

ENROLLED HOUSE  
BILL NO. 1190

By: Bastin of the House

and

Hobson of the Senate

An Act relating to professions and occupations; amending 59 O.S. 1991, Sections 135.1, 136, 137, as amended by Section 1 of Enrolled House Bill No. 1122 of the 1st Session of the 44th Oklahoma Legislature, 140, 141, 142, 143, 144, 145, 145.1, 147, 148, 152, 154, 159.2 and 160.1, which relate to the Podiatrist Licensing Act; changing name of act to Podiatric Medicine Practice Act and the name of the Oklahoma State Board of Podiatric to Board of Podiatric Medical Examiners; modifying and adding definitions; modifying Board membership and terms of office; providing for removal for certain causes; clarifying and conforming language; removing obsolete language; modifying powers and duties; removing certain exemptions; adding to list of practice of podiatric medicine; modifying actions deemed unlawful; requiring licensure; removing certain practice restrictions; modifying and removing certain qualifications for licensure; providing certain procedures for suspension and revocation of certain licenses; modifying causes for revoking license; changing name of revolving fund, clarifying language and deleting obsolete language; modifying meanings of certain terms; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 1991, Section 135.1, is amended to read as follows:

Section 135.1 Sections ~~136~~ 135.1 through 160.2 of ~~Title 59 of the Oklahoma Statutes~~ this title shall be known and may be cited as the "Podiatrist Licensing Podiatric Medicine Practice Act".

SECTION 2. AMENDATORY 59 O.S. 1991, Section 136, is amended to read as follows:

Section 136. As used in the Podiatrist Licensing Podiatric Medicine Practice Act, these words, phrases or terms, unless the context otherwise indicates, shall have the following meanings:

1. "Accredited college of podiatric medicine" means a podiatric medicine educational institution which confers the degree of Doctor of Podiatric Medicine (D.P.M.), or its equivalent, and meets all of the requirements for accreditation by the Council on Podiatric Medical Education of the American Podiatric Medical Association, Inc.;

2. "Board" means the ~~Oklahoma State Board of Podiatry~~. Podiatric Medical Examiners;

~~2.~~ 3. "Oklahoma Podiatry Podiatric Medical Association" means the Oklahoma Podiatry Podiatric Medical Association, Inc. formerly named the Oklahoma Chiropody Association., a nonprofit corporation organized and existing under the laws of this state for the association of podiatric physicians and for the advancement of the profession of podiatric medicine; and

~~3. "Podiatry" and "chiropody" are synonymous and are terms commonly used to identify the treatment and care of the human foot.~~

~~4. "Licensed chiropodist" or "licensed "Podiatric physician", "doctor of podiatric medicine" and "podiatrist" means are synonymous and mean a person duly licensed pursuant to the laws of this state to practice podiatry podiatric medicine.~~

~~5. "Code of ethics Ethics" means the code of ethics, as the code of ethics existed on January 1, 1955 of the Oklahoma Chiropody Code of Ethics of the American Podiatric Medical Association, as currently adopted, or as hereinafter amended by said Association.~~

SECTION 3. AMENDATORY 59 O.S. 1991, Section 137, as amended by Section 1 of Enrolled House Bill No. 1122 of the 1st Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 137. A. ~~There~~ A Board of Podiatric Medical Examiners is hereby re-created, to continue until July 1, 1999, in accordance with the provisions of the Oklahoma Sunset Law, ~~the Oklahoma State Board of Podiatry.~~ Said Board shall regulate the practice of podiatric medicine in this state in accordance with the provisions of the Podiatric Medicine Practice Act. The Board, appointed by the Governor, shall be composed of ~~three (3) podiatrists~~ five (5) podiatric physicians licensed to practice ~~podiatry podiatric medicine~~ in this state and one (1) lay member representing the public ~~who shall participate only for the purpose of assisting in the review of consumer complaints and in rulemaking. The lay member shall not participate in the examination or licensing of podiatrists. The podiatrist members~~

B. Each podiatric physician member of the Board shall have:

1. Be a legal resident of this state;

2. Have practiced podiatry podiatric medicine continuously in this state ~~for~~ during the three (3) years immediately preceding their his appointment to the Board and shall be members;

3. Be free of pending disciplinary action or active investigation by the Board; and

4. Be a member in good standing of the ~~National~~ American Podiatric Medical Association of Podiatrists and of the Oklahoma Podiatry Podiatric Medical Association.

C. The lay member of the Board shall:

1. Be a legal resident of this state;

2. Not be a registered or licensed practitioner of any of the healing arts or be related, within the third degree of consanguinity or affinity, to any such person; and

3. Participate in Board proceedings only for the purposes of:

a. reviewing, investigating and disposing of written complaints regarding the conduct of podiatric physicians; and

b. formulating, adopting and promulgating rules pursuant to Article I of the Administrative Procedures Act.

~~The Governor shall make the first three appointments within sixty (60) days after this act shall take effect, the first appointed to serve until July 1, 1956, the second until July 1, 1957, and the third until July 1, 1958.~~

~~B.~~ D. Except as provided in subsection E of this section, the term of office of each podiatrist podiatric physician member of

the Board shall be ~~three (3)~~ five (5) years. ~~One podiatrist, with one such member shall be being~~ appointed to the Board each year. ~~The re-creation of the Board shall not affect the staggered terms of office for members established with the original Board.~~ The lay member of the Board shall serve a term coterminous with that of the Governor. Each member shall hold office until the expiration of the term for which appointed or until a qualified successor has been duly appointed. An appointment shall be made by the Governor within ninety (90) days after the expiration of the term of any member, or the occurrence of a vacancy on the Board due to resignation, death, or any other cause resulting in an unexpired term. The appointment of the ~~podiatrist~~ podiatric physician members shall be made from a list of not less than five ~~names~~ persons submitted annually to the Governor by the Oklahoma ~~Podiatry~~ Podiatric Medical Association. ~~The members of the Board shall serve at the pleasure of the Governor.~~

E. Each of the three podiatric physician members of the Board, serving on the effective date of this act, shall complete the term of office for which he was appointed, and the successor to each such member shall be appointed for a term of five (5) years. Within sixty (60) days after the effective date of this act, the Governor shall appoint two new podiatric physician members to the Board, one for a term expiring July 1, 1997, and one for a term expiring on July 1, 1998. The successor to each such new member shall be appointed for a term of five (5) years.

~~C. Each~~ F. Before assuming his duties on the Board, each member of the Board shall take and subscribe to the oath or affirmation provided in Article XV of the Oklahoma Constitution of the State of Oklahoma for state officers, to which oath or affirmation shall be administered and filed as provided in said article.

G. A member may be removed from the Board by the Governor for cause which shall include, but not be limited to:

1. Ceasing to be qualified;
2. Being found guilty by a court of competent jurisdiction of a felony or of any offense involving moral turpitude;
3. Being found guilty, through due process, of malfeasance, misfeasance or nonfeasance in relation to his Board duties;
4. Being found mentally incompetent by a court of competent jurisdiction;
5. Being found in violation of any provision of the Podiatric Medicine Practice Act; or
6. Failing to attend three consecutive meetings of the Board without just cause, as determined by the Board.

SECTION 4. AMENDATORY 59 O.S. 1991, Section 140, is amended to read as follows:

Section 140. The Board of Podiatric Medical Examiners may ~~employ:~~

1. Employ, contract with, and direct stenographic, clerical, and secretarial help and investigators and attorneys to assist it and its officers in observing and performing under the applicable laws and to help carry out and enforce the applicable laws otherwise. It may gather;

2. Gather and present to district attorneys of this state evidence which it believes shows violations of the applicable laws, and, among other purposes authorized by law, it may use attorneys it employs to assist district attorneys (but only with their consent) in the prosecution of such violations, and also to represent it in any court. It may discharge;

3. Discharge any person it employs, but this provision shall not be interpreted as authorizing it to fail in any way to observe and perform its lawful contracts.—~~It may contract;~~

4. Contract for and purchase or rent books, stationery, forms, postage, equipment, other materials and supplies, and furniture and it may rent or lease office space or other quarters; ~~but~~ however the compensation of those it ~~employs~~ employs or with whom it contracts and the consideration it owes under its contracts and its other costs, ~~and~~ expenses and liabilities of whatever nature shall never be a charge against the State of Oklahoma, except that the Board may cause payment for all thereof to be made from the ~~Chiropractic~~ Board of Podiatric Medical Examiners' Revolving Fund insofar as there are from time to time amounts ~~to~~ in said fund for ~~the~~ such purposes.—~~It shall have power to require;~~

5. Require fidelity bonds of those it ~~employs~~ employs; and ~~it shall adopt~~

6. Adopt a seal and use the same by impression in addition to the signature of the Board wherever its signature is permitted or required.

SECTION 5. AMENDATORY 59 O.S. 1991, Section 141, is amended to read as follows:

Section 141. The Board of Podiatric Medical Examiners shall have the power and duty to:

1. Regulate the practice of ~~podiatry~~ podiatric medicine; ~~and~~  
2. Promulgate the rules ~~and regulations~~ that may be necessary to implement and enforce the ~~Podiatrist Licensing~~ Podiatric Medicine Practice Act; ~~and~~

3. Set license and examination fees required by the ~~Podiatrist Licensing~~ Podiatric Medicine Practice Act; ~~and~~

4. Receive fees and deposit said fees with the State Treasurer in the ~~Podiatrist~~ Board of Podiatric Medical Examiners' Revolving Fund; ~~and~~

5. Issue, renew, revoke, deny, and suspend licenses to practice ~~podiatry~~ podiatric medicine; ~~and~~

6. Examine all qualified applicants for licenses to practice ~~podiatry~~ podiatric medicine; ~~and~~

7. Investigate complaints and hold hearings; ~~and~~

8. Adopt and establish rules of professional conduct.—~~Every, which shall apply to every person who practices podiatry podiatric medicine in this state shall be governed by said rules of professional conduct adopted by the Board; and~~

9. ~~Define and establish minimum standards and requirements for accreditation and courses of study and training given by podiatry schools; and~~

~~10. Set educational requirements for licensure; and~~

~~11. 10. Perform such other duties, exercise such other powers, and employ such personnel as is required by the provisions of the Podiatrist Licensing~~ Podiatric Medicine Practice Act.

SECTION 6. AMENDATORY 59 O.S. 1991, Section 142, is amended to read as follows:

Section 142. A. Any one or more of the following shall be deemed to be practicing ~~chiropractic~~ podiatric medicine: ~~in~~

1. In any way examining, diagnosing, recommending for, prescribing for, caring for or treating in this state ailments, diseased conditions, deformities or injuries of the human foot (except amputation of the foot), whether or not done directly thereon; ~~massage~~

2. Massage or adjustment in connection with such examining, diagnosing, recommending, prescribing, treating, or caring for; ~~fitting~~

3. Fitting, building, or otherwise furnishing pads, inserts, appliances, inlays, splints, or supports, or giving or using medicament or ~~anaesthetics~~ anesthetics in connection with such examining, diagnosing, recommending, prescribing, treating, caring for, or fitting; and ~~offering~~

4. Offering in this state to any person to do or cause to be done, or attempting in this state to do or cause to be done, any or all of the foregoing. ~~Provided, however, that the~~

B. The provisions of ~~this act~~ the Podiatric Medicine Practice Act shall not apply to ~~the~~:

1. The sale of proprietary or patented foot remedies, pads, supports or corrective shoes. ~~Provided further, that the;~~

2. The fitting or recommending of appliances, devices, or shoes for the prevention, correction, or relief of foot ailments or troubles, by ~~regular~~ regularly established retail dealers or their regular salesmen, not holding themselves out to the public as ~~chiropractors~~ podiatric physicians under the terms of this act, ~~shall not be in violation hereof. Nor to parents rendering such care to their children, nor to superintendents or employees of any orphanage, home or children's hospital, to children under their supervision, nor to self-treatment, or by any one; or~~

3. A person providing services or assistance in case of an emergency if no fee or other consideration is contemplated, charged, or received.

SECTION 7. AMENDATORY 59 O.S. 1991, Section 143, is amended to read as follows:

Section 143. ~~Unless one be at the time a licensed chiropractor,~~  
~~it~~

A. It shall be unlawful for ~~him or her~~:

1. Any person to practice or attempt to practice ~~chiropractic~~ podiatric medicine in this state as defined by the applicable laws or as otherwise defined, or to hold himself out to the public in this state as a podiatric physician, doctor of podiatric medicine, podiatrist or, foot doctor or foot specialist or to hold oneself out in any way, either publicly or privately, as any such or as being capable of so practicing, except that without having first obtained a license to practice podiatric medicine from the Board of Podiatric Medical Examiners, or after his license to practice podiatric medicine has been revoked, or while such license is under suspension. ~~Provided, however, an applicant for a license by examination who has successfully passed the examination administered by the Board gives~~ may practice ~~chiropractic~~ podiatric medicine to the extent necessary to enable him or her to observe and assist a podiatric physician, as ~~authorized by the applicable laws~~ an intern, preceptee or resident, if while so doing he or she complies with those all of the rules and regulations applicable to him or her. It shall be unlawful for a licensed chiropractor of the Board;

2. A podiatric physician to practice as such at any time when his or her license is not conspicuously displayed in his or her place of regular practice or to use or maintain, or help use or maintain, an office, clinic, or other place of business for the practice of chiropractic in any county in this state other than the county in which he or she maintains residence in good faith at the time, except as may be otherwise allowed by the rules and regulations. At any time when a license is not in full force and effect under the applicable laws, it shall afford the licensee named therein no right to practice. It shall be unlawful for any;

3. Any person to knowingly to represent in any manner in this state, either publicly or privately, that another person is a licensed ~~chiropractor~~ or ~~chiropractor~~ or podiatric physician, doctor

of podiatric medicine, podiatrist or, foot doctor or foot specialist, or is capable of examining, diagnosing, recommending for, prescribing for, caring for, or treating in this state ailments, diseased conditions, deformities, or injuries of the human foot, unless such other person at the time of the representing such representation is a licensed chiropodist. It shall be unlawful for any licensed chiropodist podiatric physician; and

4. Any podiatric physician to do any one or more of the following: violate any provision of this act; violate the code of ethics in any way; violate the Podiatric Medicine Practice Act or the rules and regulations in any way of the Board.

B. Any person who does any one or more of the things made unlawful by subsection A of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined punishable by a fine of not more than Five Hundred Dollars (\$500.00) or shall be imprisoned by imprisonment in the county jail for not more than six (6) months, or be punished by both such fine and imprisonment; and each separate. Each day on which any person so unlawfully does any one or more of such things violation shall be and constitute a separate and distinct offense.

SECTION 8. AMENDATORY 59 O.S. 1991, Section 144, is amended to read as follows:

Section 144. A. Unless and until the amounts are increased by the Board of Podiatric Medical Examiners, the fee for examination for a license to practice podiatry podiatric medicine in this state shall be One Hundred Dollars (\$100.00). From time to time the Board may increase this fee, but not more than an additional Two Hundred Dollars (\$200.00). The examination for such license shall be given by the Board; and while it may give the examination at any special meeting, it shall not be required so to do.

B. To be entitled to take the examination, a person shall:

1. File written application therefor as required by the Board;
2. Pay to the secretary-treasurer of the Board in advance the fee for examination;
3. Satisfy the Board that he is loyal to the United States of America;
4. Be more than twenty-one (21) years of age;
5. Be of good moral character;
6. Not have been finally convicted of any crime involving moral turpitude or of any felony;
7. Be free from contagious or infectious disease;
8. Be a graduate of a an accredited college of podiatry conferring the D.S.C. or D.P.M. degree and meeting all requirements for accreditation by the Council on Education of the American Podiatric Medical Association and by the Board podiatric medicine; and
9. Have complied with those of the rules and regulations of the Board applicable to him; and.
10. be a resident in good faith of this state or, if successful upon the examination, will become such resident without delay.

C. Any person shall receive a license to practice podiatry podiatric medicine in this state, to be issued by the Board, who:

1. Takes the examination the Board gives and receives pursuant thereto a general average of at least seventy-five percent (75%) and not less than sixty-five percent (65%) in each subject upon which examined;
2. Observes the practice of podiatry podiatric medicine in this state and actively assists therewith or serves, as an intern in conformity with the requirements of a college of podiatry accredited by the Board, preceptee or resident, for such time and in such manner as the rules and regulations of the Board may require, but as

~~to such observation and assistance or service as an intern for not less than ninety (90) days or more than three hundred sixty-five (365) days;~~

3. ~~First satisfies the Board that he has so observed and assisted or has so served,~~ as an intern, preceptee or resident; and

4. ~~also satisfies~~ Satisfies the Board that he has not violated any of the provisions of the Podiatric Medicine Practice Act or any of the rules and regulations applicable to him or any of the applicable laws of the Board.

D. The examination shall be written, oral, and clinical and in the English language. It shall be in the following subjects: anatomy, histology, physiology, diagnosis and treatment, bacteriology, pathology, surgery, dermatology, chemistry, hygiene, materia medica, therapeutics, clinical and orthopedic ~~podiatry~~ podiatric medicine, anaesthetics anesthetics, and asepsis, and also the Oklahoma law relating to ~~podiatry~~ podiatric medicine, and it ~~may be in~~ such other subjects as the Board from time to time determines. The Board may authorize examination papers to be graded by one or more of its own members or by any one or more licensed ~~podiatrists~~ podiatric physicians it selects. Each license issued by the Board shall be signed by each member of the Board, bear the seal of the Board, and designate the licensee as ~~registered podiatrist~~ a licensed podiatric physician. Licenses heretofore issued by the Board are not in need of reinstatement, and as to heretofore issued licenses, these only shall remain effective and be subject to the applicable laws, but to continue effective hereafter they must be renewed annually or reinstated as provided by the applicable laws. The observation and assistance of one passing the examination need not be in all things which a licensed ~~podiatrist~~ podiatric physician may lawfully do under his license. One who does not so satisfy the Board, within twenty-four (24) months after taking and passing the examination, that he has so observed and assisted ~~or has so served,~~ as an intern, preceptee or resident, and also that he has complied with those of the rules and regulations of the Board applicable to him, shall not be entitled so to do thereafter without taking again the examination.

SECTION 9. AMENDATORY 59 O.S. 1991, Section 145, is amended to read as follows:

Section 145. A. Each license to practice ~~podiatry~~ podiatric medicine heretofore issued which remains effective under the provisions of this act and each such license issued hereafter pursuant to law shall entitle the licensee, subject to law, to practice ~~podiatry~~ podiatric medicine in this state as defined by law and to hold himself ~~or herself~~ out as a licensed ~~podiatrist and as a registered~~ podiatric physician, doctor of podiatric medicine or podiatrist from the date of issuance thereof until the following July 1, and as long as lawfully renewed, unless suspended or revoked as authorized by law.

B. Upon such application therefor, if any, as the Board of Podiatric Medical Examiners requires from time to time, and upon first satisfying the Board that he ~~or she~~ is not at the time violating any applicable law or any of the rules and regulations promulgated thereunder of the Board which are applicable to him ~~or her~~ or the Code of Ethics, and upon the payment in advance to the secretary-treasurer of the Board of the annual renewal fee required by law and the rules and regulations adopted thereunder of the Board, and upon showing proof of compliance with Section 2 145.1 of this act title, a licensee shall be entitled to have his ~~or her~~ such license to practice ~~podiatry~~ podiatric medicine renewed annually on

or before July 1 of each year, upon which date such annual renewal fee shall become due and owing.

C. A licensed ~~podiatrist~~ podiatric physician who does not so satisfy the Board and pay the annual renewal fee required by law and the rules ~~and regulations adopted thereunder~~ of the Board, in the time and manner required thereby, shall cease to be entitled to have such license renewed. If not paid on or before September 30 immediately following July 1, the annual renewal fee shall become delinquent and the license shall be automatically suspended and not entitled to renewal thereafter, though it may be reinstated as provided by law and the rules ~~and regulations adopted thereunder~~ of the Board. Upon such suspension, all the rights of the licensee by virtue of the license shall be suspended and cease and shall remain suspended unless or until the license is reinstated as authorized by law, and the rules ~~and regulations adopted thereunder~~ of the Board. The license shall be renewed by the Board upon the payment of the delinquent annual renewal fee, without penalty, between July 1 and September 30 immediately following, if, and only if, the licensee first satisfies the Board that during the then immediately preceding twelve (12) months he ~~or she~~ did not violate, and that at the time he ~~or she~~ is not violating, any applicable law or the Code of Ethics or any of the rules ~~and regulations adopted pursuant to law~~ of the Board which are applicable to him ~~or her~~; and the renewal, if granted by the Board, shall operate to remove the suspension aforesaid. After that September 30 and on or before the close of the next following June 30, and upon such application therefor, if any, as the Board requires, and upon first satisfying the Board that during the then immediately preceding twelve (12) months he ~~or she~~ did not violate, and at the time is not violating, any applicable law or the Code of Ethics or any of the rules ~~and regulations adopted pursuant to law~~ of the Board which are applicable to him ~~or her~~, a licensee shall be entitled to have his ~~or her~~ such license to practice ~~podiatry~~ podiatric medicine reinstated, upon the payment first of the delinquent annual renewal fee, plus such penalty additional as the Board imposes, not to exceed in all four times the delinquent fee; and the reinstatement shall operate to reinstate the license and remove such suspension. But such a license to practice ~~podiatry~~ podiatric medicine not so reinstated in such time shall become void at the close of that June 30; and thereafter it shall not be renewed or reinstated.

D. The annual renewal fee shall be such sum, ~~not less than Fifteen Dollars (\$15.00) and not more than Fifty Dollars (\$50.00)~~, as the Board from time to time sets. Upon the timely payment of the annual renewal fee or the reinstatement fee, as the case may be, the secretary-treasurer of the Board shall issue and mail to the licensee such certificate ~~or~~ of renewal or reinstatement as the Board shall direct, which when so mailed shall operate to renew or reinstate the license, as the case may be, for the period ending at the close of the immediately following July 1, after which it must be renewed again or be reinstated in the same time and manner to continue effective. ~~Said~~

E. The secretary-treasurer of the Board shall keep a license record showing each license issued by the Board, the name and last ~~post office mailing~~ address furnished ~~by registered mail~~ to said secretary-treasurer ~~or~~ by each licensee, the year of issuance of the license, whether by examination or otherwise, the renewals ~~and~~, reinstatements, ~~and~~ suspensions and revocations thereof, and the fact as to whether the license be in force or suspended or void. Such record as to any license, or a copy thereof certified to by said secretary-treasurer as complete and true as to the license in

question, shall constitute prima facie evidence of the recitals therein and the fact disclosed thereby as to whether the license described is in force or suspended or void.

SECTION 10. AMENDATORY 59 O.S. 1991, Section 145.1, is amended to read as follows:

Section 145.1 A. Thirty (30) hours of continuing education shall be required for renewal of an individual license to practice ~~podiatry~~ podiatric medicine in this state. This must be obtained in the twelve-month period immediately preceding the year for which the license is to be issued. The continuing education required by this section shall be any of the following: ~~(1) education~~

1. Education presented by an organization approved by the Council on Continuing Education of the American Podiatry Podiatric Medical Association Council on continuing education; ~~(2) a;~~

2. A national, state or county podiatry podiatric medical association meeting approved by the Oklahoma State Board of Podiatry; ~~or (3) hospital Podiatric Medical Examiners;~~

3. Hospital-sponsored scientific programs approved by the Oklahoma State Board of Podiatry; ~~or~~

4. Three (3) hours of continuing education credit may be obtained by attending meetings and hearings of the ~~Oklahoma State Board of Podiatry.~~

At least fifteen (15) hours of the required thirty (30) hours must be obtained in this state.

B. Any practitioner not so satisfying the Board of the fulfillment of the continuing education requirements required by subsection A of this section shall cease to be entitled to have such license renewed.

C. Any practitioner fully retired from the practice of podiatric medicine shall be exempt from compliance ~~of~~ with the requirements imposed by subsection A of this section. However, upon resuming the practice of ~~podiatry~~ podiatric medicine, the individual shall fulfill such requirements which have accrued from the effective date of this act to the time of resumption of practice.

SECTION 11. AMENDATORY 59 O.S. 1991, Section 147, is amended to read as follows:

Section 147. ~~The Board, by its written order and in its discretion, at any time and for a period not exceeding three (3) years may suspend~~ of Podiatric Medical Examiners is authorized, after notice and opportunity for a hearing, pursuant to Article II of the Administrative Procedures Act, to issue an order suspending, for a period not exceeding three (3) years, any license to practice chiropody podiatric medicine heretofore issued and remaining effective under the provisions of this act or hereafter issued under the applicable laws for any one or more of the grounds or causes provided for revocation of such a license by the applicable laws, as specified in Section 148 of this title.

SECTION 12. AMENDATORY 59 O.S. 1991, Section 148, is amended to read as follows:

Section 148. A. ~~The Board, by its written order and in its discretion, at any time may revoke~~ of Podiatric Medical Examiners is authorized, after notice and opportunity for a hearing, pursuant to Article II of the Administrative Procedures Act, to issue an order revoking any license to practice chiropody podiatric medicine heretofore issued and remaining effective under the provisions of this act or hereafter issued under the applicable laws for any one or more of the following causes: the willful betrayal by the licensee of any professional secret; the

1. The willful and fraudulent making by the licensee to the Board of any false and material statement, either before or after the issuance of the license; ~~final~~

2. Final conviction of the licensee in any court of any crime involving moral turpitude or of any felony; ~~the~~

3. The use by the licensee of alcohol, any stimulant, any drug, or any substance which impairs intellect, judgment, or physical ability to such an extent as to incapacitate the licensee to such a degree that he is unable to perform his or her professional duties with safety and benefit to the public; ~~mental~~

4. Mental or physical weakness or inability which ~~so~~ incapacitates the licensee to such a degree that he is unable to perform his professional duties with safety and benefit to the public; ~~any~~

5. Any advertising, statement, or representation made by the licensee, which is untrue or improbable and calculated by the licensee to mislead the public or patients, actual or prospective, or to mislead both; ~~advertising, practicing, or attempting to practice chiropody under a name other than the licensee's own name;~~ ~~practicing~~

6. Practicing fraud by omission or commission by the licensee in the examination given by the Board, or in obtaining a license, or in obtaining renewal or reinstatement of a license; ~~failure~~

7. Failure or neglect by the licensee to pay or cause to be paid promptly any license fee or renewal fee required by the applicable laws or ~~required by the applicable laws and the rules and regulations~~ of the Board, as the case may be; ~~willful~~

8. Willful failure or neglect by the licensee to employ antiseptic methods in his ~~or her~~ practice, or to do reasonable sterilizing as needed for protecting the patient; ~~performing~~

9. Performing any surgery as to which he ~~or she~~ has not had reasonable training; ~~gross~~

10. Gross and willful neglect of duty as a member or officer of the Board; ~~any~~

11. Any act or omission by the licensee made unlawful by the applicable laws, regardless of whether the licensee shall have been convicted thereof in any court; ~~final~~

12. Final conviction of the licensee in any court of any violation of the applicable laws; ~~advertising~~

13. Advertising, or representing in any other way, by the licensee which is grossly untrue or improbable; ~~advertising or knowingly allowing the publication of one's name or address or of any other reference to one professionally, whether direct or indirect, by a licensee in any telephone or other directory published for distribution in any way when the type used to show the name, address, or other reference or type used in connection therewith is of such size or face or kind as to call for payment of more than the minimum rate charges regularly by the one in control of the directory for such a publication when type of ordinary size, face, or kind is used;~~ ~~publishing or knowingly allowing the publishing, either daily or from time to time, of any statement, question, or announcement relating in any way to a licensee's name or address or practice or services or work or to his or her office, clinic, or other place of business during a period of more than thirty (30) days in any six (6) months' period;~~ ~~grossly~~

14. Grossly dishonorable conduct on the part of the licensee; ~~dividing~~

15. Dividing by the licensee with any other person or with any partnership, association, trust, corporation, or firm, in any proportion, of any fee, gift, compensation, or other award for

services as a ~~chiroprapist~~ podiatric physician, except with another licensed ~~chiroprapist~~ podiatric physician or with an applicant for a license observing or assisting as an intern, preceptee or resident, as authorized by the rules ~~and regulations~~ of the Board, or with a practitioner of a healing art duly licensed under the laws of this state or some other state or district or territory under the jurisdiction of the United States of America who actually shares in the service or in the responsibility attending the service or at the time of the service is an active associate of the licensee in the lawful practice of ~~chiroprasty~~ podiatric medicine in this state; ~~any~~

16. Any act or omission on the part of the licensee which is contrary to or in derogation of the Code of Ethics; and ~~any~~

17. Any willful violation of the rules ~~and regulations~~ of the Board.

B. Proof before the Board to its satisfaction of commitment under the laws of this or any other such state, district, or territory of a licensee to any institution for the insane or feeble-minded, shall constitute prima facie proof to the Board of mental weakness or inability which incapacitates the licensee to such a degree that he is unable to perform his ~~or her~~ professional duties with safety and benefit to the public.

SECTION 13. AMENDATORY 59 O.S. 1991, Section 152, is amended to read as follows:

Section 152. A. By way of reciprocity and without examination, the Board of Podiatric Medical Examiners may issue a license to practice ~~chiroprasty~~ podiatric medicine in this state to any person who ~~first satisfies the Board (1):~~

1. Satisfies the Board that he ~~or she~~ has all the qualifications required, by the applicable laws and the rules ~~and regulations~~ of the Board, of a person to entitle the person to a license to practice ~~chiroprasty~~ podiatric medicine in this state pursuant to examination, excepting any as to which the Board excuses compliance for good cause shown, ~~and (2) that he or she will, if granted a license to practice chiroprasty in this state, become a resident in good faith of this state without delay and practice chiroprasty in this state, and (3); and~~

2. Satisfies the Board that for at least three (3) years immediately prior to the date on which he ~~or she~~ pays the required fee he ~~or she~~ lawfully practiced ~~chiroprasty~~ podiatric medicine within and under the laws of a district or territory or other state of the United States of America pursuant to a license issued thereby authorizing such practice, ~~and who pays; and~~

3. Pays in advance to the secretary-treasurer of the Board the fee required by the rules ~~and regulations~~ of the Board for a license by reciprocity, which shall not be less than One Hundred Fifty Dollars (\$150.00) or more than Three Hundred Dollars (\$300.00) ~~provided that, the.~~

B. The provisions and benefits of this section shall extend only to persons who are residents in good faith of districts, territories, or states which in the judgment of the Board extend to citizens of this state substantially equal or greater reciprocity privileges as to a license to practice ~~chiroprasty~~ podiatric medicine.

SECTION 14. AMENDATORY 59 O.S. 1991, Section 154, is amended to read as follows:

Section 154. ~~All fees and renewal fees and penalties coming into the hands of any member of the Board shall be paid promptly by the member to the secretary-treasurer of the Board; and all such received by said secretary-treasurer shall be paid promptly by him or her into the~~ There is hereby created in the State Treasury, and the State Treasurer shall issue a receipt therefor. All such fees,

~~renewal fees, and penalties shall go into the Podiatrist Fund; and these, with the monies now in said fund (as the same exists under the laws of this state when this act becomes effective), shall make up the Podiatrist Fund, which is hereby continued. Said fund shall be subject to the applicable laws. All such fees, renewal fees, and penalties, and all monies now in said fund and said fund as the same shall hereafter exist, are hereby set apart and appropriated to the use of the Board in the due and proper administration of the applicable laws and for the payment of all the Board's and all its secretary-treasurer's lawful expenses and charges, including as a part thereof all owing at the time this act becomes effective. The sum hereby appropriated and authorized to be expended is hereby restricted and limited to said fund; provided that, the total of the expenditures from said fund each fiscal year may amount to, but shall not exceed, the total amount of said fund in that fiscal year. At the end of each fiscal year any unexpended balance of said fund shall be carried forward and placed to the credit of said fund in the State Treasury and may be used for purposes authorized by the applicable laws in succeeding fiscal years. All expenses and charges authorized by the applicable laws and approved by the Board or by only its secretary-treasurer shall be proper charges against and payable from said fund upon request of the Board of said secretary-treasurer a revolving fund for the Board of Podiatric Medical Examiners, to be designated as the "Board of Podiatric Medical Examiners' Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Board pursuant to the provisions of the Podiatric Medicine Practice Act. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Board for the purpose of implementing and enforcing the provisions of the Podiatric Medicine Practice Act. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims signed by the secretary-treasurer of the Board or by an authorized employee or employees of the Board and filed as prescribed by law with the Director of State Finance for approval and payment.~~

SECTION 15. AMENDATORY 59 O.S. 1991, Section 159.2, is amended to read as follows:

Section 159.2 It shall be unlawful to make, furnish, correct, change, or fit any of the following if moulded for the foot or part of the foot of a specific person, as distinguished from persons generally, to wit: shoes for the purpose of diagnosing, correcting, relieving, treating, aiding, controlling, or alleviating ailments, diseases, diseased conditions, deformities, injuries, or abnormalities of the foot or feet of the specific person, except upon the prescription of a medical doctor, ~~chiropracist~~ podiatric physician, osteopathic physician duly licensed under the laws of this state, or to offer so to do, or for any one other than such medical doctor, ~~chiropracist~~ podiatric physician or osteopathic physician to prescribe any thereof for any such purpose.

SECTION 16. AMENDATORY 59 O.S. 1991, Section 160.1, is amended to read as follows:

Section 160.1 The terms "chiroprody", and "podiatry" ~~being and~~ "podiatric medicine" are synonymous and ~~both being commonly used to identify the profession of physicians and surgeons whose license authorizes the care of the human foot as set forth in 59 O.S. 1961, Section 142, and wherever in Chapter 4 of Title 59, O.S. 1961, and other statutes of~~ mean the branch of the healing arts defined in the Podiatric Medicine Practice Act. Wherever in the Oklahoma ~~in~~ existence at the effective date of this act, Statutes reference is

made to the term "chiroprody" or the term "podiatry", the same shall be interpreted to mean ~~chiroprody and podiatry, either and both;~~ wherever reference is made to the ~~DSC Degree, the same shall be interpreted to mean DSC Degree and DPM Degree, either and both;~~ wherever reference is made to the ~~National Association of Chiroprodists and the Oklahoma Chiroprody Association Incorporated,~~ the same shall be interpreted to mean the ~~American Podiatry Association Incorporated and the Oklahoma Podiatry Association Incorporated~~ "podiatric medicine", and wherever reference is made to the term "chiroprodist" or the term "podiatrist", the same shall be interpreted to mean "podiatric physician".

SECTION 17. This act shall become effective September 1, 1993.

Passed the House of Representatives the 3rd day of May, 1993.

Speaker of the House of  
Representatives

Passed the Senate the 6th day of April, 1993.

President of the Senate