

1 21 NCAC 52. 0201 is readopted with changes 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~~ Any
5 applicant for a license to practice podiatry shall submit a written application to the executive secretary of the
6 board. Such Application for Examination or Application of Reciprocity shall be made on a form provided ~~by the~~
7 ~~board~~, from the board's website (<http://www.ncbpe.org>) or from the board's office as set forth in Rule .0101. The
8 application shall require the following information:

- 9 (1) Application type (Regular, Temporary Military, Clinical Residency);
10 (2) Date of Application;
11 (3) Social Security Number;
12 (4) Last name, first name, and middle name;
13 (5) Mailing address, including city, state, and zip code;
14 (6) Telephone number and type (home, mobile, business);
15 (7) Email address;
16 (8) Whether or not a U.S. citizen;
17 (9) Whether or not the applicant has or is serving in the military, awarded an MOS in podiatry and date, whether
18 or not the applicant's spouse is currently serving in the military, and dates of service;
19 (10) Education (high school, college or university, graduate or professional, residencies, internships, fellowship
20 training), including name and location of institution, dates attended, graduation completion, major and minor,
21 and type of degree received;
22 (11) Whether or not the applicant intends to practice in North Carolina upon licensure;
23 (12) Whether or not the applicant has been licensed in another state or territory and, if so, state or territory, date
24 of issue, expiration date, disciplinary actions (if any), and how license was obtained;
25 (13) Whether or not the licensee has ever had a license revoked, suspended, denied, or cancelled; denied the
26 privilege of taking an exam; dropped, suspended, warned, placed on scholastic or disciplinary probation,
27 expelled, or requested to resign from any school, college, or university, or advised by any such school of
28 institution to discontinue studies therein; been a defendant in a legal action involving professional liability
29 (malpractice), been named in a malpractice suit, had a professional liability claim paid on the applicant's
30 behalf or paid such a claim; been a patient for the treatment of mental illness; been addicted to drugs or
31 alcohol; or been convicted of a felony; and any explanation regarding such information that the applicant
32 wishes to present to the board.
33 (14) Whether or not the applicant has previously taken the North Carolina exam and when;
34 (15) Whether or not the applicant requires special disability accommodations to take the board's examination;
35 (16) The reasons why the applicant is applying for licensure in North Carolina;
36 (17) A list of three references;
37 (18) Applicant's oath;

1 (19) A passport-quality photograph taken within 60 days prior to the date of the application; and

2 (20) Applicant's signature.

3 (b) Applicants shall furnish the board with proof that the applicant meets the educational and examination
4 requirements set forth in G.S. 90-202.5(a). ~~certification of graduation from a four year high school, completion of at~~
5 ~~least two years of undergraduate college education, graduation from an accredited college of podiatric medicine, and~~
6 ~~passing scores on all parts of the APMLE, as provided in the statutes.~~

7 (c) The application ~~must~~ shall be accompanied by a non-refundable application fee of three hundred fifty dollars
8 (\$350.00).

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

10

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

12 *Eff. February 1, 1976;*

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

14 *Readopted Eff: September 1, 2016.*

1 21 NCAC 52. 0202 is readopted with changes 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~~ shall pass written and oral sections on medical and
7 clinical subjects related to the practice of podiatric ~~medicine.~~ medicine as set forth in G.S. 90-202.6(a) in order to
8 complete the examination successfully.

9 (c) An applicant who has successfully completed the examination as set forth in Paragraph (b) of this Rule ~~must~~ shall
10 also pass an examination section on ~~pediatric office~~ the practice and scope of podiatry in North Carolina and ~~ethics~~
11 compliance with State statutes, in particular, G.S. 90-202.2 to 90-202.14, 131E-85 to 131E-87; 55B-10 to 55B-13;
12 and 57D, and the board's Rules, within 30 months of successfully completing the examination in Paragraph (b).

13

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

15 *Eff. February 1, 1976;*

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

17 *Readopted Eff: September 1, 2016.*

1 21 NCAC 52. 0204 is readopted with changes 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 pursuant to G.S. 90-202.6(c) ~~within~~
5 ~~a period of one year and be entitled to re-examination~~ upon the payment of the three hundred fifty dollar (\$350.00)
6 examination fee. No more than two re-examinations shall be allowed any one applicant within that one-year period
7 under this Rule.

8

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

10 *Eff. February 1, 1976;*

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

12 *Readopted Eff: September 1, 2016.*

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

2

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

4 The board may offer to each ~~applicant,~~ applicant who has otherwise successfully completed his or her examination on
5 medical and clinical ~~subjects~~ subjects, an opportunity pursuant to Rule .0202(c) to attend by personal appearance or
6 verified electronic conference a ~~practice and ethics training~~ training in the practice and scope of podiatry in North
7 Carolina and compliance with State statutes prior to ~~an~~ the examination administered on those topics, on a date and at
8 a time and location determined by the board. The license shall not be issued until the applicant has passed the ~~practice-~~
9 ~~and ethics examination.~~ examination regarding the practice and scope of podiatry in North Carolina and compliance
10 with State statutes.

11

12 *History Note: Authority G.S. 90-202.4(g); 90-202.6(a)(b); 90-2-2.8; 90-202.2;*

13 *Eff. February 1, 1976;*

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

15 *Readopted effective September 1, 2016.*

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

2
3 **21 NCAC 52 .0207 ANNUAL RENEWAL OF LICENSE**

4 (a) The executive secretary of the board shall mail to the last known address of each license holder each year a form
5 on which to apply for renewal of his or her license. The renewal application shall be pre-populated with
6 information contained in the board's licensee database with a space for corrections or additions with regard to the
7 following information about the licensee:

8 (1) Social security number;

9 (2) NPI number;

10 (3) Marital status;

11 (4) Name;

12 (5) NC license number;

13 (6) Birthdate;

14 (7) Other states licensed in and license numbers;

15 (8) Home address and phone number;

16 (9) Business address and phone number;

17 (10) Preferred mailing address (business or home);

18 (11) Email address;

19 (12) Whether or not the licensee would like to receive email correspondence from the board;

20 (13) Medicare provider number;

21 (14) Specialty area of practice (e.g., general, surgery, podogeriatrics, podopediatrics, foot orthopedics or
22 biomechanics, other);

23 (15) Present active status (e.g., active full-time, active part-time, teaching, retired, residency, other);

24 (16) Principal setting of practice (e.g., hospital, nursing home, free-standing clinic, group, practitioner's office,
25 nonfederal health facility, military facility, Veteran's Administration medical facility, school, other);

26 (17) Form of employment (e.g., self-employed as a solo practitioner or non-solo practitioner, or employee of
27 individual practitioner, partnership or group, government, other);

28 (18) National board certifications (American Board of Podiatry Surgery, American College of Foot & Ankle
29 Surgery)

30 (19) Hospital staff privileges (hospital, location, date privileges began, type of privileges), any denial of such
31 privileges, and the reason for such denial;

32 (20) Whether or not the licensee performs Amputations, Ankle Surgery, and/or Clubfoot procedures;

33 (21) Whether or not the licensee is granted specialty privileges by the board for Amputations, Ankle Surgery,
34 and/or Clubfoot procedures;

35 (22) Continuing Medical Education (CME) credits earned in the previous license year, pursuant to G.S. 90-202.11
36 and S.L. 2015-241, s. 12F, 16 (c);

1 (23) Whether or not the licensee has ever had a license revoked, suspended, denied, or cancelled; been a defendant
2 in a legal action involving professional liability (malpractice), been named in a malpractice suit, had a
3 professional liability claim paid on the applicant's behalf or paid such a claim; been a patient for the treatment
4 of mental illness; been addicted to drugs or alcohol or treated for same; or been convicted of a felony; and
5 any explanation regarding such information that the applicant wishes to present to the board.

6 (24) Original signature;

7 (25) Date of renewal application; or

8 (26) Desire not to renew license.

9 (b) The renewal form and accompanying documents shall be returned to the board's offices as set forth in Rule
10 .0101 with the original signatures of the licensed podiatrist. The penalties for failure to comply with this Rule are
11 specified in G.S. 90-202.10.

12 (c) If the licensee does not receive his or her renewal application from the board directly, the licensee may obtain a
13 generic copy, without the pre-populated information, from the board's website at <http://www.ncbpe.org> or by
14 contacting the board's office as set forth in Rule .0101.

15
16 *History Note: Authority G.S. 90-202.4(g); 90-202.10; 90-202.11; S.L. 2015-241, s. 12F, 16(c);*
17 *Eff. February 1, 1976;*
18 *Amended Eff. April 1, 2013; January 1, 2005; December 1, ~~1988~~ 1988;*
19 *Readopted Eff: September 1, 2016.*

1 21 NCAC 52. 0209 is readopted with changes 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.*

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; P.L.100-293;*

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

15 *Readopted Eff: September 1, 2016.*

1 21 NCAC 52. 0211 is readopted with changes 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~~
6 ~~meet the following conditions. Applications for restricted temporary license shall require the same education~~
7 ~~as for a permanent license, current participation in a one-year clinical residency and successful completion~~
8 ~~of Parts I and II of the National Boards. The Board shall not assess a license examination nor application~~
9 ~~fee. Restricted temporary licenses shall be granted for a maximum of one year, renewable annually so long~~
10 ~~as the podiatrist continues to practice within the clinical residency on the federal military installation.~~

11 (a) Restricted Temporary License: The Board shall issue a restricted temporary license to podiatrists practicing in a
12 clinical residency solely on federal military installations within North Carolina if, upon application to the Board, the
13 applicant satisfies the following conditions:

- 14 (1) Applications for restricted temporary license shall require the same education as for a permanent license,
15 current participation in a one-year clinical residency, and successful completion of Parts I and II of the
16 National Boards; and
17 (2) Restricted temporary licenses shall be granted for a maximum of one-year, renewable annually so long
18 as the podiatrist continues to practice within the clinical residency on the federal military installation.

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

20
21 (b) Permanent Unrestricted License Military Podiatrist: The Board shall issue a permanent license to a military-
22 trained applicant to allow the applicant to lawfully practice podiatry in North Carolina if, upon application to the
23 Board, the applicant; ~~applicant satisfies the following conditions:~~

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

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

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

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

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

17
18 *History Note: Authority G.S. 90-202.5(b); 90-202.6; 93B-15.1; Army Regulation 40-68;*
19 *Eff. April 1, 2005;*
20 *Amended Eff. July 1, ~~2013-2013~~;*
21 *Readopted Eff: September 1, 2016.*

1 21 NCAC 52. 0212 is readopted with changes 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 Board (available from the board's
7 website at <http://www.ncbpe.org>) along with two copies of the applicants' surgery logs, both of which shall be
8 highlighted in different colors (one color per specialty area, i.e. amputations, ankle surgeries, and club foot
9 corrections).

10 (c) The application shall request the following information from the licensee:

11 (1) Name;

12 (2) Address;

13 (3) License number;

14 (4) Telephone;

15 (5) Number of years, type, and location of post-graduate training;

16 (6) Board certification(s) type and year;

17 (7) Whether or not a Fellow of the American College of Foot & Ankle Surgeons and year of bestowal;

18 (8) Other postgraduate continuing medical education;

19 (9) Hospital affiliation(s), privileges, dates, and whether or not surgical or non-surgical;

20 (10) Surgery center affiliations, privileges, dates, and whether or not surgical or non-surgical;

21 (11) Teaching appointments, locations, years of affiliation, and type of appointment;

22 (12) Which privilege(s) the applicant is applying for (e.g., ankle surgery, amputations, surgical correction of
23 clubfoot);

24 (13) Signature; and

25 (14) Date of application.

26

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

28 *Eff. June 1, 2011, 2011;*

29 *Readopted Eff: September 1, 2016.*

1 21 NCAC 52. 0301 is readopted with changes 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~~ shall 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.*

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

2

3 **21 NCAC 52 .0402 HEARINGS**

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

1 21 NCAC 52. 0404 is readopted with changes 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 G.S. 150B-38(e). ~~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

1 21 NCAC 52 .0408 is readopted with changes 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 G.S. 150B, Article 4. ~~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.*

1 21 NCAC 52. 0601 is readopted with changes 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 by Rule .0201. ~~or permitted by these Rules.~~ The
6 form may be obtained in hard-copy or electronic format from the office of the executive secretary as set forth in Rule
7 .0101 or from the board's website at 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.*

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

2

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

4 Any applicant for licensure who is already licensed in another state and wishes to be issued a license pursuant to G.S.
5 90-202.7 shall comply with the requirements set forth in Rule .0201 and G.S. 90-202.7.~~The application for~~
6 ~~examination for those already licensed in other states to practice podiatric medicine shall be used by applicants who~~
7 ~~request such consideration. The requirements shall be the same as for the applicant in Rule .0201 of this Chapter and~~
8 ~~as required by statute.~~ Application forms may be obtained from the office of the executive secretary of the board as
9 set forth in Rule 0.101 or from the board's website at www.ncbpe.org.

10

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

12 *Eff. December 1, 1988;*

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

14 *Readopted Eff: September 1, 2016.*

1 21 NCAC 52.0612 is readopted with changes 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.*

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.*

1 21 NCAC 52 .0701 is readopted with changes 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~~ amend, or repeal a rule shall
5 address a petition to the office of the Board of Podiatry Examiners as set forth in Rule .0101. Examiners. The caption
6 of the petition shall bear the notation: RULEMAKING PETITION RE: followed by the subject of the petition. ~~and~~
7 ~~then the subject area.~~

8

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

10 *Eff. February 1, 1976;*

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

12 *Readopted Eff: September 1, 2016.*

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

2

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

4 The petition must include the following information:

5 (1) ~~an indication~~ a description of the subject of the petition. ~~area to which the petition is directed.~~ For
6 example: "This petition is to 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) the reason for the proposal;

9 (4) the effect on existing rules;

10 (5) any data supporting the proposal;

11 (6) the effect of the proposed rule on existing practices, ~~practices in the area involved,~~ including cost
12 factors;

13 (7) the names of those most likely to be affected by the proposed ~~rule~~ rule, with addresses if reasonably
14 known; and

15 (8) the name(s) and address(es) of petitioner(s).

16

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

18 *Eff. February 1, 1976;*

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

20 *Readopted Eff: September 1, 2016.*

21

1 21 NCAC 52 .0703 is readopted with changes 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 petitioners, petitioner(s); it may contact
6 interested persons or persons likely to be affected by the proposed rule and request comments, comments; and it may
7 use any other appropriate method for obtaining information on which to base its determination. It shall consider the
8 contents of the petition submitted ~~plus~~ and 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.*

1 21 NCAC 52. 0804 is readopted with changes as published in NCR 30:08 as follows:

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

21 NCAC 52 .0804 NOTICE MAILING LIST

(a) Upon a determination to hold a rulemaking proceeding, either in response to a petition or otherwise, the Board shall give notice to all interested parties of the proceedings in accordance with the requirements of G.S. ~~150B-~~150B, Article 2A.

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

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

*History Note: Authority G.S. 150B-21.2(d); 90-20.4(g);
Eff. April 1, 2005;
Amended Eff. June 1, ~~2011~~2011;
Readopted Eff: September 1, 2016.*

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.*

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 DECLARATORY 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 27609, ~~27607~~. Attention: Executive Secretary. The request shall include
7 the 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 by its
11 potential application to him; and
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.*

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~~ If the board refuses to issue such a ruling, it shall notify
10 the petitioner of its decision in writing, stating the reasons for the denial of the declaratory ruling.

11 (d) For purposes of ~~Subpart~~ Paragraph (c) of this Rule, "good cause" exists and the board ~~will ordinarily~~ shall refuse to
12 issue a declaratory ruling:

- 13 (1) unless the petitioner shows that the circumstances are so changed since the adoption of the rule that such
14 a ruling would be warranted;
- 15 (2) unless the petitioner shows that the agency did not give to the factors specified in the request for a
16 declaratory ruling a full consideration at the time the rule was issued;
- 17 (3) where there has been a similar controlling factual determination in a contested case, or where the factual
18 context being raised for a declaratory ruling was specifically considered upon the adoption of the rule or
19 directive being questioned, as evidenced by the rulemaking record; or
- 20 (4) where the subject matter of the request is involved in pending litigation in any state or federal court in
21 North Carolina.

22
23 *History Note: Authority G.S. ~~150B-17;~~150B-4;*
24 *Eff. February 1, ~~1976.~~1976;*
25 *Readopted Eff: September 1, 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~~ shall be maintained in the board office for as long as the ruling is in
5 effect and for five years thereafter. This record shall ~~will~~ contain: the petition, all written submissions filed in the ~~request,~~
6 request whether filed by the petitioner or any other person, and a record or summary of oral presentations, if any. Records
7 of declaratory ruling proceedings shall ~~will~~ be available for public inspection during the regular office hours of the board's
8 ~~office.~~ office, as set forth in Rule .0101.

9

10 *History Note: Authority G.S. ~~150B-17;~~150B-4;*
11 *Eff. February 1, 1976;*
12 *Amended Eff. December 1, ~~1988.~~1988;*
13 *Readopted Eff: September 1, 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" ~~effect~~: until the statute
5 or rule interpreted by the declaratory ruling is amended or repealed, ~~repealed~~; until the board changes the declaratory ruling
6 prospectively, ~~prospectively 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.*

1 21 NCAC 52 .1202 is readopted with changes 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~~ ~~by~~ decreasing the number of the issues
5 to be contested at the hearing, ~~hearing~~; accepting the validity of certain proposed evidence, ~~evidence~~; accepting the findings
6 in some other case with relevance to the case at hand, ~~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.*

10

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.*

1 21 NCAC 52. 1301 is readopted with changes as published in NCR 30:08 as follows:

2
3 **21 NCAC 52 .1301 BOARD OF PODIATRY ELECTIONS**
4 ~~The submission of nominees to the Governor for appointment to the Board is governed by D.S. 90-202.4(d). The Board of~~
5 ~~Podiatry Examiners serve as the Board of Podiatry Elections for the purpose of submitting, as vacancies on the board~~
6 ~~occur, nominees to the Governor for appointment as required by statute.~~ Every podiatrist with a current North Carolina
7 license residing in this state shall be eligible to vote in all elections subject to the procedures set out in Rule .1302.

8

9 *History Note: Authority G.S. 90-202.4;*
10 *Eff. September 1, 1982;*
11 *Amended Eff. December 1, 1988; May 1, ~~1983~~-1983;*
12 *Readopted Eff: September 1, 2016.*

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

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 or her his/her ballot in the ballot box or other designated ~~receptacle~~ receptacle, or return the ballot to the ~~board~~ board's offices located as set forth in Rule .0101 by the specified deadline for receipt of ballots. Late ballots shall not be counted.
- (5) The executive secretary, ~~secretary-treasurer, secretary-treasurer~~ or such other member of the board as may be designated by the ~~President~~ 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 receiving ~~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~~ have practiced podiatry in North Carolina ~~at least~~ for the period of time prescribed by G.S. 90-202.4(a). ~~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;

1 *Eff. September 1, 1982;*
2 *Amended Eff. May 1, 1983;*
3 *Legislative Objection Lodged Eff. May 11, 1983;*
4 *Curative Amended Eff. May 13, 1983;*
5 *Amended Eff. April 1, 2005; December 1, ~~1988-1988~~;*
6 *Readopted Eff: September 1, 2016.*

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

2

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, including: setting
6 include:

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

15

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