

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Podiatry Examiners

RULE CITATION: 21 NCAC 52 .0201

DEADLINE FOR RECEIPT: Friday, August 5, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 4 – Please consider replacing the entire line with: “Any applicant for a license to practice podiatry shall submit a”

Line 6 – a form is required by this Rule. The APA requires the substantive contents of forms to be set forth in either rules or statute. In addition, the rule should also state, with specificity, where the form may be obtained by reference to a mailing address, web address, or another rule where that information is provided.

Lines 7-9 – this Paragraph simply repeats statutory requirements, in one case inaccurately. Please consider replacing this Paragraph with:

(b) Applicants shall furnish the board with proof that the applicant meets the educational and licensure examination requirements set forth in G.S. 90-202.5(a).

Lines 10 and 11 – replace “must” with “shall”

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

Jason Thomas
Commission Counsel
Date submitted to agency: July 22, 2016.

1 21 NCAC 52. 0201 is readopted as published in NCR 30:08 as follows:

2

3 **21 NCAC 52 .0201 APPLICATION**

4 (a) Anyone who meets the statutory requirements and wishes to apply for examination may do so by submitting a
5 written application to the executive secretary of the board. Such Application for Examination or Application of
6 Reciprocity shall be made on a form provided by the board.

7 (b) Applicants shall furnish the board with certification of graduation from a four-year high school, completion of at
8 least two years of undergraduate college education, graduation from an accredited college of podiatric medicine, and
9 passing scores on all parts of the APMLE, as provided in the statutes.

10 (c) The application must be accompanied by a non-refundable application fee of three hundred fifty dollars (\$350.00).

11 (d) Applications must also be notarized by a Notary Public in good standing.

12

13 *History Note: Authority G.S. 90-202.5; 90-202.6; 90-202.7;*

14 *Eff. February 1, 1976;*

15 *Amended Eff. June 1, 2011; April 1, 2005; January 1, 2005; December 1, ~~1988~~1988;*

16 *Readopted Eff: September 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Podiatry Examiners

RULE CITATION: 21 NCAC 52 .0202

DEADLINE FOR RECEIPT: Friday, August 5, 2016

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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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 6 – replace “must” with “shall”

Line 7 – add the following to the end of the line: “, as set forth in G.S. 90-202.6(a), in order to successfully complete the examination”

Lines 8-10 – what statute authorizes the Board to require an examination of “office practice and ethics”? G.S. 90-202.6 states that the Board “may include the following subjects [in the examination]: anatomy, physiology, bacteriology, chemistry, dermatology, podiatry, surgery, materia medica, pharmacology and pathology.” This appears to be an exclusive list. Do you believe that it includes “office practice and ethics”? In addition, G.S. 90-202.4(g) authorizes the Board to “adopt rules and regulations governing ... the practice of podiatry in this State, not inconsistent with the provisions of [Article 12A].” This is a broad grant of rulemaking power, but is the addition of office practice and ethics inconsistent with the provisions of Article 12A, in that this subject matter is not included in the apparently exclusive list of authorized subjects? Is there another statute that authorizes examination of these subjects? (See also the same issue respecting Rule .0205.)

“Line 8 – assuming the Board has the authority described above, replace “in” with “as set forth in” and “must” with “shall”

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

Jason Thomas
Commission Counsel
Date submitted to agency: July 22, 2016.

1 21 NCAC 52. 0202 is readopted as published in NCR 30:08 as follows:

2

3 **21 NCAC 52 .0202 EXAMINATION**

4 (a) The board shall conduct an examination as set out in G.S. 90-202.6. The examination shall be scheduled so as not
5 to conflict with the APMLE.

6 (b) An applicant who has qualified to sit for the examination must pass written and oral sections on medical and
7 clinical subjects related to the practice of podiatric medicine.

8 (c) An applicant who has successfully completed the examination in Paragraph (b) of this Rule must also pass an
9 examination section on podiatric office practice and ethics within 30 months of successfully completing the
10 examination in Paragraph (b).

11

12 *History Note: Authority G.S. 90-202.6;*

13 *Eff. February 1, 1976;*

14 *Amended Eff. April 1, 2013; June 1, 2011; December 1, ~~1988~~, 1988;*

15 *Readopted Eff: September 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Podiatry Examiners

RULE CITATION: 21 NCAC 52 .0204

DEADLINE FOR RECEIPT: Friday, August 5, 2016

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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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 4-5 – replace “within a period ... to re-examination” with “pursuant to G.S. 90-202.6(c)”

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

Jason Thomas
Commission Counsel
Date submitted to agency: July 22, 2016.

1 21 NCAC 52. 0204 is readopted as published in NCR 30:08 as follows:

2

3 **21 NCAC 52 .0204 RE-EXAMINATION**

4 Unsuccessful candidates for licensure may apply to the board for re-examination within a period of one year and be
5 entitled to re-examination upon the payment of the three hundred fifty dollar (\$350.00) examination fee. No more than
6 two re-examinations shall be allowed any one applicant within that one-year period under this Rule.

7

8 *History Note: Authority G.S. 90-202.6;*

9 *Eff. February 1, 1976;*

10 *Amended Eff. June 1, 2011; December 1, ~~1988~~.1988;*

11 *Readopted Eff. September 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Podiatry Examiners

RULE CITATION: 21 NCAC 52 .0205

DEADLINE FOR RECEIPT: Friday, August 5, 2016

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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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 4-6 do not impose any duty or confer any right on anyone – why are they included in this rule? If you must retain these lines, in line 5 insert “an opportunity to” after “subjects,”

Line 7 – Please address the same issue regarding “practice- and ethics-examination” discussed with respect to Rule .0202.

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

Jason Thomas
Commission Counsel
Date submitted to agency: July 22, 2016.

1 21 NCAC 52. 0205 is readopted as published in NCR 30:08 as follows:

2

3 **21 NCAC 52 .0205 PRACTICE-AND-ETHICS TRAINING**

4 The board may offer to each applicant, who has otherwise successfully completed his or her examination on medical
5 and clinical subjects, to attend by personal appearance or verified electronic conference a practice- and ethics-training
6 prior to an examination administered on those topics, on a date and at a time and location determined by the board.

7 The license shall not be issued until the applicant has passed the practice- and ethics-examination.

8

9 *History Note: Authority G.S. 90-202.4(g); 90-202.6(a)(b);*

10 *Eff. February 1, 1976;*

11 *Amended Eff. December 1, 2012; March 1, 2006; May 1, 2005; December 1, ~~1988~~, 1988;*

12 *Readopted effective September 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Podiatry Examiners

RULE CITATION: 21 NCAC 52 .0207

DEADLINE FOR RECEIPT: Friday, August 5, 2016

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 4 and 5 - Line 6 – a form is required by this Rule. The APA requires the substantive contents of forms to be set forth in either rules or statute. In addition, the rule should also state, with specificity, where the form may be obtained by reference to a mailing address, web address, or another rule where that information is provided.

Line 5 – where is the form to be returned – is there a rule that states the board's address (or web address, if that is where the form is to be uploaded)?

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

Jason Thomas
Commission Counsel
Date submitted to agency: July 22, 2016.

1 21 NCAC 52. 0207 is readopted as published in NCR 30:08 as follows:

2

3 **21 NCAC 52 .0207 ANNUAL RENEWAL OF LICENSE**

4 The executive secretary of the board shall mail to the last known address of each license holder each year a form on
5 which to apply for renewal of his or her license. The renewal form and accompanying documents shall be returned to
6 the board with the original signatures of the licensed podiatrist. The penalties for failure to comply with this Rule are
7 specified in G.S. 90-202.10.

8

9 *History Note: Authority G.S. 90-202.4(g); 90-202.10;*

10 *Eff. February 1, 1976;*

11 *Amended Eff. April 1, 2013; January 1, 2005; December 1, ~~1988~~ 1988;*

12 *Readopted Eff: September 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Podiatry Examiners

RULE CITATION: 21 NCAC 52 .0209

DEADLINE FOR RECEIPT: Friday, August 5, 2016

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 6 – delete “as”

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

Jason Thomas
Commission Counsel
Date submitted to agency: July 22, 2016.

1 21 NCAC 52. 0209 is readopted as published in NCR 30:08 as follows

2

3 **21 NCAC 52 .0209 APPLICANTS LICENSED IN OTHER STATES**

4 If an applicant for licensure is already is licensed in another state to practice podiatry, the board shall issue a license to
5 practice podiatry in the State of North Carolina only upon evidence that said podiatrist has complied with the requirements
6 as set forth in General Statute 90-202.7 of the Podiatry Practice Act. Presentation of such evidence is the responsibility of
7 the podiatrist seeking reciprocity to practice in the State of North Carolina. This evidence shall include verification from
8 the Board of Podiatry Examiners of the state where the applicant has last practiced that the applicant is in good standing
9 and has no disciplinary action pending. The verification shall include a history of previous disciplinary action, if any.

10

11 *History Note:* Authority G.S. 90-202.4(g); 90-202.7;

12 *Eff. December 1, ~~1988~~, 1988;*

13 *Readopted Eff: September 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Podiatry Examiners

RULE CITATION: 21 NCAC 52 .0210

DEADLINE FOR RECEIPT: Friday, August 5, 2016

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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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 13 – why is G.S. 90-202.3 cited as authority for this Rule?

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

Jason Thomas
Commission Counsel
Date submitted to agency: July 22, 2016.

1 21 NCAC 52. 0210 is readopted as published in NCR 30:08 as follows:

2

3 **21 NCAC 52 .0210 FEE FOR VALIDATION OF LICENSEE LISTS; COMPUTER SERVICES**

4 (a) In order to validate a podiatrist's authority to receive drug samples pursuant to U.S. federal laws, the Board shall
5 provide computerized lists of its licensees and their licensing status to companies engaged in the business of providing
6 data information services to the pharmaceutical and healthcare industries for the purposes of validating the licensing
7 status of health care professionals for a fee of three hundred dollars (\$300) per order, payable in advance. Orders for
8 a list of licensees shall be placed at least four weeks in advance.

9 (b) Other Data Processing Services. The Board may provide data processing services related to the Board's powers
10 and duties upon request from research and educational organizations. No fees for such services shall be assessed if
11 the use of the data is for nonprofit educational or research purposes.

12

13 *History Note: Authority G.S. 90-202.3; 150B-19(5)e;*

14 *Eff. April 1, ~~2005-2005~~;*

15 *Readopted Eff: September 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Podiatry Examiners

RULE CITATION: 21 NCAC 52 .0211

DEADLINE FOR RECEIPT: Friday, August 5, 2016

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Page 1, lines 4-10 – revise Paragraph (a) as follows:

- (a) Restricted Temporary License: The Board shall issue a restricted temporary license to podiatrists practicing in a clinical residency solely on federal military installations within North Carolina if, upon application to the Board, the applicant satisfies the following conditions:
- (1) Applications for restricted temporary license shall require the same education as for a permanent license, current participation in a one-year clinical residency, and successful completion of Parts I and II of the National Boards; and
 - (2) Restricted temporary licenses shall be granted for a maximum of one-year, renewable annually so long as the podiatrist continues to practice within the clinical residency on the federal military installation.

The Board shall not assess a license examination nor application fee.

Page 1, line 13 – delete “satisfies the following conditions”

Page 1, line 16 – replace the “and” after “training” with a comma.

Page 1, lines 25-26 – delete “satisfies the following conditions”

Page 1, line 27 – delete the comma after “jurisdiction”

Page 2, line 4 – add a space before “(c)”

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

Jason Thomas
Commission Counsel
Date submitted to agency: July 22, 2016.

1 21 NCAC 52. 0211 is readopted as published in NCR 30:08 as follows:

2
3 **21 NCAC 52 .0211 MILITARY LICENSE**

4 (a) Restricted Temporary License: The Board shall grant restricted temporary license privileges to podiatrists
5 practicing in a clinical residency solely on federal military installations within North Carolina, provided they meet the
6 following conditions. Applications for restricted temporary license shall require the same education as for a permanent
7 license, current participation in a one-year clinical residency and successful completion of Parts I and II of the National
8 Boards. The Board shall not assess a license examination nor application fee. Restricted temporary licenses shall be
9 granted for a maximum of one-year, renewable annually so long as the podiatrist continues to practice within the
10 clinical residency on the federal military installation.

11 (b) Permanent Unrestricted License Military Podiatrist: The Board shall issue a permanent license to a military-
12 trained applicant to allow the applicant to lawfully practice podiatry in North Carolina if, upon application to the
13 Board, the applicant satisfies the following conditions:

- 14 (1) Has been awarded a military occupational specialty in podiatry and has done all of the following at
15 a level that is substantially equivalent to or exceeds the requirements for licensure in North Carolina:
16 completed a military program of podiatry training and completed testing or equivalent training and
17 experience, and performed in the occupational specialty;
- 18 (2) Has engaged in the practice of podiatry for at least two of the five years (which may include clinical
19 residency) preceding the date of the application under this Paragraph;
- 20 (3) Has not committed any act in any jurisdiction that would have constituted grounds for refusal,
21 suspension, or revocation of a license to practice podiatry in this State at the time the act was
22 committed; and
- 23 (4) Pays the application, examination, and licensing fees required by the Board.

24 (c) Permanent Unrestricted License-Podiatrist Spouse of Military Personnel: The Board shall issue to a military
25 spouse a license to practice podiatry in this State if, upon application to the board, the military spouse satisfies the
26 following conditions:

- 27 (1) Holds a current license, certification, or registration from another jurisdiction, and that jurisdiction's
28 requirements for licensure, certification, or registration are substantially equivalent to or exceed the
29 requirements for licensure in this State;
- 30 (2) Can demonstrate competency in the occupation through passing the North Carolina examination;
- 31 (3) Has not committed any act in any jurisdiction that would have constituted grounds for refusal,
32 suspension, or revocation of a license to practice that occupation in this State at the time the act was
33 committed;
- 34 (4) Is in good standing and has not been disciplined by the agency that had jurisdiction to issue the
35 license, certification, or permit; and
- 36 (5) Pays the application, examination, and licensing fees required by the Board.

1 (d) All relevant podiatric medical experience of a military service member in the discharge of official duties or, for a
2 military spouse, all relevant podiatric medical experience, including full-time and part-time experience, regardless of
3 whether in a paid or volunteer capacity, shall be credited in the calculation of years of practice in an occupation as
4 required under Paragraphs (b) and(c) of this Rule.

5 (e) A nonresident licensed under this Rule shall be entitled to the same rights and subject to the same obligations as
6 required of a resident licensed by the Board in this State.

7

8 *History Note: Authority G.S. 90-202.5(b); 90-202.6; 93B-15.1; Army Regulation 40-68;*

9 *Eff. April 1, 2005;*

10 *Amended Eff. July 1, ~~2013-2013~~;*

11 *Readopted Eff. September 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Podiatry Examiners

RULE CITATION: 21 NCAC 52 .0212

DEADLINE FOR RECEIPT: Friday, August 5, 2016

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 6 – a form is required by this Rule. The APA requires the substantive contents of forms to be set forth in either rules or statute. In addition, the rule should also state, with specificity, where the form may be obtained by reference to a mailing address, web address, or another rule where that information is provided.

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

Jason Thomas
Commission Counsel
Date submitted to agency: July 22, 2016.

1 21 NCAC 52. 0212 is readopted as published in NCR 30:08 as follows:

2

3 **21 NCAC 52 .0212 SPECIALTY CREDENTIALING PRIVILEGES**

4 (a) The Board shall grant surgical specialty privileges to podiatrists in the areas of amputation, ankle surgery, and
5 club foot correction.

6 (b) Application for such privileges shall be made upon a form provided by the Board along with two copies of the
7 applicants' surgery logs, both of which shall be highlighted in different colors (one color per specialty area, i.e.
8 amputations, ankle surgeries, and club foot corrections).

9

10 *History Note: Authority G.S. 90-202.2;*

11 *Eff. June 1, ~~2011~~, 2011;*

12 *Readopted Eff: September 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Podiatry Examiners

RULE CITATION: 21 NCAC 52 .0301

DEADLINE FOR RECEIPT: Friday, August 5, 2016

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 5 – delete “as required by the General Statutes. Registration shall be”

Line 8 –replace “must” with “shall”

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

Jason Thomas
Commission Counsel
Date submitted to agency: July 22, 2016.

1 21 NCAC 52. 0301 is readopted as published in NCR 30:08 as follows:

2

3 **21 NCAC 52 .0301 REGISTRATION**

4 No podiatrist or group of podiatrists may operate in the State of North Carolina as a professional corporation without
5 first obtaining from the board a certificate of registration as required by the General Statutes. Registration shall be as
6 set forth in G.S. 55B-10:

7 http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_55B/GS_55B-10.html. Each
8 corporate registrant must pay a separate registration fee of twenty-five dollars (\$25.00) per year for each separate
9 establishment where podiatric services are performed.

10

11 *History Note: Authority G.S. 55B-10; 90-202.4(g);*

12 *Eff. February 1, 1976;*

13 *Amended Eff. June 1, 2011; December 1, ~~1988~~1988;*

14 *Readopted Eff September 1, 2016.*

1 21 NCAC 52. 0302 is readopted as published in NCR 30:08 as follows:

2

3 **21 NCAC 52 .0302 ANNUAL RENEWAL**

4 Annual renewal of a professional podiatry corporate registration shall be as set forth in G.S. 55B-11:

5 http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_55B/GS_55B-11.html.

6

7 *History Note: Authority G.S. 55B-11; 90-202.4(g);*

8 *Eff. February 1, 1976;*

9 *Amended Eff. June 1, 2011; December 1, ~~1988-1988~~;*

10 *Readopted Effective September 1, 2016.*

1 21 NCAC 52. 0303 is readopted as published in NCR 30:08 as follows:

2

3 **21 NCAC 52 .0303 PENALTIES**

4 Penalties for non-renewal of a professional podiatry corporation certificate of registration shall be as set forth in G.S.
5 55B-11: http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_55B/GS_55B-11.html.

6

7 *History Note: Authority G.S. 55B-11; 90-202.4(g);*

8 *Eff. December 1, 1988;*

9 *Amended Eff. June 1, ~~2011~~2011;*

10 *Readopted Eff September 1, 2016.*

11

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Podiatry Examiners

RULE CITATION: 21 NCAC 52 .0402

DEADLINE FOR RECEIPT: Friday, August 5, 2016

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 4 and 5 – add commas after “revoke” and “safety”

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

Jason Thomas
Commission Counsel
Date submitted to agency: July 22, 2016.

1 21 NCAC 52. 0402 is readopted as published in NCR 30:08 as follows:

2

3 **21 NCAC 52 .0402 HEARINGS**

4 The board may deny, revoke or suspend a license in accordance with Article 3A of G.S. 150B. In addition, the board may
5 summarily suspend a license where the public health, safety or welfare requires emergency action as provided in G.S.
6 150B-3(c).

7

8 *History Note: Authority G.S. 90-202.8; 150B-38;*

9 *Eff. February 1, 1976;*

10 *Amended Eff. December 1, ~~1988-1988~~;*

11 *Readopted Effective September 1, 2016.*

1 21 NCAC 52. 0403 is readopted as published in NCR 30:08 as follows:

2

3 **21 NCAC 52 .0403 SERVICE OF NOTICE**

4 Any notice required by the rules shall be given personally or by certified mail, return receipt requested, directed to the
5 licensee or applicant at his last known address as shown by the records of the board. If service cannot be accomplished
6 either personally or by certified mail, it shall then be given as provided in G.S. 1A-1, Rule 4 (j1).

7

8 *History Note: Authority G.S. 90-202.8; 150B-38;*

9 *Eff. February 1, 1976;*

10 *Amended Eff. December 1, ~~1988-1988~~;*

11 *Readopted Eff. September 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Podiatry Examiners

RULE CITATION: 21 NCAC 52 .0404

DEADLINE FOR RECEIPT: Friday, August 5, 2016

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 4 – replace “statute” with “G.S. 150B-38(e)”

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

Jason Thomas
Commission Counsel
Date submitted to agency: July 22, 2016.

1 21 NCAC 52. 0404 is readopted as published in NCR 30:08 as follows:

2

3 **21 NCAC 52 .0404 PLACE OF HEARINGS**

4 A hearing conducted by the board shall be held in the location as provided by statute.

5

6 *History Note: Authority G.S. 90-202.8; 150B-38(e);*

7 *Eff. February 1, 1976;*

8 *Amended Eff. December 1, ~~1988~~ 1988;*

9 *Readopted Eff: September 1, 2016.*

10

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Podiatry Examiners

RULE CITATION: 21 NCAC 52 .0408

DEADLINE FOR RECEIPT: Friday, August 5, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 4 – replace “statute” with “G.S. 150B, Article 4”

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

Jason Thomas
Commission Counsel
Date submitted to agency: July 22, 2016.

1 21 NCAC 52 .0408 is readopted as published in NCR 30:08 as follows:

2

3 **21 NCAC 52 .0408 APPEAL**

4 A podiatrist who is aggrieved by a final decision in a contested case may obtain judicial review of the decision of the board
5 as provided by statute.

6

7 *History Note: Authority G.S. 90-202.8; 150B-43 to 150B-45;*

8 *Eff. February 1, 1976;*

9 *Amended Eff. December 1, ~~1988~~ 1988;*

10 *Readopted Eff: September 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Podiatry Examiners

RULE CITATION: 21 NCAC 52 .0601

DEADLINE FOR RECEIPT: Friday, August 5, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 5 – a form is required by this Rule. The APA requires the substantive contents of forms to be set forth in either rules or statute. In addition, the rule should also state, with specificity, where the form may be obtained by reference to a mailing address, web address, or another rule where that information is provided.

Line 6 – where is the office of the executive secretary located? Is the address provided in another Rule that could be cited here?

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

Jason Thomas
Commission Counsel
Date submitted to agency: July 22, 2016.

1 21 NCAC 52. 0601 is readopted as published in NCR 30:08 as follows:

2

3 **21 NCAC 52 .0601 APPLICATION FOR EXAMINATION**

4 The application for examination shall be used by all applicants who wish to take the examination for licensure. It
5 requires the applicant to furnish the board with information required or permitted by these Rules. The form may be
6 obtained in hard-copy or electronic format from the office of the executive secretary or from the board's website at
7 www.ncbpe.org.

8

9 *History Note: Authority G.S. 90-202.5;*

10 *Eff. February 1, 1976;*

11 *Amended Eff. June 1, 2011; April 1, 2005; January 1, 2005; December 1, ~~1988~~; 1988;*

12 *Readopted Eff: September 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Podiatry Examiners

RULE CITATION: 21 NCAC 52 .0610

DEADLINE FOR RECEIPT: Friday, August 5, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 4-6 – the first two sentences of this Rule are confusing. Replace them with “Any applicant for licensure who wishes to be issued a license pursuant to G.S. 90-202.7 shall comply with the requirements set forth in Rule .0201.

Lines 6-7 – where is the office of the executive secretary located? Is the address provided in another Rule that could be cited here?

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

Jason Thomas
Commission Counsel
Date submitted to agency: July 22, 2016.

1 21 NCAC 52. 0610 is readopted as published in NCR 30:08 as follows:

2

3 **21 NCAC 52 .0610 APPL/EXAM/PODIATRIST LICENSED/OTHER STATES (RECIPROCITY)**

4 The application for examination for those already licensed in other states to practice podiatric medicine shall be used
5 by applicants who request such consideration. The requirements shall be the same as for the applicant in Rule .0201
6 of this Chapter and as required by statute. Application forms may be obtained from the office of the executive
7 secretary of the board or from the board's website at www.ncbpe.org.

8

9 *History Note: Authority G.S. 90-202.7;*

10 *Eff. December 1, 1988;*

11 *Amended Eff. June 1, 2011; January 1, ~~2005-2005~~;*

12 *Readopted Eff: September 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Podiatry Examiners

RULE CITATION: 21 NCAC 52 .0612

DEADLINE FOR RECEIPT: Friday, August 5, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 7 – delete “of”

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

Jason Thomas
Commission Counsel
Date submitted to agency: July 22, 2016.

1 21 NCAC 52. 0612 is readopted as published in NCR 30:08 as follows:

2

3 **21 NCAC 52 .0612 PAYMENT OF FEES**

4 The Board shall accept payment of its fees in the form of cash, money order, check, or credit card. For checks that are
5 returned by the Board's bank for insufficient funds, the payor shall reimburse the Board the fee charged to the Board
6 by the bank for insufficient funds. For each credit card payment transaction, the Board shall assess a convenience fee
7 in the amount equivalent to the merchant account fee the bank charges the Board for processing of credit card charges.

8

9 *History Note: Authority G.S. 55B-10; 55B-11; 90-202.4(g); 90-202.5; 90-202.10;*

10 *Eff. October 1, ~~2012~~2012;*

11 *Readopted Eff: September 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Podiatry Examiners

RULE CITATION: 21 NCAC 52 .0613

DEADLINE FOR RECEIPT: Friday, August 5, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 14 – Please check to determine whether the fee for a returned check is still \$12.00.

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

Jason Thomas
Commission Counsel
Date submitted to agency: July 22, 2016.

1 21 NCAC 52 .0613 is readopted as published in NCR 30:08 as follows

2

3 **21 NCAC 52 .0613 FEE SCHEDULE**

4 The following fees shall apply:

- 5 (1) Application for examination (non-refundable) \$300.00
- 6 (2) Examination (non-refundable) \$50.00
- 7 (3) Re-Examination (application + exam fee, non-refundable) \$350.00
- 8 (3) License certificate \$100.00
- 9 (4) Annual License Renewal \$200.00
- 10 (5) License Renewal Late Fee (per month, up to 6 months) \$25.00
- 11 (6) Data Processing Fee for Pharmaceutical Verification as set forth in Rule .0210 of this Chapter
- 12 \$300.00
- 13 (7) Returned check the fee as set forth in Rule .0612 of this Section. As of the effective date of this
- 14 Rule that fee is \$12.00
- 15 (8) Incorporation for PA/PC/PLLC \$50.00
- 16 (9) Annual Corporate Renewal \$25.00
- 17 (10) Corporate Renewal Late Fee \$10.00

18

19 *History Note: Authority G.S. 90-202.5(a);90-202.6(c); 90-202.9; 90-202.10; 55B-10; 55B-11;55B-12; 150B-*
20 *19(5)(e);*
21 *Eff. April 1, ~~2013~~. 2013;*
22 *Readopted Eff: September 1, 2016.*

23

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Podiatry Examiners

RULE CITATION: 21 NCAC 52 .0701

DEADLINE FOR RECEIPT: Friday, August 5, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 4 – add a comma after “amend”

Line 5 – where is the office of the executive secretary located? Is the address provided in another Rule that could be cited here?

Line 6 – replace “and then the subject area” with “followed by the subject of the petition”

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

Jason Thomas
Commission Counsel
Date submitted to agency: July 22, 2016.

1 21 NCAC 52 .0701 is readopted as published in NCR 30:08 as follows:

2

3 **21 NCAC 52 .0701 PETITION FOR RULEMAKING HEARINGS**

4 Any person wishing to submit a petition requesting the board to promulgate, amend or repeal a rule shall address a
5 petition to the office of the Board of Podiatry Examiners. The caption of the petition shall bear the notation:
6 RULEMAKING PETITION RE: and then the subject area.

7

8 *History Note: Authority G.S. 150B-20;*

9 *Eff. February 1, 1976;*

10 *Amended Eff. June 1, 2011; January 1, 2005; December 1, ~~1988~~, 1988;*

11 *Readopted Eff. September 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Podiatry Examiners

RULE CITATION: 21 NCAC 52 .0702

DEADLINE FOR RECEIPT: Friday, August 5, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 3 – add “FOR RULEMAKING” at the end of this line

Line 5 – replace “an indication” with “a description”

Line 5 – replace “area to which” with “of” and delete “is directed”

Lines 8, 11, 12, and 14 – begin each line with “the”

Line 11 – delete “in the area involved”

Line 12 – add a comma after “rule”

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

Jason Thomas
Commission Counsel
Date submitted to agency: July 22, 2016.

1 21 NCAC 52 .0702 is readopted as published in NCR 30:08 as follows:

2

3 **21 NCAC 52 .0702 CONTENTS OF PETITION**

4 The petition must include the following information:

- 5 (1) an indication of the subject area to which the petition is directed. For example: "This petition is to
6 hold a rulemaking hearing to amend Rule .0000;"
7 (2) either a draft of the proposed rule or a summary of its contents;
8 (3) reason for the proposal;
9 (4) the effect on existing rules;
10 (5) any data supporting the proposal;
11 (6) effect of the proposed rule on existing practices in the area involved, including cost factors;
12 (7) names of those most likely to be affected by the proposed rule with addresses if reasonably known;
13 and
14 (8) name(s) and address(es) of petitioner(s).

15

16 *History Note: Authority G.S. 150B-20;*

17 *Eff. February 1, 1976;*

18 *Amended Eff. June 1, 2011; December 1, ~~1988~~.1988;*

19 *Readopted Eff: September 1, 2016.*

20

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Podiatry Examiners

RULE CITATION: 21 NCAC 52 .0703

DEADLINE FOR RECEIPT: Friday, August 5, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 5 and 6 – replace the semicolons with commas

Line 8 – replace “plus” with “and”

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

Jason Thomas
Commission Counsel
Date submitted to agency: July 22, 2016.

1 21 NCAC 52 .0703 is readopted as published in NCR 30:08 as follows:

2

3 **21 NCAC 52 .0703 DISPOSITION OF PETITIONS**

4 (a) The board shall determine whether the public interest will be served by granting the request. Prior to making this
5 determination, the board may request additional information from the petitioner(s); it may contact interested persons
6 or persons likely to be affected by the proposed rule and request comments; and it may use any other appropriate
7 method for obtaining information on which to base its determination. It shall consider the contents of the petition
8 submitted plus any other information obtained by the means described herein.

9 (b) The board shall make a determination for the institution of rulemaking proceedings or for the denial of the petition
10 as provided by G.S. 150B-20.

11

12 *History Note: Authority G.S. 150B-20;*

13 *Eff. February 1, 1976;*

14 *Amended Eff. June 1, 2011; December 1, ~~1988~~-1988;*

15 *Readopted Eff. September 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Podiatry Examiners

RULE CITATION: 21 NCAC 52 .0804

DEADLINE FOR RECEIPT: Friday, August 5, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 5 – add “, Article 2A” after “150B”

Line 7 – replace “subject areas” with “subjects”

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

Jason Thomas
Commission Counsel
Date submitted to agency: July 22, 2016.

1 21 NCAC 52.0804 is readopted as published in NCR 30:08 as follows:

2

3 **21 NCAC 52.0804 NOTICE MAILING LIST**

4 (a) Upon a determination to hold a rulemaking proceeding, either in response to a petition or otherwise, the Board
5 shall give notice to all interested parties of the proceedings in accordance with the requirements of G.S. 150B.

6 (b) Mailing List. Any person desiring to be placed on the mailing list for the rulemaking notices may file a request
7 in writing, furnishing his name and mailing address to the Board. The request shall state the subject areas within the
8 authority of the Board for which notice is requested.

9 (c) Fee Charged. The cost to be on the mailing list for rulemaking notices shall be fifteen dollars (\$15.00) per year.
10 A notice and invoice shall be mailed no later than February 1 of each year to the last known address of persons on the
11 mailing list. Persons who do not renew their request to remain on the mailing list by remitting the fee by March 1 of
12 each year shall be deleted from the list.

13

14 *History Note: Authority G.S. 150B-21.2(d); 90-20.4(g);*

15 *Eff. April 1, 2005;*

16 *Amended Eff. June 1, ~~2011~~, 2011;*

17 *Readopted Eff. September 1, 2016.*

18

1 21 NCAC 52 .1001 is readopted with changes as published in NCR 30:08 as follows:

2

3 **21 NCAC 52 .1001 SUBJECTS OF DECLARATORY RULINGS**

4 Any person substantially affected by a statute administered or rule promulgated by the board may request a declaratory
5 ruling as provided in G.S. ~~150B-17~~.150B-4.

6

7 *History Note: Authority G.S. ~~150B-17~~;150B-4;*

8 *Eff. February 1, 1976;*

9 *Amended Eff. December 1, ~~1988~~. 1988;*

10 *Readopted Eff: September 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Podiatry Examiners

RULE CITATION: 21 NCAC 52 .1002

DEADLINE FOR RECEIPT: Friday, August 5, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 3 – add “DECLARATORY” after “FOR”

Line 6 – replace the period after “27607” with a comma

Line 10 – add “by” after “or”

Line 11 – add “and” at the end of this line

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

Jason Thomas
Commission Counsel
Date submitted to agency: July 22, 2016.

1
2 21 NCAC 52 .1002 is readopted with changes as published in NCR 30:08 as follows:

3
4 **21 NCAC 52 .1002 SUBMISSION OF REQUEST FOR RULING**

5 All requests for declaratory rulings shall be written and mailed to the Board of Podiatry Examiners, 1500 Sunday
6 Drive, Suite 102, Raleigh, North Carolina 27607. Attention: Executive Secretary. The request shall include the
7 following information:

- 8 (1) name and address of petitioner;
9 (2) statute or rule to which petition relates;
10 (3) concise statement of the manner in which petitioner is aggrieved by the rule or statute or its potential
11 application to him;
12 (4) a statement of whether an oral hearing is desired, and if so, the reason therefore.

13
14 *History Note: Authority G.S. ~~150B-17~~; 150B-4;*
15 *Eff. February 1, 1976;*
16 *Amended Eff. January 1, 2005; December 1, ~~1988~~; 1988;*
17 *Readoption Eff. September 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Podiatry Examiners

RULE CITATION: 21 NCAC 52 .1003

DEADLINE FOR RECEIPT: Friday, August 5, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 9 – replace “When good cause is deemed to exist, it will” with “If the board refuses to issue such ruling, it shall”

Line 18 – add “or” at the end of this line

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

Jason Thomas
Commission Counsel
Date submitted to agency: July 22, 2016.

1 21 NCAC 52 .1003 is readopted with changes as published in NCR 30:08 as follows:

2

3 **21 NCAC 52 .1003 DISPOSITION OF REQUESTS**

4 (a) When the board deems it appropriate to issue a declaratory ruling, it shall issue such declaratory ruling within 60 days
5 of receipt of the petition.

6 (b) A declaratory ruling proceeding may consist of written submissions, an oral hearing, or other procedure as may be
7 appropriate in the circumstances of the particular request.

8 (c) Whenever the board believes "for good cause" that the issuance of a declaratory ruling is undesirable, it may refuse to
9 issue such ruling. When good cause is deemed to exist, it will notify the petitioner of its decision in writing, stating the
10 reasons for the denial of the declaratory ruling.

11 (d) For purposes of Subpart (c) of this Rule, the board will ordinarily refuse to issue a declaratory ruling:

12 (1) unless the petitioner shows that the circumstances are so changed since the adoption of the rule that such
13 a ruling would be warranted;

14 (2) unless the petitioner shows that the agency did not give to the factors specified in the request for a
15 declaratory ruling a full consideration at the time the rule was issued;

16 (3) where there has been a similar controlling factual determination in a contested case, or where the factual
17 context being raised for a declaratory ruling was specifically considered upon the adoption of the rule or
18 directive being questioned, as evidenced by the rulemaking record;

19 (4) where the subject matter of the request is involved in pending litigation in any state or federal court in
20 North Carolina.

21

22 *History Note: Authority G.S. ~~150B-17~~;150-4;*
23 *Eff. February 1, ~~1976~~;1976;*
24 *Readopted Eff: September 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Podiatry Examiners

RULE CITATION: 21 NCAC 52 .1004

DEADLINE FOR RECEIPT: Friday, August 5, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 4, 5, and 7 – replace each “will” with “shall”

Line 5 – delete the comma after “request”

Line 7 – where is the board’s office located? Is the address provided in another Rule that could be cited here?

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

Jason Thomas
Commission Counsel
Date submitted to agency: July 22, 2016.

1 21 NCAC 52 .1004 is readopted with changes as published in NCR 30.08 as follows:

2

3 **21 NCAC 52 .1004 RECORD OF DECISION**

4 A record of all declaratory ruling proceedings will be maintained in the board office for as long as the ruling is in effect
5 and for five years thereafter. This record will contain: the petition, all written submissions filed in the request, whether
6 filed by the petitioner or any other person, and a record or summary of oral presentations, if any. Records of declaratory
7 ruling proceedings will be available for public inspection during the regular office hours of the board's office.

8

9 *History Note: Authority G.S. ~~150B-17~~; 150B-4;*
10 *Eff. February 1, 1976;*
11 *Amended Eff. December 1, ~~1988~~; 1988;*
12 *Readopted Eff: September 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Podiatry Examiners

RULE CITATION: 21 NCAC 52 .1005

DEADLINE FOR RECEIPT: Friday, August 5, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 4 – delete the colon

Lines 5 and 6 – replace the semicolons with commas

Line 6 – define or delete “for good reasons”

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

Jason Thomas
Commission Counsel
Date submitted to agency: July 22, 2016.

1 21 NCAC 52 .1005 is readopted with changes as published in NCR 30:08 as follows:

2
3 **21 NCAC 52 .1005 DEFINITION**
4 For purposes of Rule .1004 of this Section, a declaratory ruling shall be deemed to be "in effect": until the statute or rule
5 interpreted by the declaratory ruling is amended or repealed; until the board changes the declaratory ruling prospectively
6 for good reasons; or until any court sets aside the ruling.

7
8 *History Note: Authority G.S. 150B-12; ~~150B-17~~;150B-4;*
9 *Eff. February 1, 1976;*
10 *Amended Eff. December 1, ~~1988~~.1988;*
11 *Readopted Eff. September 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Podiatry Examiners

RULE CITATION: 21 NCAC 52 .1202

DEADLINE FOR RECEIPT: Friday, August 5, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 4 – delete the colon

Lines 5 and 6 – replace the semicolons with commas

Line 5 – what does “validity” mean – authenticity, relevance, admissibility?

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

Jason Thomas
Commission Counsel
Date submitted to agency: July 22, 2016.

1 21 NCAC 52 .1202 is readopted as published in NCR 30:08 as follows:

2

3 **21 NCAC 52 .1202 SIMPLIFICATION OF ISSUES**

4 The parties to a contested case may agree in advance to simplify the hearing by: decreasing the number of the issues to be
5 contested at the hearing; accepting the validity of certain proposed evidence; accepting the findings in some other case
6 with relevance to the case at hand; or agreeing to such other matters as may expedite the hearing.

7

8 *History Note: Authority G.S. 150B-40;*

9 *Eff. February 1, 1976;*

10 *Amended Eff. December 1, ~~1988~~. 1988;*

11 *Readopted Eff. September 1, 2016.*

1 21NCAC 52. 1203 is readopted as published in NCR 30:08 as follows:

2

3 **21 NCAC 52 .1203 SUBPOENAS**

4 The board issues subpoenas as provided in G.S. 150B-39.

5

6 *History Note: Authority G.S. 150B-39;*

7 *Eff. February 1, 1976;*

8 *Amended Eff. December 1, ~~1988-1988~~;*

9 *Readopted Eff: September 1, 2016.*

1 21 NCAC 52. 1204 is readopted as published in NCR 30:08 as follows:

2

3 **21 NCAC 52 .1204 FINAL DECISIONS IN ADMINISTRATIVE HEARINGS**

4 The board shall make a written final decision or order in all contested cases as provided by G.S. 150B-42.

5

6 *History Note: Authority G.S. 150B-42;*

7 *Eff. February 1, 1976;*

8 *Amended Eff. December 1, ~~1988-1988~~;*

9 *Readopted Eff: September 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Podiatry Examiners

RULE CITATION: 21 NCAC 52 .1301

DEADLINE FOR RECEIPT: Friday, August 5, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines4-5 – replace the entire first sentence with: “The submission of nominees to the Governor for appointment to the Board is governed by G.S. 90-202.4(d).”

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

Jason Thomas
Commission Counsel
Date submitted to agency: July 22, 2016.

1 21 NCAC 52. 1301 is readopted as published in NCR 30:08 as follows:
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3 **21 NCAC 52 .1301 BOARD OF PODIATRY ELECTIONS**

4 The Board of Podiatry Examiners serve as the Board of Podiatry Elections for the purpose of submitting, as vacancies on
5 the board occur, nominees to the Governor for appointment as required by statute. Every podiatrist with a current North
6 Carolina license residing in this state shall be eligible to vote in all elections subject to the procedures set out in Rule .1302.
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8 *History Note: Authority G.S. 90-202.4;*

9 *Eff. September 1, 1982;*

10 *Amended Eff. December 1, 1988; May 1, ~~1983~~, 1983;*

11 *Readopted Eff: September 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Podiatry Examiners

RULE CITATION: 21 NCAC 52 .1302

DEADLINE FOR RECEIPT: Friday, August 5, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 18 – replace “his/her ballot and cast his/her ballot” with “and cast his or her ballot”

Line 19 – delete the comma

Line 21 – add a comma after “secretary-treasurer”

Lines 22, 24, and 26 – please be consistent as to whether “President” is capitalized.

Line 26 – replace “who received” with “receiving”

Line 32 – replace “be a licensed podiatrist” with “have practiced podiatry”

Lines 32-33 – delete “at least”

Line 33 – replace “statute” with “G.S. 90-202.4(a)”

Line 34 – delete “minimum”

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

Jason Thomas
Commission Counsel
Date submitted to agency: July 22, 2016.

1 21 NCAC 52. 1302 is readopted as published in NCR 30:08 as follows:

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21 NCAC 52 .1302 PROCEDURES FOR CONDUCTING ELECTIONS

The procedures to be followed in the conducting of elections to fill podiatrists' positions on the Board of Podiatry Examiners are as set forth in this Rule:

- (1) At least 30 days prior to the expiration of the term of a board member, written notice of the holding of an election shall be sent to every podiatrist with a current North Carolina license residing in this state using a mailing or electronic address as contained in the board's official records.
- (2) The notice shall have with it a list of at least two, but no more than three nominees proposed by the Board of Podiatry Examiners for the board member position to be filled.
- (3) The election or voting for the board member position shall take place annually prior to July 1 of each year. Additional nominations may be received from the floor or as write-in nominations on a ballot and may be received from any licensed podiatrist residing in North Carolina.
- (4) Ballots shall be prepared by the Board of Podiatry Elections and distributed or mailed to all North Carolina licensed podiatrists who reside in North Carolina. Any podiatrist who is eligible to vote and who wishes to vote and who will not be in attendance at the election meeting may request a written ballot from the executive secretary or secretary-treasurer and shall return the ballot prior to the election meeting. Each voting podiatrist shall mark his/her ballot and cast his/her ballot in the ballot box or other designated receptacle, or return the ballot to the board by the specified deadline for receipt of ballots. Late ballots shall not be counted.
- (5) The executive secretary, secretary-treasurer or such other member of the board as may be designated by the President of the Board of Podiatry Examiners shall conduct a tally of the ballots, record the two names receiving the highest number of votes and their respective percentages, and submit to the president of the board the names of the two nominees receiving the highest number of votes and their respective percentage of votes.
- (6) The president of the board shall in turn submit to the Governor the two names who received the highest number of votes and their respective percentage of votes with biographical data on the two podiatrists being submitted.
- (7) It shall not be necessary for an individual podiatrist to receive a majority of votes of those North Carolina licensed podiatrists participating in the election. All licensees shall be notified of the results of the election.
- (8) To be eligible for board membership, a podiatrist must be a licensed podiatrist in North Carolina at least for the period of time prescribed by statute. A vote for any licensed podiatrist not holding a North Carolina license for that minimum period shall not be counted.

History Note: Authority G.S. 90-202.4;
Eff. September 1, 1982;
Amended Eff. May 1, 1983;

1 *Legislative Objection Lodged Eff. May 11, 1983;*
2 *Curative Amended Eff. May 13, 1983;*
3 *Amended Eff. April 1, 2005; December 1, ~~1988-1988~~;*
4 *Readopted Eff: September 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Podiatry Examiners

RULE CITATION: 21 NCAC 52 .1401

DEADLINE FOR RECEIPT: Friday, August 5, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 5 – replace “setting include:” with “setting, including:”

Line 11 – add “and” at the end of this line.

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

Jason Thomas
Commission Counsel
Date submitted to agency: July 22, 2016.

1 21 NCAC 52. 1401 is readopted as published in NCR 30:08 as follows:

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3 **21 NCAC 52 .1401 SOFT TISSUE PROCEDURES**

4 Simple soft tissue procedures pursuant to G.S. 90-202.2(b) are procedures involving structures proximal to a line
5 parallel with the dome of the talus that may be performed by a podiatrist in an office setting include:

- 6 (1) ligation of superficial veins or vessels;
- 7 (2) repair of soft tissue lacerations and abrasions;
- 8 (3) incision, drainage and debridement of abscesses, hematomas, and ulcerations;
- 9 (4) excision of foreign bodies and soft tissue masses which are not known or thought to be malignant;
- 10 (5) biopsy and cauterization of soft tissue lesions;
- 11 (6) ligamentous and tendon repairs found during the aforementioned procedures;
- 12 (7) release of nerve entrapment found in conjunction with an extension of nerve entrapment procedures
13 of the foot.

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15 *History Note: Authority G.S. 90-202.2(b);*
16 *Eff. October 1, ~~1995~~1995;*
17 *Readopted Eff: September 1, 2016.*