

201 KAR 25:011. Approved schools; licensure application; fees.

RELATES TO: KRS 218A.205, 311.420, 311.480

STATUTORY AUTHORITY: KRS 218A.202(2), 311.420(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.420 requires all persons engaging in the practice of podiatry in Kentucky to be licensed by the Board of Podiatry. KRS 311.420 provides that each applicant shall submit to an examination conducted by the board. KRS 218A.202(2) requires licensees that prescribe controlled substances to be registered with the Kentucky All-Schedule Prescription Electronic Reporting System (KASPER). KRS 218A.205 requires the board to place restrictions on licensees and applicants that have specific convictions or restrictions related to prescribing or dispensing controlled substances. This administrative regulation establishes the procedures to be followed in obtaining an application, the fees to be charged, and the procedures relating to the examination and issuance of a license to practice podiatry in this state.

Section 1. (1) The board approves the following schools or colleges of podiatry as having standards and requirements adequate to satisfy the educational requirement for taking the podiatry examination for licensure:

- (a) Barry University School of Podiatric Medicine, Miami Shores, Florida;
- (b) California School of Podiatric Medicine at Samuel Merritt University, Oakland, California;
- (c) Des Moines University College of Podiatric Medicine and Surgery, Des Moines, Iowa;
- (d) Kent State University College of Podiatric Medicine, Independence, Ohio;
- (e) Midwestern University Arizona School of Podiatric Medicine, Glendale, Arizona;
- (f) New York College of Podiatric Medicine, New York, New York;
- (g) Dr. William M. Scholl College of Podiatric Medicine at the Rosalind Franklin University of Medicine and Science, Chicago, Illinois;
- (h) Temple University School of Podiatric Medicine, Philadelphia, Pennsylvania; and
- (i) Western University of Health Sciences College of Podiatric Medicine, Pomona, California.

(2) All other schools or colleges of podiatry shall have academic standards and requirements equivalent to the schools or colleges listed above as evaluated by the board in order to be approved by the board. Evaluation of the academic standards and requirements shall be made by the board after an applicant has filed an Application for Podiatry License with the board.

Section 2. (1) Every applicant, otherwise eligible to take the examination pursuant to the provisions of KRS 311.420, shall file a completed and notarized Application for Podiatry License with the board at its principal office at least forty (40) days prior to the date of the examination in order to be eligible to take the examination.

(2) The president of the board may permit a partially completed application to be filed if good cause is shown by the applicant. For the purposes of this subsection, good cause includes situations such as an applicant applying late, having to retake the board examination, or waiting for pending board examination results.

(3) The fee for the examination or reexamination shall be \$250 and shall be paid when the Application for Podiatry License is filed with the board. The fee shall be made payable to the Kentucky State Treasurer in United States currency by certified check, cashier's check, or postal money order and shall not be refundable.

(4) Any applicant who fails to attain a passing score as required by the board may apply to the board for reexamination.

(5) The applicant along with the application shall:

- (a) Have three (3) letters of recommendation sent to the board verifying good moral character and not addicted to alcohol or drugs;
- (b) Have verification of licensure sent directly from the state or states from which the applicant has or has ever held a license;
- (c) Attach a dated photo taken within the past six (6) months;
- (d) Have schools, colleges, or institutions send official transcripts directly to the board; and
- (e) Have the Federal Bureau of Investigation background check results sent directly to the board.

Section 3. (1) Prior to approval for licensure, an applicant shall:

- (a) Submit to a nation-wide criminal background investigation by means of fingerprint check by the Department of Kentucky State Police and the Federal Bureau of Investigation;
- (b) Submit to a query to the National Practitioner Data Bank of the United States Department of Health and Human Services; and
- (c) Report to the board, with the Application for Podiatry License, any conviction or disciplinary action on a license held by the applicant relating to prescribing or dispensing controlled substances.

Section 4. (1) Pursuant to KRS 218A.205(3)(e), an applicant for licensure by the board:

- (a) Convicted after July 20, 2012 of any felony offense relating to controlled substances shall be permanently banned from prescribing or dispensing a controlled substance by the board;
 - (b) Convicted after July 20, 2012 of any misdemeanor offense relating to prescribing or dispensing a controlled substance shall have his or her authority to prescribe controlled substances suspended for at least three (3) months, and shall be further restricted as determined by the board; or
 - (c) Who has had any disciplinary limitation placed on an application or license by a licensing board of another state that resulted from improper, inappropriate, or illegal prescribing or dispensing of controlled substances shall be subject to a restriction on the license that is at least as restrictive in time and scope as that placed on the license by the licensing board of the other state.
- (2) In addition to the actions listed in subsection (1) of this section, the board may take any other action provided for in KRS 311.480 against a licensee or applicant that comes under the provisions of that subsection.

Section 5. Requirements for a person issued a license by the board. (1) A person who has been approved for a license from the board shall register with the Kentucky All-Schedule Prescription Electronic Reporting System (KASPER) administered by the Cabinet for Health and Family Services after issuance of the license and immediately submit proof of the registration to the board.

(2) A person who has received a license from the board shall not prescribe any controlled substance before he or she is registered with KASPER.

(3)(a) The board shall temporarily suspend a license pursuant to 201 KAR 25:051, Section 6, if a licensee:

- 1. Fails to register with KASPER after the approval for licensure by the board; or
- 2. Prescribes a controlled substance prior to registration with KASPER.

(b) In addition to the temporary suspension, the board may take additional disciplinary action against a license pursuant to KRS 311.480.

Section 6. Incorporation by Reference. (1) "Application for Podiatry License", February, 2014, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Podiatry, Department of Professional Licensing, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (4 Ky.R. 466; eff. 7-5-1978; Am. 7 Ky.R. 779; eff. 5-6-1981; 9 Ky.R. 12; eff. 8-11-1982; 11 Ky.R. 1448; eff. 5-14-1985; 14 Ky.R. 597; eff. 12-11-1987; 20 Ky.R. 2657; eff. 5-18-1994; 21 Ky.R. 1910; 2473; eff. 3-15-1995; 39 Ky.R. 543; 1388; eff. 2-1-2013; 42 Ky.R. 1289; 1713; eff. 12-16-2015; TAm eff. 5-2-2019; Crt eff.12-6-2019.)