administration of Drugs

(A). A Podiatric Physician may only delegate the administration of drugs that do not require substantial, specialized judgment and skill based on knowledge and application of the principles of biological, physical, and social sciences.

(B). Administration of drugs, delegated pursuant to this Regulation, shall only be permissible within the physical boundaries of the delegating Podiatric Physician's offices;

(C). The Podiatric Physician shall evaluate the acuity of the patient and make a determination that delegation is appropriate;

(D). The Podiatric Physician shall determine the competency of the person to whom the administration of drugs is being delegated through training and experience, including the physician's personal observation.

6. Prohibitions

(A). A Podiatric Physician shall not transfer his or her responsibility for supervising an unlicensed person in the performance of a delegated medical practice, except to another Podiatric Physician who has knowingly accepted that responsibility;

(B). A Podiatric Physician shall not authorize or permit an unlicensed person to whom a medical practice is delegated to delegate the performance of that practice to another person;

(C). A Podiatric Physician shall not delegate to an unlicensed person the administration of anesthesia;

(D). A Podiatric Physician shall not delegate a medical practice that is not within the authority of that physician or is beyond the Podiatric Physician's training, expertise, or normal course of practice; and

(E). A Podiatric Physician shall not delegate a medical practice to an unlicensed person if the practice is beyond that person's competence.

ARTICLE VIII

4. The Board shall operate in full compliance with all state laws, including the Arkansas

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~~Freedom of Information Act (Ark. Stat. Ann. § 12-2801 et. seq. and the Arkansas Administrative Procedure Act (Ark. Stat. Ann. § 5-701 et. seq.~~

~~2. Any interested person may obtain information, including copies of all forms used by the Board, whose name and address is appended hereto.~~

Licensure for Active Duty Service Members, Returning Military Veterans, and Spouses

1. As used in this rule, “returning military veteran” means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.

2. Provisional Licensure

Upon the Board’s receipt of an application and fee for full licensure, the Board will grant to the following individuals a provisional license while completing the application process for full licensure, if the individual is the holder in good standing of a license to practice podiatric medicine from another U.S. jurisdiction and submits proof of military service dates:

(A). An active duty military service member stationed in the State of Arkansas;

(B). A returning military veteran applying within one (1) year of his or her discharge from active duty; or

(C). The spouse of a person under (A) or (B) above.

3. A license under this rule shall expire on its face in three (3) months.

4. The Board office shall expedite the application for full licensure of any individual listed under subdivisions (2)(A) and (2)(B) and (2)(C) of this rule. The individual must submit proof of active service dates.

5. When considering an application for full licensure for an active duty military service member stationed in the State of Arkansas or a returning military veteran applying within one (1) year of his or her discharge from active duty, the Board shall:

(A). Consider whether or not the applicant’s military training and experience is substantially similar to the experience and education required by Rule for the class of license being sought; and

(B). Accept the applicant’s military training and experience in lieu of the training experience and education required by Rule if the Board determines the military training and experience is a satisfactory substitute for the training and experience required by Rule.

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6. A license held by an active duty military service member deployed outside the State of Arkansas or his or her spouse shall not expire until one hundred eighty (180) days following the active duty military service member's or spouse's return from active deployment. The licensee must submit proof of deployment and deployment dates.

ARTICLE IX

CONTINUING MEDICAL EDUCATION

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1. As part of the application for annual license renewal, licensees must submit to the Board proof that they completed twenty hours of approved continuing medical education within the year prior to the license renewal date.

2. To satisfy the requirements of paragraph 1 of this Rule, a continuing medical education hour shall be considered "approved" if:

(A). The hour has been approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association.

(B). The hour was obtained when attending official meetings presented by any State Podiatric Medical Association.

(C). The hour was obtained from meetings approved by the Council on Medical Education of the American Medical Association or approved by the Council on Osteopathic Medical Education of the American Osteopathic Association as long as the hours pertain to the practice of Podiatric Medicine.

(D). The hour was obtained from hospital lectures, as long as the hour pertains to the practice of Podiatric Medicine.

3. The Board will accept any "approved" hours, as that term is defined in paragraph 2 above, regardless of whether those hours are from meetings, the internet, or periodicals.

4. In addition to the methods of approval for continuing medical education hours provided in paragraph 2 of this Rule, the Board may consider prior approval of meetings. Such prior approval shall be obtained from the Secretary of the Board or, if the Secretary is unavailable to consider hours for approval, a designee of the Board appointed by the President of the Board.

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~~ADDENDUM NO. 1~~

~~The name and address of the Secretary-Treasurer of the
Arkansas Board of Podiatric
Medicine is:~~

~~Dr. H. F. Brown, III, DPM Secretary-Treasurer
Arkansas Board of Podiatric Medicine
2001 Georgia Avenue
Little Rock, Arkansas 72207-5014~~

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