



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

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September 21, 2012

Penney De Pas
1500 Sunday Drive
Suite 102
Raleigh, NC 27607

Re: 21 NCAC 52 .0205

Dear Ms. De Pas:

At its September 20, 2012 meeting the Rules Review Commission objected to the above-captioned rules in accordance with G.S. 150B-21.10.

The Commission objected to this Rule based on lack of statutory authority. There is no authority for the requirement in the first sentence that an applicant for podiatric licensure complete a "practice and ethics orientation" prior to granting the applicant a license.

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,

Joseph J. DeLuca, Jr.
Commission Counsel

JJD:jbe

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1 21 NCAC 52.0205 is amended as published in 26:23 NCR1900 as follows:

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3 **21 NCAC 52 .0205 PRACTICE ORIENTATION**

4 The board shall require each applicant, who has otherwise successfully completed his or her requirements to practice
5 in the state, to attend by personal appearance a practice- and ethics-orientation prior to receiving his or her
6 license. The personal appearance may be either in-person or via a monitored electronic video-conference. Should an
7 applicant be unable to attend the required orientation for a documented emergency reason, such as death in the
8 family or personal medical emergency, e.g., emergency appendectomy, then the board shall require an applicant to
9 spend up to one week as a trial period to better equip them to practice podiatry in North Carolina in the office of and
10 under the direction of a podiatrist practicing in North Carolina. Such orientation shall take place only in those
11 offices approved by the board according to these Rules and assignment of an orientation office in which to work
12 shall be considered as a portion of the clinical examination in podiatry. The license shall not be issued until the
13 orientation requirement has been fulfilled.

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15 *History Note: Authority G.S. 90-202.4(g); 90-202.6(a)(b);*
16 *Eff. February 1, 1976;*
17 *Amended Eff. October 1, 2012; March 1, 2006; May 1, 2005; December 1, 1988.*
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