

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Podiatry Examiners

RULE CITATION: 21 NCAC 52 .0208

DEADLINE FOR RECEIPT: Wednesday, February 10, 2016

NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Please insert page numbers (See Rule 26 NCAC 02C .0108(1)(h))

Also, please insert a line space between the Introductory Statement and the first line of the Rule. (See Rule 26 NCAC 02C .0108(5))

In (a), line 3, "Board" should be capitalized to be consistent with the use of the term elsewhere in this Rule.

On line 4, I suggest replacing "having complied" with "compliance"

On lines 5 and 6, the new language – is this Category 1 or Category 2? I am guessing that it is Category 2, as the providers in Category 1 seem to be focusing on the practice podiatry, but given that the language in (c) indicates one can have all 25 hours of CME in Category 1, is it Category 1? Does your regulated public know?

In (b)(2), line 12, I suggest simply deleting "which"

In (b)(3), lines 21 and 22, please replace "must" with "shall"

In (b)(3)(A) through (E), I suggest inserting articles such as "The podiatrist's name"

In (c)(1), Page 2, line 3, do you need "directly"? If so, please state "NCF&AS shall provide directly to the Board..."

In (c)(2), line 5, please do not underline and strike the same language. Pursuant to Rule 26 NCAC 02C .0405(b)(2)(D), since this is language the Board proposed to add but chose not to do so, the language should be struck, highlighted, and bracketed.

On line 6, I suggest inserting a comma after "state"

Amanda J. Reeder
Commission Counsel

Date submitted to agency: January 27, 2016

In (b)(3), line 11, please replace “must” with “shall”

In (c)(4), are you saying that Category 1 is limited to live educational seminars. Is that correct? If so, then why not state that on line 12?

Also in (c)(4), do you need the sentence on line 15? At least part of it is repeated in (d)(3). And if you do need it here, should (d)(3) be amended to reflect both CPME and APMA approved courses may be permitted?

In (c)(5), line 18, please remove the comma following “abroad”

In (e)(1), why are you giving the acronyms for nurse practitioner and physician assistant, since they are not used again? For ease of recognition for the regulated public?

In (e), Page 3, line 4, please replace “Such requests” with “Requests” and replace “must” with “shall”

In the History Note, line 9, you do not need to highlight the Session Law, since you published it as statutory authority.

In the History Note, line 11, you do not need to show the proposed effective date of “October 1, 2015” since you did not publish it. You can take it out.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 27, 2016

1 21 NCAC 52.0208 is amended with changes as published in 30:08 NCR 900-901 as follows:

2 **21 NCAC 52 .0208 CONTINUING EDUCATION**

3 (a) An additional requirement for issuance of the annual renewal certificate shall be certification to the board of
4 proof of having complied with the continuing education provisions of the General Statutes. The Board shall notify
5 all podiatrists that 25 hours are required ~~annually.~~ annually, including one hour of controlled substances prescribing
6 practices and controlled substance prescribing for chronic pain management.

7 (b) General CME policy - 25 hours per year as follows:

8 (1) Completion of 25 hours of Continuing Medical Education (CME) is required per year (July 1-June
9 30) for renewal of licensure. CME credits shall not be carried over from the previous licensure
10 year.

11 (2) It shall be the responsibility of the individual podiatrist to ascertain in advance that the courses
12 which he or she attends have received proper approval of the certifying organizations, and comply
13 with the *Standards, Requirements, and Guidelines for Approval of Sponsors of Continuing*
14 *Education in Podiatric Medicine* of the Council on Podiatric Medical Education
15 (<http://www.cpme.org/education/content.cfm?ItemNumber=2440&navItemNumber0=2249>),
16 including updates. The website may be accessed at no charge. The Board shall respond in writing
17 within 45 days of receipt by the Board of all needed documentation with approval or denial to
18 individuals requesting approval of CME courses and credit hours. Decisions by the Board are the
19 final agency decision and may be appealed as set out in G.S. 150B-23.

20 (3) Certificates of completion of courses other than those sponsored by the NC Foot and Ankle
21 Society (NCF&AS) must be submitted to the Board on a form provided by the Board with the
22 podiatrist's annual license renewal documents. Completion certificates must be typed and contain
23 the following information:

- 24 (A) Podiatrist's name;
25 (B) Course name, location, and date;
26 (C) Number of hours CME completed;
27 (D) Signature of seminar chairperson; and
28 (E) Name of certifying or sponsoring agency.

29 (4) A licensed podiatrist participating in the second or third year of a medical residency or fellowship
30 may submit a letter signed by the podiatric residency or fellowship director stating the podiatrist's
31 name and dates of residency. This shall substitute for the 25-credit hour requirement and CME
32 certificate required by this Rule.

33 (5) A podiatrist may submit his or her CME certificate(s) to the Board in facsimile, electronic, or hard
34 copy format at any time during the renewal year.

35 (6) The Board shall retain CME documentation with the individual podiatrist's license renewal
36 information.

37 (c) Category 1: Minimum requirement 20 hours per year, as follows:

1 (1) CME credit shall be granted for attendance at educational seminars offered by the NCF&AS. The
2 number of qualifying hours of continuing education shall be determined and approved by the
3 Board in advance based on the standards in 90-202.11. NCF&AS shall provide the Board directly
4 with a listing of individuals attending its CME events and credits earned.

5 (2) CME credit shall be granted for attendance at educational seminars ~~or live webinars~~ offered by
6 other national, state and podiatric education providers, as certified by the Council on Podiatric
7 Medical Education (CPME) of the American Podiatric Medical Association (APMA). The number
8 of qualifying hours of continuing education shall be determined and approved by the Board.

9 (3) Lecturers shall be granted one hour of credit for each hour of CPME- or APMA- approved lectures
10 given, but such credit shall be limited to one hour for each discrete topic. A brief summary of the
11 content of each lecture must be submitted to the Board for approval.

12 (4) Category 1 is limited to educational seminars either offered by NCF&AS or by sponsors pre-
13 approved by CPME:

14 <http://www.cpme.org> (CPME 700: "Approved Sponsors of Continuing Education in Podiatry").
15 (APMA- or CPME- approved online or journal courses are considered Category 2.)

16 (5) Since CPME evaluates only CME conducted in the United States, North Carolina-licensed
17 podiatrists practicing outside the United States or participating in a foreign fellowship or other
18 short-term residency abroad, may apply to the Board to have their continuing medical education
19 credits from their country of practice considered and evaluated by the Board on an individual
20 basis.

21 (d) Category 2: A maximum of only 5 of the total 25 CME hours per year shall be allowed as follows:

22 (1) CME credit shall be allowed for educational programs approved for Category 1 credit by the
23 American Medical Association (AMA) and the American Osteopathic Association (AOA) or their
24 affiliated organizations.

25 (2) CME credit shall be allowed for courses approved by North Carolina Area Health Education
26 Centers (AHEC).

27 (3) Online or medical journal courses approved by CPME are permitted.

28 (4) For courses not pre-approved by AHEC, AOA, or AMA, all requests for CME approval must
29 contain a timeline and course description and be submitted to the Board for approval.

30 (e) Waiver for Certified Illness, Medical Condition, Natural Disaster, or Undue Hardship. The Board may waive
31 the continuing education requirement for license renewal in the following cases that preclude a licensed podiatrist
32 from completing his or her CME requirement within the 18-month timeframe from July 1 of the year of the last
33 license or renewal issuance through December 31 of the following year:

34 (1) An unexpected illness or medical condition certified by a letter from a licensed ~~physician~~
35 physician, nurse practitioner (NP), or physician assistant (PA) regarding the licensee or the
36 licensee's parents, spouse, children and other persons dependent upon the podiatrist for daily living
37 supports; or

1 (2) An undue hardship (such as active military service or natural disaster).

2 In such cases, the Board shall issue a conditional license predicated on the licensee acquiring all of the required
3 continuing education credits in a mutually-agreeable timeframe, but no later than 24 months after December 31 of
4 the year following the latest year of license or renewal issuance. Such requests for CME waiver must be received by
5 the Board before the end of the grace period deadline for license renewal. The Board may require additional
6 information when necessary to confirm the need for exemption to support the licensee's claim. The Board shall
7 notify the licensee of its decision in writing within 45 days of receipt by the Board of all needed documentation.

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9 *History Note:* Authority G.S. 90-202.4(g); 90-202.11; S.L. 2015-241, s. 12F.16(b) and (c)

10 *Eff. February 1, 1976;*

11 *Amended Eff. March 1, 2016; ~~October 1, 2015;~~ June 1, 2013; October 1, 2012; February 1,*
12 *2012; November 1, 2011; June 1, 2011; December 1, 1988.*

13