AN ACT

ENTITLED, An Act to revise certain provisions related to the practice of podiatry and to authorize certain fee increases.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 36-8-3 be amended to read:

36-8-3. The Board of Podiatry Examiners shall elect from its members a president and a secretary-treasurer.

The board shall, pursuant to chapter 1-26, promulgate the rules consistent with the laws of this state as may be necessary for the licensure, examination, revocation, and suspension of a license.

The board shall have an official seal.

Section 2. That § 36-8-6 be amended to read:

36-8-6. It is a Class 2 misdemeanor for any person to advertise or practice podiatric medicine without first obtaining from the Board of Podiatry Examiners a license and an annual license renewal.

Section 3. That § 36-8-8 be amended to read:

36-8-8. The board may issue a license to a qualified person who is not licensed as a podiatrist in this state and who is not exempted under the provisions of § 36-8-12, if the applicant:

(1) Is at least eighteen years of age and of good moral character;

(2) Possesses a doctor of podiatric medicine degree from a recognized school of podiatry approved by the board and has obtained the degree of doctor of podiatric medicine;

(3) Successfully completed a one-year residency or preceptorship approved by the Council of Podiatric Medical Education of the American Podiatric Medical Association. This subdivision applies only to an applicant who graduated from a podiatric college after July 1, 1995;

(4) Has passed the National Board of Podiatric Medical Examiners' national standardized examination parts I, II, and III; and

(5) Submits an application on a form prescribed by the board and pays the application fee.

Part III of the examination required under subdivision (4) may be waived if the applicant graduated from a school of podiatric medicine before January 1, 2001, and the applicant is currently licensed as a podiatric physician in another state and has been in active licensed practice for at least five continuous years. Any examination fee required by the National Board of Podiatric Medical Examiners shall be paid directly to the testing service.

Section 4. That § 36-8-9 be amended to read:

36-8-9. The Board of Podiatry Examiners shall promulgate rules, pursuant to chapter 1-26, to establish an application fee not to exceed five hundred dollars to obtain a license for the practice of podiatry in this state.

Section 5. That § 36-8-10 be repealed.

Section 6. That § 36-8-11 be repealed.

Section 7. That § 36-8-12 be amended to read:

36-8-12. The Board of Podiatry Examiners shall promulgate rules, pursuant to chapter 1-26, to establish an application fee not to exceed five hundred dollars to license podiatrists from other states. The board may issue a license to podiatrists of other states maintaining requirements for the practice of podiatry equal to the standard provided by this chapter.

Section 8. That § 36-8-15 be amended to read:

36-8-15. The fee for annual license renewal of a podiatrist may not exceed five hundred dollars, as promulgated by rule, pursuant to chapter 1-26, by the Board of Podiatry Examiners. Each license renewal shall remain in full force and effect for one year, unless a different time is fixed by rule promulgated, pursuant to chapter 1-26, by the Board of Podiatry Examiners.

Section 9. That § 36-8-17 be amended to read:

36-8-17. Unprofessional or dishonorable conduct as used in this chapter shall be construed to include:

(1) To offer, give, or promise, either directly or indirectly, any gift in return for the procurement of a patient or patients for podiatric treatment;

(2) To prescribe, dispense, or pretend to use, in treating any patient, any secret remedial agent, or manifest or promote its use in any way, or guarantee or imply to guarantee any treatment, therapy or remedy whatsoever;

(3) To practice podiatry under a trade name, under the name of another podiatrist, or use any title other than that of podiatrist. However, the term, foot specialist, may be used as an explanatory term of the title podiatrist;

(4) To employ a solicitor or solicitors to obtain business; or

(5) To willfully violate the rules promulgated by the Board of Podiatry Examiners.

Unprofessional or dishonorable conduct, as defined in this section, may not be the basis for criminal prosecution unless otherwise declared unlawful.

Section 10. That § 36-8-20 be amended to read:

36-8-20. Any podiatrist whose license has been suspended or revoked may be reinstated or have a new license issued if warranted at the discretion of the Board of Podiatry Examiners. The podiatrist shall pay all costs of the proceedings resulting in the suspension or revocation of license and reinstatement or new license application fee.

Section 11. That § 36-8-23 be amended to read:

36-8-23. Every two years each person licensed to practice podiatry in this state shall provide the Board of Podiatry Examiners evidence that the person has attended or participated in continuing education in podiatry and related subjects as required by the board by rule. The board shall

promulgate rules, pursuant to chapter 1-26, to establish the number of minimum hours of biennial continuing education to be required as a prerequisite to license renewal and requirements, guidelines, and procedures as may be necessary and desirable to implement and fulfill reasonable continuing education requirements to ensure competence in the practice of podiatry by each licensee. The board may reduce, on a pro rata basis, the number of hours of continuing education required by a licensee licensed to practice for less than two years prior to a biennial continuing education deadline.

Section 12. That § 36-8-24 be repealed.

Section 13. That ARSD 20:55:03:04 be amended to read:

20:55:03:04. License fee. The fee for a license granted under this chapter is $500 for an applicant holding a valid license in another state, as permitted in SDCL 36-8-12.

Section 14. That ARSD 20:55:04:01 be amended to read:

20:55:04:01. Certificate of registration – Fee – Annual renewal. Each person licensed to practice podiatry within this state shall secure a certificate of registration from the board and shall renew the certificate annually by July 1. The renewal fee is $350. Failure to secure a renewal certificate shall result in a suspension of license. If a licensee fails to timely renew the license prior to renewal being granted, the applicant shall show satisfactory evidence of 30 hours of continuing medical education as provided in § 20:55:01:08.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1021

_____
Chief Clerk

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_____
Speaker of the House

Attest:

_____
Chief Clerk

_____
President of the Senate

Attest:

_____
Secretary of the Senate

House Bill No. 1021
File No. ____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20___

_____
Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 20___
at _____ o'clock __ M.

_____
Secretary of State

By _____
Asst. Secretary of State