

# Idaho Board of Podiatry

## Board/Commission Members:

- Dr. Scott A. Graviet, DPM, Meridian – Chair
- Dr. Douglas Williams, DPM, Blackfoot
- Ione Springer, Caldwell – Public Member
- Dr. Jeanne M. Arnold, DPM, Coeur d'Alene
- Dr. Stewart Jones, DPM, Boise

**Board/Commission Composition:** The Board consists of five (5) members: four (4) licensed podiatrists who have been continuously engaged in the practice of podiatry for a period of not less than five (5) years prior to appointment; and one (1) public member. Board members serve a term of four (4) years. [Idaho Code § 54-604](#).

**Operating costs per licensee: \$231.76.** This number represents the dollar amount required annually to serve each applicant or licensee based on the average number of licensees and the average expenditures since Fiscal Year 2014. This includes all administrative, fiscal, legal and investigative services.

**Total number** of current licensees on May 19, 2018: **76**.

For the Idaho Board of Podiatry, the **shortest time** from complete application to issuing a license was the **same day**. The **longest time** from complete application to issuing a license was **24 days**. The **average time** to licensure was **12 days**. For all licenses, **50 percent** were issued the **same day**. The Board issued **2 licenses** between May 19, 2017 and May 19, 2018.

**Note:** All Board meetings are subject to Idaho's Open Meeting Law. The law requires a minimum of five (5) calendar days' notice for regular meetings, and a forty-eight (48) hour notice for the agenda. Special meetings require twenty-four (24) hour meeting and agenda notice. [Idaho Code § 74-204](#).

Idaho Board of Podiatry

**A. Index of Statute, Rule, and Policy Requirements for Licensure and Renewal**

		<b>Statute:</b> <a href="#">I.C. Title 54, Chapter 6</a>	<b>Rule:</b> <a href="#">IDAPA 24.11.01</a>	<i>*Policy</i>	<b>Application</b>	<b>Basis to Deny Issuance or Renewal</b>	<b>Fees</b>
Podiatrist	Issuance for Initial License	<a href="#">I.C. § 54-606</a> <a href="#">I.C. § 54-607</a> <a href="#">I.C. § 54-613</a>	<a href="#">24.11.01.200</a> <a href="#">24.11.01.400</a> <a href="#">24.11.01.401</a>	*	<a href="#">Application</a>	<a href="#">I.C. § 54-606</a> <a href="#">I.C. § 54-607</a> <a href="#">I.C. § 54-613</a> <a href="#">I.C. § 54-608</a> <a href="#">I.C. § 54-609</a>	<a href="#">\$200 Application Fee</a> <a href="#">\$400 License Fee</a>
	Renewal Requirements	<a href="#">I.C. § 54-607</a> <a href="#">I.C. § 54-612</a>	<a href="#">24.11.01.700</a>	*		<a href="#">I.C. § 54-607</a> <a href="#">I.C. § 54-612</a> <a href="#">I.C. § 54-608</a> <a href="#">I.C. § 54-609</a> <a href="#">I.C. § 67-2614</a>	<a href="#">\$500 Renewal Fee</a>
	Inactive License	<a href="#">I.C. § 54-605(10)</a>	<a href="#">24.11.01.425:</a> Inactive Status	*		<a href="#">I.C. § 54-608</a> <a href="#">I.C. § 54-609</a>	<a href="#">\$250 Renewal Fee</a>

*\*All of the Board's requirements for licensure and renewal are in the statute or rule. The Board does not have any requirements in policy.*

**B. Applications and Renewals Denied, May 19, 2017 – May 19, 2018**

Refusal to Issue Initial License [Total Number: 0]

	Basis in Statute and/or Rule	Summary of Factual Basis
	None	

Refusal to Renew License [Total Number: 0]

	Basis in Statute and/or Rule	Summary of Factual Basis
	None	

**C. Disciplinary Actions in the Last Five (5) Years**

The Idaho Board of Podiatry received **17 complaints** from Fiscal Year 2013 through May 19, 2018. During this time frame, **12 complaints were closed** by the Board with no disciplinary action; **2 resulted in disciplinary action**; **2 remained under investigation**; and **1 was pending for legal review**.

Case No.	Date of Final Action	Action Taken	Statutory Basis	Summary of Factual Basis
POD-2014-2	4/29/2015	Consent Order	I.C. <a href="#">§ 54-608</a> (4) and (5)	Respondent failed to disclose disciplinary action by the Arizona State Board of Podiatry.
POD-2014-3	7/22/2014	Consent Order	I.C. <a href="#">§ 54-601</a> (1) and (3), and I.C. <a href="#">§ 54-608</a> (3)	Respondent violated his prescriptive authority. He was also disciplined by the Board of Pharmacy.

**D. Changes or Attempted Changes in the Last Five (5) Years to Eliminate Barriers to Entry**

Law and Rule

Session	Legislation or Rule	Summary
2014	<a href="#">Docket No. 24-1101-1301</a>	<p>The Board updates its rules based upon changes in the profession. These rule changes accomplish the following:</p> <ul style="list-style-type: none"> <li>• Updates the code of ethics.</li> <li>• Updates definitions.</li> <li>• Eliminates the requirement to submit an application 90 days prior to an examination.</li> <li>• Eliminates the requirement to submit proof of graduation from high school or the equivalent.</li> <li>• Eliminates exam fees.</li> <li>• Updates title of podiatric exam.</li> <li>• For public protection, adds an additional three hours of continuing education each year, to be more in line with standard continuing education requirements nationally.</li> <li>• Adds provisions for carryover and special exemptions for continuing education.</li> </ul>
2014	<a href="#">House Bill 356</a>	<p>This legislation updates the Act based on changes in the profession as follows:</p> <ul style="list-style-type: none"> <li>• Removes outdated language relating to the original Board.</li> <li>• Clarifies the Board does not conduct the national exam.</li> <li>• Adds authority to establish an inactive license.</li> <li>• Updates the exam section to reflect current verbiage of the national exam and payment of the exam fee to the exam provider.</li> <li>• Eliminates the administrative exam fee.</li> <li>• Clarifies license fees; original license fee can be less than the renewal fee.</li> <li>• Updates the law to allow other discipline besides revocation and suspension, such as continuing education.</li> <li>• Updates the Board’s disciplinary procedures to conform to the Administrative Procedures Act and Attorney General’s Rules of Practice and Procedure.</li> </ul>

Law and Rule (continued)

Session	Legislation or Rule	Summary
2015	<a href="#">Docket No. 24-1101-1401</a>	<p>House Bill 356 creates an inactive license status. This rule set forth the procedure and fee for inactive licenses.</p> <p><b>Impact:</b> This provides a benefit to licensees by allowing them to maintain a current license (but not practice), and pay a lesser fee and not have to meet the continuing education requirement. The rule also outlines what is required to return to active status. All the licensee needs to do is pay the difference between the inactive and active fee, and provide documentation of continuing education.</p>
2016	<a href="#">House Bill 341</a>	<p>In 2015, the Board of Physical Therapy, State Board of Podiatry, State Board of Optometry, Board of Chiropractic Physicians, Idaho State Board of Psychologist Examiners, State Board of Medicine, State Board of Dentistry, Board of Nursing, and the Department of Administration worked together and reached out to interested parties on proposed legislation to revise IDACARE. The Boards’ proposed legislation was considered by the 2016 Legislature.</p> <p><b>Background:</b>            In an attempt to expand information accessible to the public regarding available options of health care providers in the State of Idaho, the Legislature passed the Patient Freedom of Information Act in 1998, also known as IDACARE. Through IDACARE, profiles of licensed health care professionals became readily accessible to the public through an online database. These health care professionals included physicians, osteopaths, physical therapists, dentists, podiatrists, chiropractors, optometrists, psychologists, physician assistants, and advanced practice professional nurses currently licensed in the State of Idaho.</p> <p>The intent of IDACARE was to create public access; however, implementation relied upon health care providers to input their data on the IDACARE web page. This was in addition to renewal information they provided to the relevant licensure board. Licensees could be fined \$50 per day for incomplete or inaccurate data.</p>

Law and Rule (continued)

Session	Legislation or Rule	Summary
2016	<a href="#">House Bill 341</a> (continued)	<p>The bill proposed by the Boards in 2016 eliminated the requirement for licensees to annually update their IDACARE profile. It did away with the fines, and it ensured the public still had access to relevant licensure information on each Board’s website. Furthermore, the Boards documented the number of website visits. The numbers showed:</p> <ul style="list-style-type: none"> <li>• IDACARE page received about 750 visits per month. Most visits were providers updating their data.</li> <li>• The Board of Medicine page received about 7,500 visits per month.</li> <li>• The web pages for the Board of Physical Therapy, State Board of Podiatry, State Board of Optometry, Board of Chiropractic Physicians, Idaho State Board of Psychologist Examiners, and other Boards served by the Bureau of Occupational Licenses received over 14,000 visits per month.</li> </ul> <p><b>Impact:</b>                      From a fiscal point of view, eliminating the IDACARE website/database created a savings of \$1,700 annually, and a one-time upgrade cost of \$30,000 for the Department of Administration, all from the general fund. It also eliminated the duplication of effort for individual Boards to support both the IDACARE and Board websites, saving the Boards’ dedicated funds over \$12,000 annually.</p> <p>More importantly, it did away with a duplicative effort on the part of licensees since they no longer would have to update the IDACARE profile in addition to submitting their license renewal. The law change removed the practitioners’ burden to manually update information on the IDACARE web page annually, and removed the ability for Boards to fine licensees \$50 per day if the data was not entered.</p>

Law and Rule (continued)

Session	Legislation or Rule	Summary
	<a href="#">House Bill 341</a> (continued)	In short, the bill to revise IDACARE relieved the burden upon healthcare providers to report information to two different state web pages, eliminated the Boards' ability to fine licensees \$50 per day, and relieved the burden on the State, both administratively and financially, to support two different websites for licensees. Since the Boards' charge is public protection, this change also ensured that the health care provider information would be verified and publically available on each Board's website. This bill passed the House (69-0) and Senate (35-0). It was signed into law by the Governor on March 17, 2016, and went into effect July 1, 2016. After the bill went into effect, the Boards notified all licensees and updated each of their websites.

Additional Barriers Eliminated/Opportunities Provided

Date	Barriers/Opportunities	Summary
2017	Implemented Idaho Code for military service and added it to the Board's website	<p>I.C. <a href="#">§ 67-2620</a> For military service members and veterans, the Board added to its website a link to a law that says the Board may accept military training and experience toward qualification for licensure. <b>The law states that professional and occupational licensing boards may accept military education, training, and experience toward meeting the qualifications for a license, certification or registration.</b> Boards may also expedite applications, including military spouse applications.</p> <p>I.C. <a href="#">§ 67-2602A</a> Additionally, if a licensee already holds an active Idaho license and is on active duty in the United States Armed Forces, that license will remain active without renewing it <b>for six (6) months following discharge from active duty. The license shall remain in good standing without the necessity of renewal and during said period the same shall not be cancelled, suspended or revoked.</b></p>

Additional Barriers Eliminated/Opportunities Provided (continued)

Date	Barriers/Opportunities	Summary
2015	I.C. <a href="#">§ 67-2614</a>	<p>Sets the reinstatement fee to \$35 and eliminates the requirement that, in addition to the reinstatement fee, the licensee has to include payment of the license fees for all of the years the license has been expired. It also clarifies the continuing education required to reinstate.</p> <p><b>Impact:</b> Those whose licenses expired within the last five (5) years had to pay licensure fees for each year they were expired. Anyone whose license had been expired for more than five (5) years would have to apply as a new applicant. This law change reduces barriers to reentry in two ways. For those whose licenses have been expired for less than five (5) years, it eliminates the requirement to pay licensure fees for each year the license was expired. For those whose licenses have been expired for more than five (5) years, it allows the Board to consider education, supervised practice, examination or practice in another jurisdiction in determining the person’s competency.</p>
2015	Idaho Code <a href="#">Title 54, Chapter 57</a>	The Idaho Telehealth Access Act allows practitioners to provide telehealth services.
2008	<a href="#">House Bill 362</a>	This bill removes members of the Idaho Board of Podiatry from the Public Employee Retirement System of Idaho (PERSI) by changing the payment they receive from compensation to an honorarium under I.C. <a href="#">§ 59-509</a> .
2008	Application Review	Between face-to-face meetings, the Board meets by teleconference as needed to review applications.

## **E. Assessment of Public Interest**

The practice of podiatry in the State of Idaho was declared by the Idaho Legislature in Idaho Code [§ 54-601](#) to affect the public health, safety and welfare. The profession of podiatry merits the confidence of the public, and to that end only persons meeting the minimum standards are licensed to practice podiatry in the State of Idaho.

The practice of podiatry is recognized throughout the United States and the world as a licensed profession. It is practiced by those individuals who have been educated and trained, and who have demonstrated sufficient proficiency and knowledge to be trusted by the public for examination, diagnosis, and treatment of foot and ankle disorders.

Licensure for all health care providers is necessary to protect the public health and wellness. Unqualified practitioners endanger patient safety. As lower extremity specialists, podiatrists take very seriously their goals for limb loss prevention through the medical and surgical treatment of foot and ankle disorders. The loss of a limb or part of a limb for even one person in the State of Idaho carries with it not only a high personal cost to the affected individual, but a staggering societal cost from the resulting burden on state and local government to provide or supplement the provision of life-long services, including the potential need for a caregiver, related to the resulting physical disability.

## **F. Recommendations for Improvement, Modification, or Elimination of Requirements**

1. Review I.C. § 54-606 and Rule 152. The Board's rules reference completion of a residency of at least 24 months; current programs are based on a 36-month residency. Additionally, applicants who are completing their residency cannot obtain an insurance billing number until they receive a license. This causes a delay between when an individual becomes licensed and when they may begin billing for services. The Board would like to review this entire issue to see if there is a way to assist applicants in getting licensed and to work sooner.
2. The Board worked with the Association to survey licensees regarding continuing education. Based on that survey, the Board would like to review Rule 700.01 to consider allowing all continuing education requirements to be met through home study/online courses.
3. Eliminate Rule 800 which is no longer required.
4. Review the Act in comparison to the standard act and rules to determine if additional updates are needed.
5. Propose a fee decrease when the Board's cash balance allows.

### Summary of Objectives

The Licensing Freedom Act asked that all of Idaho's professional licensing entities critically look at their processes, laws and rules. The goal is to document the elimination of barriers and make recommendations for future changes that improve, modify or eliminate laws and rules governing professional licensure. In response, the Idaho Board of Podiatry respectfully submits the above report and summarizes with a checklist to ensure all of the objectives were met:

— Objectives of Executive Order

- ✓ Protect the public. (*I.C. [§ 54-601](#)*)
- ✓ Portability of licensure. (*I.C. [§ 54-612](#), [§ 54-613](#); IDAPA [24.11.01.401](#)*)
- ✓ Eliminate barriers to entry to work. (*IDAPA [24.11.01.400](#), the Board adopted the national exam; see section D*)
- ✓ Do away with unnecessary regulation. (*see section D*)
- ✓ Modernize licensure and regulatory requirements. (*see section D*)

— Comprehensive Review - consider some of the issues raised in the background material, such as,

- ✓ Telework – Idaho has recently passed laws related to telehealth but other occupations may be facing similar issues regarding telework. (*I.C. [Title 54, Chapter 57](#)*)
- ✓ Distance/Online Learning/Testing – distance/online education and testing are increasingly available and may influence the resources that applicants or licensees can access to obtain education, continuing education or to test. (*online continuing education courses, IDAPA [24.11.01.700.01](#); see Section F*)
- ✓ Criminal History – What barriers or additional obstacles do applicants/licensees face who have a criminal conviction? Do our laws consider the relevance or proximity in time of a conviction to the individuals applying for licensure or for those currently in practice? (*I.C. [§ 54-608](#)*)
- ✓ Early Examination – What can be addressed in the timing of processes to eliminate unnecessary delays? (*the national exam is offered during residency*)
- ✓ CE Hardship – Is there an allowance for extenuating circumstances? (*IDAPA [24.11.01.700.04](#), carryover hours; [24.11.01.700.05](#), special exemptions*)
- ✓ Temporary Permits – Are there opportunities to work while minimum requirements are being met? (*see Section F*)