

CHAPTER 52 - BOARD OF PODIATRY EXAMINERS

SECTION .0100 - ORGANIZATION OF THE BOARD

21 NCAC 52 .0101 NAME AND PURPOSE

(a) The office of the board shall be in Raleigh and the mailing address of the board is 1500 Sunday Drive, Suite 102, Raleigh, North Carolina 27607.

(b) The following terms have the following meanings:

- (1) "Application" shall mean the application form provided by the Board;
- (2) "American Podiatric Medical Licensing Examination" and "APMLE", shall mean the national examination in multiple parts, formerly known as (and referred in the statutes as) the "National Boards," as administered by the National Board of Podiatric Medical Examiners and including the examination formerly called "PM-Lexis;"
- (3) "Board" or "board" shall refer to the "Board of Podiatry Examiners" of North Carolina as defined in G.S. 90-202.4;
- (4) "Establishment" in G.S. 55B-10 shall mean any separate podiatry office, clinic, or branch location where podiatry services are provided. It does not include a corporate office located in a separate building or location where podiatry services are not performed; and
- (5) "Podiatry" has the same meaning as in G.S. 90-202.2.

History Note: Authority G.S. 55B-10; 90-202.4; 90-202.6; 90-202.8;
Eff. February 1, 1976;
Amended Eff. June 1, 2011; January 1, 2005; December 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014.

21 NCAC 52 .0102 MEMBERSHIP

History Note: Authority G.S. 90-202.4;
Eff. February 1, 1976;
Amended Eff. December 1, 1988;
Repealed Eff. June 1, 2011.

21 NCAC 52 .0103 ANNUAL MEETING: ELECTION AND OFFICERS

History Note: Authority G.S. 90-202.4;
Eff. February 1, 1976;
Amended Eff. December 1, 1988;
Repealed Eff. January 1, 2005.

SECTION .0200 - EXAMINATION AND LICENSING

21 NCAC 52 .0201 APPLICATION

(a) Any applicant for a license to practice podiatry shall submit a written application to the executive secretary of the board. Such Application for Examination or Application of Reciprocity shall be made on a form provided from the board's website (<http://www.ncbpe.org>) or from the board's office as set forth in Rule .0101 of this Chapter. The application shall require the following information:

- (1) Application type (Regular, Temporary Military, Clinical Residency);
- (2) Date of Application;
- (3) Social Security Number;
- (4) Drug Enforcement Administration License Number (DEA), if any;
- (5) National Provider Number (NPI), if any;
- (6) Last name, first name, and middle name;
- (7) Mailing address, including city, state, and zip code;
- (8) Telephone number and type (home, mobile, business);
- (9) Email address;

- (10) Whether or not a U.S. citizen;
 - (11) Whether or not the applicant has or is serving in the military, awarded an MOS in podiatry and date, whether or not the applicant's spouse is currently serving in the military, and dates of service;
 - (12) Education (high school, college or university, graduate or professional, residencies, internships, fellowship training), including name and location of institution, dates attended, graduation completion, major and minor, and type of degree received;
 - (13) Whether or not the applicant intends to practice in North Carolina upon licensure;
 - (14) Whether or not the applicant has been licensed in another state or territory and, if so, state or territory, date of issue, expiration date, disciplinary actions (if any), and how license was obtained;
 - (15) Whether or not the licensee has ever had a license revoked, suspended, denied, or cancelled; denied the privilege of taking an exam; dropped, suspended, warned, placed on scholastic or disciplinary probation, expelled, or requested to resign from any school, college, or university, or advised by any such school of institution to discontinue studies therein; been a defendant in a legal action involving professional liability (malpractice), been named in a malpractice suit, had a professional liability claim paid on the applicant's behalf or paid such a claim; been a patient for the treatment of mental illness; been addicted to drugs or alcohol; or been convicted of a felony; and any explanation regarding such information that the applicant wishes to present to the board.
 - (16) Whether or not the applicant has previously taken the North Carolina exam and when;
 - (17) Whether or not the applicant requires special disability accommodations to take the board's examination;
 - (18) The reasons why the applicant is applying for licensure in North Carolina;
 - (19) A list of three references;
 - (20) Applicant's oath;
 - (21) A passport-quality photograph taken within 60 days prior to the date of the application; and
 - (22) Applicant's signature.
- (b) Applicants shall furnish the board with proof that the applicant meets the educational and examination requirements set forth in G.S. 90-202.5(a)
- (c) The application shall be accompanied by a non-refundable application fee of three hundred fifty dollars (\$350.00).
- (d) Applications shall also be notarized by a Notary Public in good standing.

History Note: Authority G.S. 90-202.5; 90-202.6; 90-202.7;
 Eff. February 1, 1976;
 Amended Eff. June 1, 2011; April 1, 2005; January 1, 2005; December 1, 1988;
 Readopted Eff. September 1, 2016;
 Amended Eff. May 1, 2017.

21 NCAC 52 .0202 EXAMINATION

- (a) The board shall conduct an examination as set out in G.S. 90-202.6. The examination shall be scheduled so as not to conflict with the APMLE.
- (b) An applicant who has qualified to sit for the examination shall pass written and oral sections on medical and clinical subjects related to the practice of podiatric medicine as set forth in G.S. 90-202.6(a) in order to complete the examination successfully.
- (c) An applicant who has successfully completed the examination as set forth in Paragraph (b) of this Rule shall also pass an examination section on the practice and scope of podiatry in North Carolina and compliance with State statutes, in particular, G.S. 90-202.2 to G.S. 90-202.14; G.S. 131E-85 to G.S. 131E-87; G.S. 55B-10 to G. S. 55B-13; G.S. 57D; and the board's Rules, within 30 months of successfully completing the examination in Paragraph (b).

History Note: Authority G.S. 90-202.4(g); 90-202.6;
 Eff. February 1, 1976;
 Amended Eff. April 1, 2013; June 1, 2011; December 1, 1988;
 Readopted Eff. September 1, 2016.

21 NCAC 52 .0203 TEMPORARY LICENSE

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

Eff. February 1, 1976;
Repealed Eff. December 1, 1988.

21 NCAC 52 .0204 RE-EXAMINATION

Unsuccessful candidates for licensure may apply to the board for re-examination pursuant to G.S. 90-202.6(c) upon the payment of the three hundred fifty dollar (\$350.00) examination fee. No more than two re-examinations shall be allowed any one applicant within that one-year period under this Rule.

History Note: Authority G.S. 90-202.6;
Eff. February 1, 1976;
Amended Eff. June 1, 2011; December 1, 1988;
Readopted Eff. September 1, 2016.

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

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

History Note: Authority G.S. 90-2-2.8; 90-202.2; 90-202.4(g); 90-202.6(a)(b);
Eff. February 1, 1976;
Amended Eff. December 1, 2012; March 1, 2006; May 1, 2005; December 1 1988;
Readopted Eff. September 1, 2016.

21 NCAC 52 .0206 LICENSING

History Note: Authority G.S. 90-202.6; 90-202.7;
Eff. February 1, 1976;
Amended Eff. December 1, 1988;
Repealed Eff. July 1, 2011.

21 NCAC 52 .0207 ANNUAL RENEWAL OF LICENSE

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

- (1) Social security number;
- (2) National Provider Number (NPI), if any;
- (3) Drug Enforcement Administration License Number (DEA), if any;
- (4) Marital status;
- (5) Name;
- (6) NC license number;
- (7) Birthdate;
- (8) Other states licensed in and license numbers;
- (9) Home address and phone number;
- (10) Business address and phone number;
- (11) Preferred mailing address (business or home);
- (12) Email address;
- (13) Whether or not the licensee would like to receive email correspondence from the board;
- (14) Medicare provider number;
- (15) Present practice status (e.g., active, teaching, retired, residency, other);
- (16) Principal setting of practice (e.g., hospital, nursing home, free-standing clinic, group, practitioner's office, nonfederal health facility, military facility, Veteran's Administration medical facility, school, other);

- (17) Form of employment (e.g., self-employed as a solo practitioner or non-solo practitioner, or employee of individual practitioner, partnership or group, government, other);
 - (18) National board certifications (American Board of Podiatric Surgery, American Board of Foot and Ankle Surgery, American Board of Lower Extremity Surgery, and American Board of Multiple Specialties in Podiatry);
 - (19) Hospital staff privileges (hospital, location, date privileges began, type of privileges), any denial of such privileges, and the reason for such denial since last renewal application;
 - (20) Whether or not the licensee performs amputations, ankle surgery, or clubfoot procedures;
 - (21) Whether or not the licensee is granted specialty privileges by the board for amputations, ankle surgery, or clubfoot procedures;
 - (22) Continuing Medical Education (CME) credits earned in the previous license year, pursuant to G.S. 90-202.11 and S.L. 2015-241, s. 12F, 16(c);
 - (23) Whether or not the licensee has ever had a license revoked, suspended, denied, or cancelled; been a defendant in a legal action involving professional liability (malpractice), been named in a malpractice suit, had a professional liability claim paid on the applicant's behalf or paid such a claim; been a patient for the treatment of mental illness; been addicted to drugs or alcohol; or been convicted of a felony; and any explanation regarding such information that the applicant wishes to present to the board;
 - (24) Original signature;
 - (25) Date of renewal application; or
 - (26) Desire not to renew license.
- (b) The renewal form and accompanying documents shall be returned to the board's offices as set forth in Rule .0101 with the original signatures of the licensed podiatrist. The penalties for failure to comply with this Rule are specified in G.S. 90-202.10.
- (c) If the licensee does not receive his or her renewal application from the board directly, the licensee may obtain a generic copy, without the pre-populated information, from the board's website at <http://www.ncbpe.org> or by contacting the board's office as set forth in Rule .0101 of this Chapter.

History Note: Authority G.S. 90-202.4(g); 90-202.10; 90-202.11; S.L. 2015-241, s. 12F, 16(c);
 Eff. February 1, 1976;
 Amended Eff. April 1, 2013; January 1, 2005; December 1, 1988;
 Readopted Eff. September 1, 2016;
 Amended Eff. May 1, 2017.

21 NCAC 52 .0208 CONTINUING EDUCATION

- (a) A requirement for issuance of the annual renewal certificate shall be certification to the Board of proof of compliance with the continuing education provisions of G.S. 202.11.
 The Board shall notify all podiatrists that 25 hours of continuing education are required annually, including one hour of controlled substances prescribing practices.
- (b) General CME policy - 25 hours per year as follows:
- (1) Completion of 25 hours of Continuing Medical Education (CME) is required per year (July 1-June 30) for renewal of licensure. CME credits shall not be carried over from the previous licensure year.
 - (2) It shall be the responsibility of the individual podiatrist to ascertain in advance if the courses he or she attends have received proper approval from the certifying organizations, and comply with the Standards, Requirements, and Guidelines for Approval of Sponsors of Continuing Education in Podiatric Medicine of the Council on Podiatric Medical Education (<http://www.cpme.org/education/content.cfm?ItemNumber=2440&navItemNumber0=2249>), including subsequent amendments and editions. The website may be accessed at no charge. The Board shall respond in writing, within 45 days of receipt by the Board of all needed documentation, with approval or denial to individuals requesting approval of CME courses and credit hours. Decisions by the Board are the final agency decision and may be appealed as set out in G.S. 150B-23.
 - (3) Certificates of completion of courses other than those sponsored by the NC Foot and Ankle Society (NCF&AS) shall be submitted to the Board online using the Board's contracted electronic

continuing education tracking system. Completion certificates shall be typed and contain the following information:

- (A) Podiatrist's name;
 - (B) Course name, location, and date;
 - (C) Number of hours CME completed;
 - (D) Signature of seminar chairperson; and
 - (E) Name of certifying or sponsoring agency.
- (4) A licensed podiatrist participating in the second or third year of a medical residency or fellowship may submit a letter signed by the podiatric residency or fellowship director stating the podiatrist's name and dates of residency. This shall substitute for the 25-credit hour requirement and CME certificate required by this Rule.
 - (5) The Board shall retain access to the CME documentation with the individual podiatrist's license renewal information.
- (c) Category 1: Minimum requirement 20 hours per year, as follows:
- (1) CME credit shall be granted for attendance at educational seminars offered by the North Carolina Foot & Ankle Society (NCF&AS). The number of qualifying hours of continuing education shall be determined and approved by the Board in advance based on the standards in G.S. 90-202.11. NCF&AS shall submit to the Board a list of individuals who attended its CME events and earned credits.
 - (2) CME credit shall be granted for attendance at educational seminars offered by other national, state, and podiatric education providers, as certified by the Council on Podiatric Medical Education (CPME) of the American Podiatric Medical Association (APMA). The number of qualifying hours of continuing education shall be determined and approved by the Board.
 - (3) Lecturers shall be granted one hour of credit for each hour of CPME- or APMA- approved lectures given, but such credit shall be limited to one hour for each discrete topic. A brief summary of the content of each lecture shall be submitted to the Board for approval.
 - (4) Category 1 is limited to live in person educational seminars offered by NCF&AS or by sponsors pre-approved by CPME: <http://www.cpme.org> (CPME 700: "Approved Sponsors of Continuing Education in Podiatry"). (APMA or CPME-approved online or journal courses are considered Category 2.)
 - (5) Since CPME evaluates only CME conducted in the United States, North Carolina-licensed podiatrists practicing outside the United States, or participating in a foreign fellowship or other short-term residency abroad may apply to the Board, to have their continuing medical education credits from their country of practice considered and evaluated by the Board on an individual basis.
- (d) Category 2: A maximum of only 5 of the total 25 CME hours per year shall be allowed as follows:
- (1) CME credit shall be allowed for educational programs approved for Category 1 credit by the American Medical Association (AMA) and the American Osteopathic Association (AOA) or their affiliated organizations.
 - (2) CME credit shall be allowed for courses approved by North Carolina Area Health Education Centers (AHEC).
 - (3) Online or medical journal courses approved by CPME are permitted.
 - (4) For courses not pre-approved by AHEC, AOA, or AMA, all requests for CME approval must contain a timeline and course description and be submitted to the Board for approval.
- (e) Waiver for Certified Illness, Medical Condition, Natural Disaster, or Undue Hardship. The Board may waive the continuing education requirement for license renewal in the following cases that preclude a licensed podiatrist from completing his or her CME requirement within the 18-month timeframe from July 1 of the year of the last license or renewal issuance through December 31 of the following year:
- (1) An unexpected illness or medical condition certified by a letter from a licensed physician, nurse practitioner (NP), or physician assistant (PA) regarding the licensee or the licensee's parents, spouse, children and other persons dependent upon the podiatrist for daily living supports; or
 - (2) An undue hardship (such as active military service or natural disaster).

In such cases, the Board shall issue a conditional license predicated on the licensee acquiring all of the required continuing education credits in a mutually-agreeable timeframe, but no later than 24 months after December 31 of the year following the latest year of license or renewal issuance. Requests for CME waiver shall be received by the Board before the end of the grace period deadline for license renewal. The Board may require additional information

when necessary to confirm the need for exemption to support the licensee's claim. The Board shall notify the licensee of its decision in writing within 45 days of receipt by the Board of all needed documentation.

History Note: Authority G.S. 90-202.4(g); 90-202.11; S.L. 2015-241, s. 12F.16(b) and (c);
Eff. February 1, 1976;
Amended Eff. June 1, 2013; October 1, 2012; February 1, 2012; November 1, 2011; June 1, 2011;
December 1, 1988;
Readopted Eff. March 1, 2016;
Amended Eff. April 1, 2024.

21 NCAC 52 .0209 APPLICANTS LICENSED IN OTHER STATES

If an applicant for licensure is already licensed in another state to practice podiatry, the board shall issue a license to practice podiatry in the State of North Carolina only upon evidence that said podiatrist has complied with the requirements set forth in General Statute 90-202.7 of the Podiatry Practice Act. Presentation of such evidence is the responsibility of the podiatrist seeking reciprocity to practice in the State of North Carolina. This evidence shall include verification from the Board of Podiatry Examiners of the state where the applicant has last practiced that the applicant is in good standing and has no disciplinary action pending. The verification shall include a history of previous disciplinary action, if any.

History Note: Authority G.S. 90-202.4(g); 90-202.7;
Eff. December 1, 1988;
Readopted Eff. September 1, 2016.

21 NCAC 52 .0210 FEE FOR VALIDATION OF LICENSEE LISTS; COMPUTER SERVICES

(a) In order to validate a podiatrist's authority to receive drug samples pursuant to U.S. federal laws, the Board shall provide computerized lists of its licensees and their licensing status to companies engaged in the business of providing data information services to the pharmaceutical and healthcare industries for the purposes of validating the licensing status of health care professionals for a fee of three hundred dollars (\$300.00) per order, payable in advance. Orders for a list of licensees shall be placed at least four weeks in advance.

(b) Other Data Processing Services. The Board may provide data processing services related to the Board's powers and duties upon request from research and educational organizations. No fees for such services shall be assessed if the use of the data is for nonprofit educational or research purposes.

History Note: Authority G.S. 90-202.3; 150B-19(5)e; P.L.100-293;
Eff. April 1, 2005;
Readopted Eff. September 1, 2016.

21 NCAC 52 .0211 MILITARY LICENSE

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

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

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

(b) Permanent Unrestricted License Military Podiatrist: The Board shall issue a permanent license to a military-trained applicant to allow the applicant to lawfully practice podiatry in North Carolina if, upon application to the Board, the applicant:

- (1) Has been awarded a military occupational specialty in podiatry and has done all of the following at a level that is substantially equivalent to or exceeds the requirements for licensure in North Carolina: completed a military program of podiatry training, completed testing or equivalent training and experience, and performed in the occupational specialty;

- (2) Has engaged in the practice of podiatry for at least two of the five years (which may include clinical residency) preceding the date of the application under this Paragraph;
 - (3) Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension, or revocation of a license to practice podiatry in this State at the time the act was committed; and
 - (4) Pays the application, examination, and licensing fees required by the Board.
- (c) Permanent Unrestricted License-Podiatrist Spouse of Military Personnel: The Board shall issue to a military spouse a license to practice podiatry in this State if, upon application to the board, the military spouse:
- (1) Holds a current license, certification, or registration from another jurisdiction and that jurisdiction's requirements for licensure, certification, or registration are substantially equivalent to or exceed the requirements for licensure in this State;
 - (2) Can demonstrate competency in the occupation through passing the North Carolina examination;
 - (3) Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension, or revocation of a license to practice that occupation in this State at the time the act was committed;
 - (4) Is in good standing and has not been disciplined by the agency that had jurisdiction to issue the license, certification, or permit; and
 - (5) Pays the application, examination, and licensing fees required by the Board.
- (d) All relevant podiatric medical experience of a military service member in the discharge of official duties or, for a military spouse, all relevant podiatric medical experience, including full-time and part-time experience, regardless of whether in a paid or volunteer capacity, shall be credited in the calculation of years of practice in an occupation as required under Paragraphs (b) and (c) of this Rule.
- (e) A nonresident licensed under this Rule shall be entitled to the same rights and subject to the same obligations as required of a resident licensed by the Board in this State.

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

21 NCAC 52 .0212 SPECIALTY CREDENTIALING PRIVILEGES

- (a) The Board shall grant surgical specialty privileges to podiatrists in the areas of amputation, ankle surgery, and club foot correction.
- (b) Application for such privileges shall be made upon a form provided by the board (available from the board's website at <http://www.ncbpe.org>) along with two copies of the applicants' surgery logs, both of which shall be highlighted in different colors (one color per specialty area, i.e. amputations, ankle surgeries, and club foot corrections).
- (c) The application shall request the following information from the licensee:
 - (1) Name;
 - (2) Address;
 - (3) License number;
 - (4) Telephone;
 - (5) Number of years, type, and location of post-graduate training;
 - (6) Board certification(s) type and year;
 - (7) Whether or not a Fellow of the American College of Foot & Ankle Surgeons and year of bestowal;
 - (8) Other postgraduate continuing medical education;
 - (9) Hospital affiliation(s), privileges, dates, and whether or not surgical or non-surgical;
 - (10) Surgery center affiliations, privileges, dates, and whether or not surgical or non-surgical;
 - (11) Teaching appointments, locations, years of affiliation, and type of appointment;
 - (12) Which privilege(s) the applicant is applying for (e.g., ankle surgery, amputations, surgical correction of clubfoot);
 - (13) Signature; and
 - (14) Date of application.

History Note: Authority G.S. 90-202.2;
 Eff. June 1, .2011;

Readopted Eff. September 1, 2016.

21 NCAC 52 .0213 TEMPORARY LICENSE FOR CLINICAL RESIDENCY/FELLOWSHIP

(a) The Board may issue a temporary license to practice podiatry to any podiatrist for licensure in accordance with this Rule while the podiatrist resides in North Carolina and is participating in a podiatric medical education and training clinical residency ("clinical residency") or fellowship located in North Carolina and approved by the Council of Podiatric Medical Education (CPME). Such CPME-approved clinical residency or fellowship shall be established and conducted in accordance with rules established in the most current version of "Standards and Requirements for Approval of Podiatric Medicine and Surgery Residencies" (CPME 320) and the "JJRC and CPME Residency Requirements" available from the CPME web site at <http://www.cpme.org/residencies/content.cfm?ItemNumber=2444&navItemNumber=2245>, or "Standards and Requirements for Approval of Podiatric Fellowships" (CPME 820) available from the CPME web site at <http://www.cpme.org/fellowships/content.cfm?ItemNumber=2442&navItemNumber=2247>. A list of approved clinical residencies is available from the CPME website at <http://www.cpme.org/residencies/ResidenciesList.cfm?navItemNumber=2242>. A list of approved fellowships is available from the CPME website at <http://www.cpme.org/fellowships/content.cfm?ItemNumber=2441&navItemNumber=2246>.

(b) In order to be approved by the Board for a temporary resident's or fellowship's training license, an applicant shall submit a completed temporary license application, available from the Board's website at <http://www.ncbpe.org/content/licensure-exam>. The application shall include the following:

- (1) type of application (Regular, Temporary Military, or Temporary Clinical Residency or Fellowship);
- (2) date of application;
- (3) Social Security Number;
- (4) full name (last name, first name, and middle name, if applicable);
- (5) mailing address;
- (6) city, state, and zip code;
- (7) telephone number (e.g., home, mobile, and business);
- (8) email address;
- (9) date of birth;
- (10) whether or not a U.S. citizen;
- (11) military service for self and spouse, if applicable;
- (12) education (high school, college/university, graduate or professional, and residencies/internships/fellowships), including name and location of institution, dates attended, whether graduated or completed, major/minor, and type of degree;
- (13) previous licensure in another state or territory, including date of issue, date of expiration, whether or not there were any disciplinary actions, and how license was obtained (examination, temporary, or reciprocity);
- (14) whether the applicant has had any of the following situations and explain such instances:
 - (A) had a license revoked, suspended, or cancelled;
 - (B) denied a license;
 - (C) denied the privilege of taking an examination;
 - (D) dropped, suspended, warned, placed on scholastic or disciplinary probation, expelled or requested to resign from any school, college, or university, or advised by any school or institution to discontinue studies therein;
 - (E) been a defendant in a legal action involving professional liability (malpractice), been named in a malpractice suit, had a professional liability claim paid on the applicant's behalf or paid such a claim;
 - (F) been a patient for treatment of mental illness;
 - (G) been addicted to alcohol or drugs; or
 - (H) been convicted of a felony;
- (15) whether the applicant has taken the North Carolina licensure examination previously, and if so, the date;
- (16) whether the applicant will need any special accommodations and what those needs are;
- (17) the applicant's reasons for applying for temporary license and future plans for practicing in the state; and

- (18) an attestation under oath before a notary that the information on the application is true and complete an authorization of the release to the Board of all information pertaining to the application.
- (c) Such temporary application shall also require inclusion of the following additional documentation, which may be sent to the Board either together with the application or separately:
- (1) documentation of legal name change, if applicable;
 - (2) a photograph, approximately two inches by two inches;
 - (3) proof of an education equivalent to four years of instruction in a high school (e.g., copy of the diploma or a letter from the high school);
 - (4) transcript of pre-podiatry college studies from an accredited college or university showing a minimum of two years of study;
 - (5) copy of college diploma;
 - (6) proof of graduation from a podiatry school accredited by CPME, a listing of such accredited podiatry schools is available from <http://www.cpme.org/colleges/content.cfm?ItemNumber=2425&navItemNumber=2240> (e.g., a copy of the diploma or a letter from the school);
 - (7) official transcript of podiatry school studies sent directly from the institution to the Board;
 - (8) an appointment letter from the residency or fellowship program director, or his appointed agent, of the CPME-approved residency or fellowship program, listing the beginning and ending dates of the program;
 - (9) a signed consent on the application allowing a search of local, state, and national records for any criminal record;
 - (10) official copy of the grade letters from the National Board of Podiatric Medical Examiners (NBPME) sent directly from NBPME to the Board that the applicant has taken and passed within three attempts:
 - (A) APMLE Part I; and
 - (B) APMLE Part II; and
 - (11) upon request, supply any additional information the Board deems necessary to evaluate the applicant's competence and character, including appearing in person for an interview with the Board or its agent to evaluate the applicant's competence and character, if the Board needs more information to complete the application.
- (d) Upon evaluation of the application, the Board shall either approve the application and issue a temporary license or deny the application within 30 days of receipt of the completed application based upon the information provided in accordance with this Rule, unless an interview is necessary. If the Board deems an interview necessary pursuant to Subparagraph (c)(11) of this Rule, the Board shall issue the decision to grant or deny the application within 30 days following the interview. If the Board denies the application, it shall notify the applicant the reasons for the denial.
- (e) A temporary license is valid only while the licensee is participating in the clinical residency or fellowship program and shall not be extended beyond the length of training.
- (f) A podiatrist holding a temporary license to practice in a clinical residency or fellowship program shall practice only within the confines of that program and under the supervision of its director.

History Note Authority G.S. 90-202.5(b); 90-202.6; 93B-15.1;
Eff. October 1, 2014.

21 NCAC 52 .0214 NOTICE OF UNLICENSED ACTIVITY

The Board shall investigate unlicensed activity, including notice of possible violations, and seek injunctive relief pursuant to G.S. 90-202.13.

History Note: Authority G.S. 90-202.3; 90-202.4; 90-202.8; 90-202.13;
Eff. April 1, 2017

21 NCAC 52 .0215 LICENSE RE-INSTATEMENT

(a) A podiatrist whose license renewal has been delinquent for six months following the July 1 deadline of the end of the podiatrist's last renewal period shall re-apply for a new examination. Application shall be made in accordance with the statute and the following:

- (1) re-apply to the Board for licensure as if he or she is a first-time applicant, including the same application, required documents, and application and examination fees, pursuant to Rule .0201 of this Section and Rules .0601 and .0613 of this Chapter;
- (2) appear before the Board at the same time and in the same place as other license examinees and take the same examination as a first-time applicant, including the practice and ethics examination pursuant to Rules .0202, .0205, and .0206 of this Section; and
- (3) receive a passing grade in all parts of the Board licensing examination and pay the license certificate fee pursuant to Rule .0613 of this Chapter before being issued a new license certificate and license number.

(b) A podiatrist whose license has been suspended, put on probation, or has invoked any other form of temporary censure due to disciplinary action in accordance with G.S. 90-202.8 shall follow the instructions related to reinstatement contained in the specific consent order setting forth the provisions of the sanction.

History Note: Authority G.S. 90-202.6(a); 90-202.8; 90-202.9; 90-202.10;
Eff. November 1, 2015.

SECTION .0300 - PROFESSIONAL CORPORATIONS

21 NCAC 52 .0301 REGISTRATION

No podiatrist or group of podiatrists may operate in the State of North Carolina as a professional corporation without first obtaining from the board a certificate of registration as set forth in G.S. 55B-10:
http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_55B/GS_55B-10.html. Each corporate registrant shall pay a separate registration fee of twenty-five dollars (\$25.00) per year for each separate establishment where podiatric services are performed.

History Note: Authority G.S. 55B-10; 90-202.4(g);
Eff. February 1, 1976;
Amended Eff. June 1, 2011; December 1, 1988;
Readopted Eff. September 1, 2016.

21 NCAC 52 .0302 ANNUAL RENEWAL

Annual renewal of a professional podiatry corporate registration shall be as set forth in G.S. 55B-11:
http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_55B/GS_55B-11.html.

History Note: Authority G.S. 55B-11; 90-202.4(g);
Eff. February 1, 1976;
Amended Eff. June 1, 2011; December 1, 1988;
Readopted Eff. September 1, 2016.

21 NCAC 52 .0303 PENALTIES

Penalties for non-renewal of a professional podiatry corporation certificate of registration shall be as set forth in G.S. 55B-11: http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_55B/GS_55B-11.html.

History Note: Authority G.S. 55B-11; 90-202.4(g);
Eff. December 1, 1988;
Amended Eff. June 1, 2011;
Readopted Eff. September 1, 2016.

SECTION .0400 - REVOCATION OR SUSPENSION OF LICENSE

21 NCAC 52 .0401 INITIATION OF PROCEEDINGS

History Note: Authority G.S. 90-202.8;
Eff. February 1, 1976;
Repealed Eff. December 1, 1988.

21 NCAC 52 .0402 HEARINGS

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

*History Note: Authority G.S. 90-202.8; 150B-38;
Eff. February 1, 1976;
Amended Eff. December 1, 1988;
Readopted Eff. September 1, 2016.*

21 NCAC 52 .0403 SERVICE OF NOTICE

Any notice required by the rules shall be given personally or by certified mail, return receipt requested, directed to the licensee or applicant at his last known address as shown by the records of the board. If service cannot be accomplished either personally or by certified mail, it shall then be given as provided in G.S. 1A-1, Rule 4 (j1).

*History Note: Authority G.S. 90-202.8; 150B-38;
Eff. February 1, 1976;
Amended Eff. December 1, 1988;
Readopted Eff. September 1, 2016.*

21 NCAC 52 .0404 PLACE OF HEARINGS

A hearing conducted by the board shall be held in the location as provided by G.S. 150B-38(e).

*History Note: Authority G.S. 90-202.8; 150B-38(e);
Eff. February 1, 1976;
Amended Eff. December 1, 1988;
Readopted Eff. September 1, 2016.*

21 NCAC 52 .0405 TRIAL EXAMINER OR DEPOSITION

21 NCAC 52 .0406 EVIDENCE ADMISSIBLE

21 NCAC 52 .0407 FAILURE TO APPEAR

*History Note: Authority G.S. 90-202.8;
Eff. February 1, 1976;
Repealed Eff. December 1, 1988.*

21 NCAC 52 .0408 APPEAL

A podiatrist who is aggrieved by a final decision in a contested case may obtain judicial review of the decision of the board as provided by G.S. 150B, Article 4.

*History Note: Authority G.S. 90-202.8; 150B-43 to 150B-45;
Eff. February 1, 1976;
Amended Eff. December 1, 1988;
Readopted Eff. September 1, 2016.*

21 NCAC 52 .0409 COMPLAINTS

(a) Any person may file a complaint, pursuant to G.S. 150B, Article 3A, against a licensed podiatrist with the board by completing the online complaint form on the board website, <http://www.ncbpe.org> or by providing a completed hardcopy complaint form to the Board, which may be obtained from the board's offices as listed in Rule .0101 of this Chapter.

(b) The complaint shall set forth the name and contact information of the podiatrist against whom the complaint is lodged, a summary of the facts of the complaint, the complainant's name, mailing address and phone number, and whether or not a copy of the complaint may be sent to the podiatrist about whom the complaint is lodged. Within 14 days of a hardcopy complaint received by the board, a receipt notification shall be sent to the complainant by mail. If an online complaint has been submitted to the board, an electronic receipt notification shall automatically be generated and emailed to the board's Executive Secretary and the complainant. A copy of the complaint shall be sent

to the respondent named in the complaint, if so authorized by the complainant; otherwise, the complaint shall be filed in the podiatrist's file for future reference. Should the complaint be sent to the podiatrist, said podiatrist shall respond to the complaint in writing to the board within 45 days of receipt of the complaint and provide the board with a copy of the complainant's medical records pursuant to any board request.

(c) At such time as a complaint is received at the board's office and authorization given by the complainant to share the complaint with the podiatrist against whom the complaint is lodged, the Executive Secretary shall notify the board's appointed Grievance Committee members with a copy of the complaint. A Grievance Committee member who does not have a conflict of interest as defined in G.S. 138A-36(a) shall be assigned to conduct an investigation to determine if probable cause exists that a violation of the Podiatry Practice Act (G.S. 90-202.8) may have occurred. After review, if the Grievance Committee determines that further investigation is required to determine if probable cause exists, an outside investigator may be retained with the board's permission.

(d) If the Grievance Committee member determines that no probable cause exists that there was a violation of the Podiatry Practice Act, the Grievance Committee member shall submit a summary of his investigation and conclusion first to the remaining members of the Grievance Committee, and if the members concur, to the board for approval. If the decision is approved by the board at a regularly called meeting of the board, both the complainant and respondent shall be notified of the disposition of the case within 14 days of the board's decision.

(e) If the Grievance Committee determines that probable cause of a violation of the Podiatry Practice Act does exist, the Committee shall notify the board and an administrative hearing in compliance with Article 3A of G.S. 150B shall be scheduled. The complainant and the respondent shall be given Notice of the Hearing and the disposition of the case.

History Note: Authority G.S. 90-202.4; 90-202.8; 150B-3;
Eff. April 1, 2017.

SECTION .0500 - CERTIFICATION OF PODIATRIC ASSISTANTS

21 NCAC 52 .0501	APPLICATION
21 NCAC 52 .0502	EXAMINATION
21 NCAC 52 .0503	CERTIFICATION
21 NCAC 52 .0504	ANNUAL RENEWAL

History Note: Authority G.S. 90-202.6;
Eff. February 1, 1976;
Repealed Eff. December 1, 1988.

SECTION .0600 – GENERAL PROVISIONS

21 NCAC 52 .0601 APPLICATION FOR EXAMINATION

The application for examination shall be used by all applicants who wish to take the examination for licensure. It requires the applicant to furnish the board with information required by Rule .0201 of this Chapter. The form may be obtained in hard-copy or electronic format from the office of the executive secretary as set forth in Rule .0101 of this Chapter or from the board's website at www.ncbpe.org.

History Note: Authority G.S. 90-202.5;
Eff. February 1, 1976;
Amended Eff. June 1, 2011; April 1, 2005; January 1, 2005; December 1, 1988;
Readopted Eff. September 1, 2016.

21 NCAC 52 .0602	CERTIFICATE OF LICENSURE
21 NCAC 52 .0603	APPLICATION FOR RENEWAL
21 NCAC 52 .0604	CERTIFICATE OF CONTINUING EDUCATION
21 NCAC 52 .0605	CERTIFICATE FOR ESTABLISHING A PROFESSIONAL CORPORATION
21 NCAC 52 .0606	CERTIFICATE OF REGISTRATION OF PROFESSIONAL CORPORATION

History Note: Authority G.S. 55B-10; 55B-11; 90-202.6; 90-202.10; 90-202.11;
Eff. February 1, 1976;

*Amended Eff. December 1, 1988;
Repealed Eff. June 1, 2011.*

21 NCAC 52 .0607 APPLICATION FOR EXAMINATION: PODIATRIC ASSISTANTS
21 NCAC 52 .0608 CERTIFICATE OF REGISTRATION: PODIATRIC ASSISTANTS
21 NCAC 52 .0609 ANNUAL RENEWAL: PODIATRIC ASSISTANTS

*History Note: Authority G.S. 90-202.4;
 Eff. February 1, 1976;
 Repealed Eff. December 1, 1988.*

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

Any applicant for licensure who is already licensed in another state and wishes to be issued a license pursuant to G.S. 90-202.7 shall comply with the requirements set forth in Rule .0201 of this Chapter and G.S. 90-202.7. Application forms may be obtained from the office of the executive secretary of the board as set forth in Rule .0101 of this Chapter or from the board's website at www.ncbpe.org.

*History Note: Authority G.S. 90-202.7;
 Eff. December 1, 1988;
 Amended Eff. June 1, 2011; January 1, 2005;
 Readopted Eff. September 1, 2016.*

21 NCAC 52 .0611 FORMS AND APPLICATIONS

(a) The Board shall issue the following items in accordance with applicable state statutes and this Chapter's administrative rules:

- (1) Certificate of Licensure;
- (2) Licensure Renewal Card;
- (3) Temporary License Certificate; and
- (4) Certificate of Corporate Registration.

(b) The Board shall provide and require use of the following application forms that may be obtained from the Board's web site, <http://www.ncbpe.org>:

- (1) Licensure Renewal Application;
- (2) Disclaimer Form;
- (3) Corporate Registration Application;
- (4) Corporate Registration Renewal;
- (5) Specialty Credentialing Application;
- (6) CME (Continuing Medical Education) Submission Form;
- (7) Recommendation Form; and
- (8) License Application (Regular, Temporary, Military, Reciprocity).

*History Note: Authority G.S. 55B-10; 55B-11; 90-202.4(g); 90-202.6; 90-202.7; 90-202.9; 90-20.10; 90-202.11;
 Eff. June 1, 2011;
 Amended Eff. October 1, 2014;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October
 28, 2014;
 Amended Eff. November 1, 2015.*

21 NCAC 52 .0612 PAYMENT OF FEES

The Board shall accept payment of its fees in the form of cash, money order, check, or credit card. For checks that are returned by the Board's bank for insufficient funds, the payor shall reimburse the Board the fee charged to the Board by the bank for insufficient funds. For each credit card payment transaction, the Board shall assess a convenience fee in the amount equivalent to the merchant account fee the bank charges the Board for processing credit card charges.

*History Note: Authority G.S. 55B-10; 55B-11; 90-202.4(g); 90-202.5; 90-202.10;
 Eff. October 1, 2012;*

Readopted Eff. September 1, 2016.

21 NCAC 52 .0613 FEE SCHEDULE

The following fees shall apply:

- (1) Application for examination (non-refundable) \$350.00
- (2) Examination (non-refundable) \$100.00
- (3) Re-Examination \$350.00
- (4) License certificate \$100.00
- (5) Annual License Renewal \$200.00
- (6) License Renewal Late Fee (per month, up to 6 months) \$25.00
- (7) Data Processing Fee for Pharmaceutical Verification as set forth in Rule .0210 of this Chapter \$300.00
- (8) Returned check fee as set forth in Rule .0612 of this Section. The returned check fee is \$12.00
- (9) Incorporation for PA/PC/PLLC \$50.00
- (10) Annual Corporate Renewal \$25.00
- (11) Corporate Renewal Late Fee \$10.00

*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-19(5)(e);
Eff. April 1, 2013;
Readopted Eff. September 1, 2016;
Amended Eff. April 1, 2024.*

SECTION .0700 - PETITIONS FOR RULES

21 NCAC 52 .0701 PETITION FOR RULEMAKING HEARINGS

Any person wishing to submit a petition requesting the board to promulgate, amend, or repeal a rule shall address a petition to the office of the Board of Podiatry Examiners as set forth in Rule .0101 of this Chapter. The caption of the petition shall bear the notation: RULEMAKING PETITION RE: followed by the subject of the petition.

*History Note: Authority G.S. 150B-20;
Eff. February 1, 1976;
Amended Eff. June 1, 2011; January 1, 2005; December 1, 1988;
Readopted Eff. September 1, 2016.*

21 NCAC 52 .0702 CONTENTS OF PETITION FOR RULEMAKING

The petition must include the following information:

- (1) a description of the subject of the petition. For example: "This petition is to hold a rulemaking hearing to amend Rule .0000;"
- (2) either a draft of the proposed rule or a summary of its contents;
- (3) the reason for the proposal;
- (4) the effect on existing rules;
- (5) any data supporting the proposal;
- (6) the effect of the proposed rule on existing practices, including cost factors;
- (7) the names of those most likely to be affected by the proposed rule, with addresses if reasonably known; and
- (8) the name(s) and address(es) of petitioner(s).

*History Note: Authority G.S. 150B-20;
Eff. February 1, 1976;
Amended Eff. June 1, 2011; December 1, 1988;
Readopted Eff. September 1, 2016.*

21 NCAC 52 .0703 DISPOSITION OF PETITIONS

(a) The board shall determine whether the public interest will be served by granting the request. Prior to making this determination, the board may request additional information from the petitioners, it may contact interested

persons or persons likely to be affected by the proposed rule and request comments, and it may use any other appropriate method for obtaining information on which to base its determination. It shall consider the contents of the petition submitted and any other information obtained by the means described herein.

(b) The board shall make a determination for the institution of rulemaking proceedings or for the denial of the petition as provided by G.S. 150B-20.

History Note: Authority G.S. 150B-20;
Eff. February 1, 1976;
Amended Eff. June 1, 2011; December 1, 1988;
Readopted Eff. September 1, 2016.

SECTION .0800 - NOTICE OF RULEMAKING HEARINGS

21 NCAC 52 .0801 **TIMING OF NOTICE**
21 NCAC 52 .0802 **NOTICE MAILING LIST**
21 NCAC 52 .0803 **ADDITIONAL INFORMATION**

History Note: Authority G.S. 150B-12; 150B-12(a)(2);
Eff. February 1, 1976;
Repealed Eff. December 1, 1988.

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, 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 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;
Readopted Eff. September 1, 2016.

SECTION .0900 - RULEMAKING HEARINGS

21 NCAC 52 .0901 **REQUEST TO PARTICIPATE**
21 NCAC 52 .0902 **CONTENTS OF REQUEST: GENERAL TIME LIMITATIONS**
21 NCAC 52 .0903 **RECEIPT OF REQUEST: SPECIFIC TIME LIMITS**
21 NCAC 52 .0904 **WRITTEN SUBMISSIONS**
21 NCAC 52 .0905 **PRESIDING OFFICER: POWERS AND DUTIES**
21 NCAC 52 .0906 **STATEMENT OF REASONS FOR DECISION**
21 NCAC 52 .0907 **RECORD OF PROCEEDINGS**
21 NCAC 52 .0908 **EMERGENCY RULES**

History Note: Authority G.S. 150B-12; 150B-13;
Eff. February 1, 1976;
Repealed Eff. December 1, 1988.

SECTION .1000 - DECLARATORY RULINGS

21 NCAC 52 .1001 SUBJECTS OF DECLARATORY RULINGS

Any person substantially affected by a statute administered or rule promulgated by the board may request a declaratory ruling as provided in G.S. 150B-4.

History Note: *Authority G.S. 150B-4;*
 Eff. February 1, 1976;
 Amended Eff. December 1, 1988;
 Readopted Eff. September 1, 2016.

21 NCAC 52 .1002 SUBMISSION OF REQUEST FOR DECLARATORY RULING

All requests for declaratory rulings shall be written and mailed to the Board of Podiatry Examiners, 1500 Sunday Drive, Suite 102, Raleigh, North Carolina 27609, Attention: Executive Secretary. The request shall include the following information:

- (1) name and address of petitioner;
- (2) statute or rule to which petition relates;
- (3) concise statement of the manner in which petitioner is aggrieved by the rule or statute or by its potential application to him; and
- (4) a statement of whether an oral hearing is desired, and if so, the reason therefore.

History Note: *Authority G.S. 150B-4;*
 Eff. February 1, 1976;
 Amended Eff. January 1, 2005; December 1, 1988;
 Readoption Eff. September 1, 2016.

21 NCAC 52 .1003 DISPOSITION OF REQUESTS

(a) When the board deems it appropriate to issue a declaratory ruling, it shall issue such declaratory ruling within 60 days of receipt of the petition.

(b) A declaratory ruling proceeding may consist of written submissions, an oral hearing, or other procedure as may be appropriate in the circumstances of the particular request.

(c) Whenever the board believes "for good cause" that the issuance of a declaratory ruling is undesirable, it may refuse to issue such ruling. If the board refuses to issue such a ruling, it shall notify the petitioner of its decision in writing, stating the reasons for the denial of the declaratory ruling.

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

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

History Note: *Authority G.S. 150B-4;*
 Eff. February 1, 1976;
 Readopted Eff. September 1, 2016.

21 NCAC 52 .1004 RECORD OF DECISION

A record of all declaratory ruling proceedings shall be maintained in the board office for as long as the ruling is in effect and for five years thereafter. This record shall contain: the petition, all written submissions filed in the request whether filed by the petitioner or any other person, and a record or summary of oral presentations, if any. Records of declaratory ruling proceedings shall be available for public inspection during the regular office hours of the board's office, as set forth in Rule .0101 of this Chapter.

History Note: *Authority G.S. 150B-4;*

Eff. February 1, 1976;
Amended Eff. December 1, 1988;
Readopted Eff. September 1, 2016.

21 NCAC 52 .1005 DEFINITION

For purposes of Rule .1004 of this Section, a declaratory ruling shall be deemed to be "in effect" until the statute or rule interpreted by the declaratory ruling is amended or repealed, until the board changes the declaratory ruling prospectively, or until any court sets aside the ruling.

History Note: Authority G.S. 150B-12; 150B-4;
Eff. February 1, 1976;
Amended Eff. December 1, 1988;
Readopted Eff. September 1, 2016.

SECTION .1100 - ADMINISTRATIVE HEARING PROCEDURES

- 21 NCAC 52 .1101 RIGHT TO HEARING**
- 21 NCAC 52 .1102 REQUEST FOR HEARING**
- 21 NCAC 52 .1103 GRANTING OR DENYING HEARING REQUESTS**
- 21 NCAC 52 .1104 NOTICE OF HEARING**
- 21 NCAC 52 .1105 WHO SHALL HEAR CONTESTED CASES**
- 21 NCAC 52 .1106 PETITION FOR INTERVENTION**
- 21 NCAC 52 .1107 TYPES OF INTERVENTION**

History Note: Authority G.S. 1A-1, Rule 24; 150B-2(2); 150B-23(a); 150B-38; 150B-38(f);
150B-40;
Eff. February 1, 1976;
Repealed Eff. December 1, 1988.

SECTION .1200 - ADMINISTRATIVE HEARINGS: DECISIONS: RELATED RIGHTS AND PROCEDURES

21 NCAC 52 .1201 FAILURE TO APPEAR

History Note: Authority G.S. 150B-42 to 150B-45;
Eff. February 1, 1976;
Repealed Eff. December 1, 1988.

21 NCAC 52 .1202 SIMPLIFICATION OF ISSUES

The parties to a contested case may agree in advance to simplify the hearing by decreasing the number of the issues to be contested at the hearing, accepting the validity of certain proposed evidence, accepting the findings in some other case with relevance to the case at hand, or agreeing to such other matters as may expedite the hearing.

History Note: Authority G.S. 150B-40;
Eff. February 1, 1976;
Amended Eff. December 1, 1988;
Readopted Eff. September 1, 2016.

21 NCAC 52 .1203 SUBPOENAS

The board issues subpoenas as provided in G.S. 150B-39.

History Note: Authority G.S. 150B-39;
Eff. February 1, 1976;
Amended Eff. December 1, 1988;
Readopted Eff. September 1, 2016.

21 NCAC 52 .1204 FINAL DECISIONS IN ADMINISTRATIVE HEARINGS

The board shall make a written final decision or order in all contested cases as provided by G.S. 150B-42.

*History Note: Authority G.S. 150B-42;
Eff. February 1, 1976;
Amended Eff. December 1, 1988;
Readopted Eff. September 1, 2016.*

SECTION .1300 - NOMINATIONS FOR PODIATRISTS MEMBERS OF THE BOARD OF PODIATRY EXAMINERS: BOARD OF PODIATRY EXAMINERS CONSTITUTING A BOARD OF PODIATRY ELECTIONS: PROCEDURES FOR HOLDING AN ELECTION

21 NCAC 52 .1301 BOARD OF PODIATRY ELECTIONS

The submission of nominees to the Governor for appointment to the Board is governed by G.S. 90-202.4(d). Every podiatrist with a current North Carolina license residing in this state shall be eligible to vote in all elections subject to the procedures set out in Rule .1302 of this Section.

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

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 cast his or her ballot in the ballot box or other designated receptacle or return the ballot to the 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, or such other member of the board as may be designated by the 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 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 have practiced podiatry in North Carolina for the period of time prescribed by G.S. 90-202.4(a). A vote for any licensed podiatrist not holding a North Carolina license for that period shall not be counted.

History Note: Authority G.S. 90-202.4;
Eff. September 1, 1982;
Amended Eff. May 1, 1983;
Legislative Objection Lodged Eff. May 11, 1983;
Curative Amended Eff. May 13, 1983;
Amended Eff. April 1, 2005; December 1, 1988;
Readopted Eff. September 1, 2016.

SECTION .1400 - SCOPE OF PRACTICE

21 NCAC 52 .1401 SOFT TISSUE PROCEDURES

Simple soft tissue procedures pursuant to G.S. 90-202.2(b) are procedures involving structures proximal to a line parallel with the dome of the talus that may be performed by a podiatrist in an office setting, including:

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

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