



STATE OF NORTH CAROLINA
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May 16, 2013

Penney DePas
NC Board of Podiatry Examiners
1500 Sunday Drive
Suite 102
Raleigh, NC 27607

Re: Rule 21 NCAC 52 .0211

Dear Ms. DePas:

At its meeting this morning, the Rules Review Commission objected to the above-captioned rule in accordance with G.S. 150B-21.10.

The Commission objected to this Rule, finding the Board does not have statutory authority to issue the unrestricted temporary license for individuals practicing solely on federal military installations proposed by Paragraph (b) of the Rule.

Please respond to this letter in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Amanda J. Reeder
Commission Counsel

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1 21 NCAC 52.0211 is amended as published in NCR 27:16, pp. 166-1663, as follows:

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

4 (a) **Restricted Temporary License:** The Board ~~shall~~ may grant restricted temporary license privileges to
5 podiatrists practicing in a clinical residency solely on federal military installations within North Carolina.

6 Application for restricted temporary license shall require the same ~~education~~ education, minus the one-year clinical
7 residency as required by G.S. 90.202.5(a), as for a permanent license, and an applicant need only have passed Parts I
8 and II of the National Boards, but there shall be no examination nor application fee assessed. ~~Temporary Restricted~~
9 temporary licenses shall be granted for a maximum of one-year, renewable annually so long as the podiatrist
10 continues to practice within the clinical residency on the federal military installation.

11 (b) **Unrestricted Temporary License:** Prior to the annual licensing examination, the Board may grant
12 unrestricted temporary license privileges to podiatrists practicing solely on federal military installations within
13 North Carolina who:

- 14 (1) Have completed their one-year clinical residency as required by G.S. 90.202.5,
15 (2) Hold a podiatry license in good standing from another jurisdiction,
16 (3) Have practiced for two of the preceding five years (may include clinical residency), and
17 (4) Have applied to sit for the North Carolina licensure exam within the coming 12 months.

18 Application for unrestricted temporary license shall require successful completion of the same education and
19 National Board examinations as for a permanent license. Unrestricted temporary licenses shall be granted for a
20 maximum of one-year, until such time as the podiatrist passes the North Carolina licensing exam and receives a
21 permanent, unrestricted license or is denied licensure for having failed the North Carolina licensing exam.

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

- 25 (1) Has been awarded a military occupational specialty in podiatry and has done all of the
26 following at a level that is substantially equivalent to or exceeds the requirements for
27 licensure in North Carolina: completed a military program of podiatry training and completed
28 testing and equivalent training and experience.
29 (2) Has engaged in the practice of podiatry for at least two of the five years (may include clinical
30 residency) preceding the date of the application under this paragraph(c).
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 podiatry in this State at the time the act was
33 committed.
34 (4) Pays the application, examination, and licensing fees required by the board.

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

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

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

16 (f) A nonresident licensed under this rule shall be entitled to the same rights and subject to the same
17 obligations as required of a resident licensed by the board in this State.

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19 *History Note: Authority G.S. 90-202.5(b); 90-202.6; 93B-15.1;*

20 *Eff. June 1, 2013, April 1, 2005.*

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