

ARTICLE 6. . PODIATRISTS.

DIVISION 1. . GENERAL PROVISIONS.

As payment under insurance contracts, plans or agreements for health services of podiatrists for services performed, see § 27-1-15.

§ 34-24-230. Definitions.

Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.

For purposes of this title, the following terms shall have the respective meanings ascribed by this section:

- (1) Podiatry. The diagnosis and treatment of disorders of the human foot, as described herein.
- (2) Practice of podiatry. The diagnosis and medical or surgical or mechanical or manipulative or electrical treatment of any ailment of the human foot except such definition does not include the amputation of the foot or the administering of an anesthetic other than local.
- (3) Diagnosis. The process of ascertaining a disease or ailment by its general symptoms.
- (4) Medical treatment. The application to or prescription for the foot of pads, adhesives, felt, plaster or any medicinal agency for both external and internal use in connection with treatment of local ailments of the human foot, except such definition does not include the medical treatment of any systemic disease, but does allow treating the local manifestations of those systemic diseases in the foot.
- (5) Surgical treatment. The use of any cutting instrument to treat a disease, ailment or condition of the human foot as defined herein, except that a podiatrist shall not be authorized to amputate the human foot, or perform any surgery on the human body at or above the ankle joint, or administer anesthetics other than local anesthetics.
- (6) Mechanical treatment. The application of any mechanical appliance made of steel, leather, felt or any material to the foot or in the shoe for the purpose of treating any disease, deformity or ailment.
- (7) Manipulative treatment. The use of the hand or machinery in the operation or working upon the foot and its articulations.
- (8) Electrical Treatment. Any treatment by means and methods supplied by electric current.
- (9) Human foot. The terminal appendage of the lower extremity. It contains 26 bones and is divided into three parts--the forefoot, the midfoot, and the hindfoot. The forefoot consists of 14

phalanges and five metatarsals. The midfoot consists of five tarsal bones and their articulations. The hindfoot consists of two tarsal bones, the calcaneus and the talus. The foot is defined as including all 26 complete boney structures below the ankle joint, which ankle joint consists of the distal tibia and fibula and their articulations with the talus. The distal aspect of the tibia and fibula, the achilles tendon, and all structures above the dome of the talus reside within the leg.

CREDIT(S)

(Acts 1967, No. 741, p. 1586, § 1; Acts 1971, No. 2427, p. 3870, § 1; Acts 1975, No. 1199, p. 2376, § 1; Acts 1982, No. 82-437, p. 687, § 1; Acts 1983, 2nd Ex. Sess., No. 83-131, p. 137, § 1.)

§ 34-24-231. False or misleading statements in advertisements.

Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.

It shall be unlawful for any person engaged in the practice of podiatry in this state to print or cause to be printed, or circulate or cause to be circulated, or publish or cause to be published, by any means whatsoever, any advertisement or circular in which appears any untruthful, impossible or improbable or misleading statement or statements, or anything calculated or intended to mislead or deceive the public.

§ 34-24-232. Grandfather clause. Repealed by Act 2009-715, § 2, effective August 1, 2009.

Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.

§ 34-24-233. Exemptions.

Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.

Nothing in this article shall be construed as applying to physicians, surgeons or persons authorized to practice the healing arts as otherwise provided under the laws of the State of Alabama. No person who qualifies for a certificate of license under this article shall be subject to examination by the State Board of Medical Examiners.

CREDIT(S)

(Acts 1967, No. 741, p. 1586, § 17; Acts 1975, No. 1199, p. 2376, § 6.)

§ 34-24-234. Penalties for violations. Repealed by Act 2009-715, § 2, effective August 1, 2009.

Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.

DIVISION 2. . BOARD OF PODIATRY.

§ 34-24-250. Appointment; composition; qualifications of members; appointment; terms of office.

Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.

(a) The Governor of Alabama shall appoint a State Board of Podiatry consisting of seven persons, each of whom shall be a citizen of the United States and of Alabama, over the age of 25, and shall have been engaged in the actual continuous practice of podiatry in the State of Alabama for at least five years next preceding his or her appointment. One member of the board shall be appointed each year, with the exception of three members being appointed every fifth year starting in 1979, for terms of five years and until their successors are appointed and qualified. No member of the board shall be reappointed for a successive term. Previous board members are eligible for nonsuccessive appointments. The Governor may remove from office at any time any member of the board for neglect of duty, incompetency, improper or unprofessional conduct, or when the license or certificate of any member has been suspended or revoked. Vacancies on the board shall be filled by appointment by the Governor in the manner provided in this section. The Governor shall furnish each member of the board at the time of appointment a certificate of appointment, and the appointee shall qualify by taking the usual oath of office before the judge of probate of his or her home county within 15 days from the date of appointment.

(b) After April 6, 1993, each vacant office occurring shall be first offered to each available black licensee until a black member is appointed to the board. When a black member is appointed to the board, thereafter appointments shall be made in such a manner as to ensure at least one black member on the board at all times, and the membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.

CREDIT(S)

(Acts 1967, No. 741, p. 1586, § 3; Acts 1979, No. 79-601, p. 1065, § 1; Acts 1993, No. 93-156, p. 233, § 3; Act 2009-38, § 3.)

§ 34-24-251. Meetings; quorum.

Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.

The State Board of Podiatry shall hold meetings at such times and places as the board may designate for the discharge of all business as may legally come before the board, and may hold

additional meetings, on call of the president of the board, and the president shall call such meetings on petition of a majority of the members of the board for carrying into effect the provisions of this article. The board may transact any and all business that may legally come before the board at these meetings including, but not limited to, designating times and places for the examination of applicants for licenses or certificates. The secretary-treasurer shall transact all ad interim business for the board unless otherwise specified in this article. A majority of the members of the board shall constitute a quorum for the transaction of business. Should a quorum not be present on the day appointed for any meeting, those present may adjourn from day to day until a quorum is present.

CREDIT(S)

(Acts 1967, No. 741, p. 1586, § 4; Acts 1989, No. 89-242, p. 342, § 3; Act 2009-715, § 1.)

§ 34-24-252. Powers and duties.

Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.

The State Board of Podiatry shall be the certifying board for podiatrists and shall have the exclusive power and authority to certify and to issue, suspend, revoke, limit, and reinstate all licenses or certificates authorizing the licensee to practice podiatry in the State of Alabama, and shall have the following authorities and shall perform the following duties:

- (1) To promulgate any rules and regulations for its government as it may deem necessary and proper; and for purposes of disciplining its licensees, in addition to any other powers of the board, the board may adopt and collect administrative fines, not to exceed two thousand dollars (\$2,000) per violation, and may institute any legal proceedings necessary to effect compliance with this article.
- (2) To provide a standard of efficiency as to the moral, educational, and experience qualifications and fitness for all persons who desire to practice podiatry in this state.
- (3) To elect annually one of its members as president, one as vice-president, and one as secretary-treasurer, who shall hold their respective offices for one year and until their successors are elected and qualified. If a vacancy occurs in any of the three offices, a special meeting of the board shall be called for the purpose of filling the vacancy for the unexpired term.
- (4) To administer any oaths and take any affidavits as are required by this article, certifying thereto under its hand and the seal of the board.
- (5) To assist in the prosecution of violations of this article.

(6) To appoint or employ a legal adviser or counsel, when deemed necessary, whose compensation shall be fixed by the board and paid in the same manner as the per diem and expenses of the board are paid.

(7) To adopt a common seal to be affixed to its official documents.

(8) To keep a record of its proceedings, a register of persons licensed as podiatrists, and a register of licenses and certificates revoked by the board.

(9) To annually, on or before January 1, make a report to the Governor of Alabama of all its official acts during the preceding year, of its receipts and disbursements, a full and complete report of the condition of podiatry and the practice in this state, and to file duplicate copies of the report with the Secretary of State, the State Auditor, and the Alabama Department of Archives and History.

(10) To employ, when deemed necessary and without regard to the state Merit System, and set the salary of, an executive director who shall serve at the pleasure of the board and shall administer board policy.

CREDIT(S)

(Acts 1967, No. 741, p. 1586, § 5; Acts 1987, No. 87-588, p. 970, § 1; Acts 1989, No. 89-242, p. 342, § 3; Acts 1993, No. 93-156, p. 233, § 3; Act 2009-715, § 1.)

§ 34-24-253. Compensation of members; disposition of funds.

Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.

The members of the State Board of Podiatry shall each be entitled to receive the same per diem and travel allowance as is paid by law for state employees for each day actually employed in the discharge of their official duties, in addition to any daily compensation or allowance, if any, as may be provided by the board, in such amount as may be determined by the board out of the funds realized from the fees provided for in this article. Should the funds in the hands of the board at the end of any fiscal year be more than one hundred thousand dollars (\$100,000), the excess of this amount shall be paid into the General Fund in the State Treasury.

CREDIT(S)

(Acts 1967, No. 741, p. 1586, § 6; Acts 1985, No. 85-359, p. 300, § 3; Acts 1989, No. 89-242, p. 342, § 3; Act 2001-253, p. 305, § 3; Act 2009-715, § 1.)

§ 34-24-254. Salary and bond of secretary-treasurer. Repealed by Act 2009-715, § 2, effective August 1, 2009.

Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.

§ 34-24-255. Examinations--Requirements; issuance of license; fees.

Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.

(a) Every person desiring to commence the practice of podiatry shall apply to the board and shall pay an application fee as established by the board. The applicant shall thereafter take and pass the standard examination provided in this article and fulfill the other requirements as herein provided. The applicant shall be 19 years of age or over, or the age as the board may by rule determine, shall be a citizen of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government, of good moral character, shall be a graduate of a college of podiatry recognized by the American Podiatric Medical Association, shall have completed a podiatric residency approved by the American Podiatric Medical Association or by the State Board of Podiatry under its rules and regulations, shall have successfully passed all parts of the examination given by the National Board of Podiatric Examiners and shall be able to pass the standard examination prescribed by the State Board of Podiatry. The standard examination shall consist of tests in practical, theoretical, and physiological podiatry, in the anatomy and physiology of the human foot, and in pathology as applied to podiatry. In addition, the standard examination shall test the knowledge of the applicant of the Podiatry Practice Act and the rules and regulations of the board. The standard examination shall not be out of keeping with established teachings and adopted textbooks of recognized schools of podiatry. If the applicant satisfactorily passes the examination provided for he or she shall be issued a license to practice podiatry.

(b) The board may establish and collect an application fee and an examination fee from applicants for licensure, and a nonrefundable reexamination fee for a second or subsequent examination.

CREDIT(S)

(Acts 1967, No. 741, p. 1586, § 8; Acts 1975, No. 1199, p. 2376, § 2; Acts 1985, No. 85-359, p. 300, § 3; Acts 1987, No. 87-588, p. 970, § 1; Acts 1989, No. 89-242, p. 342, § 3; Acts 1997, No. 97-159, p. 216, § 3; Act 98-366, p. 665, § 1; Act 2008-132, p. 191, § 3.)

§ 34-24-256. Examinations--Conduct. Repealed by Act 2009-715, § 2, effective August 1, 2009.

Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.

HISTORICAL NOTES

§ 34-24-258. Deposit and expenditure of funds.

Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.

All funds received by the board shall be deposited to the credit of the board in a federally insured bank selected by the board, and the execution and enforcement of this article and the payments of salaries, expenses, and other authorized costs shall be paid by checks drawn by the secretary-treasurer and countersigned by a designated member of the board.

CREDIT(S)

(Acts 1997, No. 97-159, p. 216, § 4; Act 2009-715, § 1.)

DIVISION 3. . LICENSES.

§ 34-24-270. Practicing podiatry without license; penalty.

Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.

Any person who shall practice podiatry in this state or hold himself out to the public as a podiatrist, or who shall in any sign or advertisement use the word "podiatrist," "foot specialist," "foot correctionist," "foot expert" or "chiroprapist" or any other term or terms or letters indicating that he is a podiatrist or that he practices or holds himself out as practicing podiatry or foot correction, without having at the time of so doing a valid certificate of qualification as provided in this article, shall be guilty of a misdemeanor and, upon conviction, shall be fined for each offense not less than \$50.00 nor more than \$500.00, and may be imprisoned for not less than one month nor more than three months. This article shall not prohibit the fitting, recommending, advertising, adjusting or the sale of corrective shoes, arch supports or similar mechanical appliances or patent or proprietary remedies by licensed retail drug or shoe dealers or manufacturers; but this exception shall not apply to the casting, molding or making of individual molded footwear or devices, unless the same is made upon the prescription of a licensed physician or licensed podiatrist.

CREDIT(S)

(Acts 1967, No. 741, p. 1586, § 2.)

§ 34-24-271. License to podiatrist coming to this state; fee. Repealed by Act 98-366, p. 665, § 2, effective July 1, 1998.

Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.

§ 34-24-272. Special certificate.

Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.

Any person who is a legal, ethical, and competent practitioner of podiatry in this state, who has been duly examined and licensed by the State Board of Podiatry, and of good moral character and known to the board as such, who shall desire to change his or her residence to another state or territory, or foreign country, shall, upon application to the board and the payment of a fee of fifty dollars (\$50), receive a special certificate over the signature of the president and secretary-treasurer of said board and bearing its seal which shall give the date upon which he or she was registered and licensed.

CREDIT(S)

(Acts 1967, No. 741, p. 1586, § 12; Acts 1985, No. 85-359, p. 300, § 3; Act 98-366, p. 665, § 1.)

§ 34-24-273. Issuance; contents; display by holder.

Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.

Every applicant who shall pass the standard examination, or whose reciprocity has been accepted by the State Board of Podiatry, shall receive from said board a license entitling him to practice podiatry in Alabama, which license shall be signed by the president of the board and countersigned by the secretary-treasurer of the board and have affixed thereto the seal of the board and be duly numbered and registered in the record book kept by the secretary-treasurer of said board, which said record book shall be open to public inspection, and a duly certified copy of said record shall be received as evidence in all courts of this state in the trial of any case. Each person to whom a license has been issued shall keep said license conspicuously in his office or place of business and shall whenever required exhibit the license to any member or representative of the board.

CREDIT(S)

(Acts 1967, No. 741, p. 1586, § 13.)

§ 34-24-274. kRecordation in probate office. Repealed by Acts 1989, No. 89-242, p. 342, § 6, effective April 6, 1989.

Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.

§ 34-24-275. Renewal; continuing education.

Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.

Every licensed podiatrist who desires to continue the practice of podiatry shall annually, on or before the first of October, pay to the secretary-treasurer of the state board a renewal registration fee in a reasonable amount set by the board and comply with such other conditions as may be prescribed by the State Board of Podiatry; provided, however, that said license shall be renewed within 30 days after October first, or the licensee shall pay the renewal registration fee and a penalty of \$300.00. Among the conditions to be prescribed by the State Board of Podiatry is the requirement that evidence be furnished by the applicant for renewal of completion of a continuing education program. Such program shall consist of no less than 12 hours, which shall be obtained at the annual state meeting of the Alabama Podiatry Association or any other continuing education program approved by the State Board of Podiatry. Any licensed podiatrist who is inactive in the practice of podiatry for a period of two years may have his license renewed to practice his profession on such conditions as may be prescribed by the State Board of Podiatry.

CREDIT(S)

(Acts 1967, No. 741, p. 1586, § 15; Acts 1975, No. 1199, p. 2376, § 5; Acts 1979, No. 79-601, p. 1065, § 2; Acts 1985, No. 85-359, p. 300, § 3.)

§ 34-24-276. Suspension or revocation; members of board immune from suit.

Current through Act 2009-838 of the 2009 First Special Session, except Acts 2009-513, 2009-813, and 2009-816.

(a) A license issued to any person may be suspended for a definite period of time, revoked, or limited, or a licensee may be reprimanded, or an application for licensure or renewal of licensure may be denied by the State Board of Podiatry for any of the following reasons:

(1) Conviction of any offense involving moral turpitude, in which case the record of conviction or a certified copy thereof certified by the clerk of the court or by the judge in which court the conviction is had shall be conclusive evidence of such conviction.

(2) Unprofessional conduct including any conduct of a character likely to deceive or defraud the public, lending his or her license to any person, the employment of "cappers," or "steerers" to obtain business, "splitting" or dividing a fee with any person or persons, the obtaining of any fee or compensation by fraud or misrepresentation, employing directly or indirectly any suspended or unlicensed podiatrist to do any professional work, fraudulent or misleading advertising, the use of any advertising which does not include a disclaimer required by rules and regulations of the board, carrying the advertising of articles not connected with the profession, the employment

of any drugs or medicines in his or her practice unless authorized to do so by the laws covering the practice of medicine of this state.

(3) Obtaining a license or certificate by fraud, deceit, or misrepresentation, whether knowingly or unknowingly practiced on the board.

(4) When the holder of a license or certificate is suffering from a contagious or infectious disease.

(5) Gross incompetency, wilful or wanton negligence or repeated negligence in the practice of podiatry.

(6) Intemperance in the use of intoxicating liquors or narcotics to such an extent as to unfit the holder of the license for the proper practice of podiatry.

(7) Failure to renew his or her license and pay any penalty prescribed in this article.

(8) Failure to comply with continuing education requirements prescribed in this article.

(9) Violating any rule or regulation promulgated by the board.

(10) Disciplinary action taken by another state based upon acts by a licensee similar to acts described in this section which results in suspension or revocation of a license or certificate to practice podiatry in another state. A certified copy of the record of the disciplinary action of the state taking such an action shall be conclusive evidence thereof.

(11) Sexual misconduct including, but not limited to, any or all of the following:

a. Engaging in or soliciting a consensual or nonconsensual sexual relationship when a podiatrist-patient relationship exists.

b. Making sexual advances, requesting sexual favors, and engaging in other verbal conduct or physical contact of a sexual nature with a patient.

c. Intentionally viewing a completely or partially disrobed patient in the course of treatment if the viewing is not related to patient diagnosis or treatment according to current practice standards.

(12) Any other misconduct defined by the board.

(b) Whenever charges are preferred against any holder of a license, the board shall fix a time and place for the hearing of the same, and a copy of the charges, in writing and verified by oath, together with a notice of the time and place of hearing, shall be served upon the accused at least 10 days before the date fixed for the hearing. When personal service cannot be effected, the board shall cause to be published at least 30 days prior to the date set for the hearing, in a newspaper published in the county in which the accused was last known to practice, a notice to

the effect that at a definite time and place a hearing will be held by the board on charges preferred against the person. The board may issue subpoenas and compel the attendance of witnesses and the production of all necessary papers, books and records, documentary evidence and materials, or other evidence. The accused shall have the right to be confronted by the person or persons preferring the charges, to cross-examine the witnesses against him or her, to be represented by counsel, and to have the testimony taken down by a stenographer. The expense of counsel and stenographer, either or both, shall be borne by the accused. Witnesses at hearings before the board shall testify under oath and may be sworn by any member of the board. Any person disciplined pursuant to this section may appeal the action to the circuit court, or other court of like jurisdiction, in the county in which the person resides.

(c) Members of the Board of Podiatry or the members of any committee of podiatrists impaneled by the board, making any report, rendering any opinion, supplying any evidence or information, or offering any testimony to the board in connection with a disciplinary investigation or action as authorized in this article shall be immune from suit for any conduct in the course of their official duties with respect to such investigations, actions, or hearings.

CREDIT(S)

(Acts 1967, No. 741, p. 1586, § 16; Acts 1987, No. 87-588, p. 970, § 1; Act 2009-715, § 1.)