

1 AN ACT relating to practice of podiatry.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 311.380 is amended to read as follows:

4 As used in KRS ~~311.380~~~~[311.390]~~ to 311.510~~[, unless the context otherwise requires]:~~

5 (1) "Board" means the State Board of Podiatry;

6 (2) ~~["Podiatry" is that profession of the health sciences which deals with the~~  
 7 ~~examination, diagnosis, treatment, and prevention of diseases, conditions, and~~  
 8 ~~malfunctions affecting the human foot and its related or governing structures, by~~  
 9 ~~employment of medical, surgical, or other means;]~~**"Podiatric assistant" means a**  
 10 **person licensed by the board to assist licensed podiatrists with specific duties and**  
 11 **tasks related to the practice of podiatry as permitted by administrative regulations**  
 12 **as may be promulgated by the board;**

13 (3) **"Podiatric residency" means a program of supervised postgraduate clinical**  
 14 **training approved by the board;**

15 (4) **"Podiatric resident" means a podiatrist in training in a podiatric residency;**

16 (5)~~(3)~~ "Podiatrist" is a physician and surgeon who has graduated from a college of  
 17 podiatric medicine accredited by the Council on Podiatry Education of the  
 18 American Podiatry Association or approved by state licensing boards; **and**

19 (6) **"Podiatry" is that profession of the health sciences which deals with the**  
 20 **examination, diagnosis, treatment, and prevention of diseases, conditions, and**  
 21 **malfunctions affecting the human foot and its related or governing structures, by**  
 22 **employment of medical, surgical, or other means.**

23 ➔Section 2. KRS 311.400 is amended to read as follows:

24 (1) No person shall profess to be a podiatrist, or practice or assume the duties incident  
 25 to podiatry in this state, or use the title "podiatrist" or any words or letters which  
 26 designate or tend to designate to the public that the person is a podiatrist, unless he  
 27 **or she** holds a valid, current license from the board, registered in the county in

1 which the holder is engaged in such practice.

2 **(2) A podiatric resident who is issued a podiatric residency license by the board for**  
3 **the purpose of participating in a specific postgraduate training program approved**  
4 **by the board may engage in the practice of podiatry as required as a part of that**  
5 **program provided any such practice is under the supervision of a board-licensed**  
6 **podiatrist in accordance with administrative regulations promulgated by the**  
7 **board and not otherwise prohibited by law.**

8 **(3) A podiatric assistant who is issued a podiatric assistant license by the board may**  
9 **assist board-licensed podiatrists with specific duties and tasks related to the**  
10 **practice of podiatry as permitted by administrative regulations as may be**  
11 **promulgated by the board and not otherwise prohibited by law.**

12 ➔Section 3. KRS 311.420 is amended to read as follows:

13 (1) The board shall conduct examinations at least twice a year at such times and places  
14 as the board deems convenient for applicants for licenses to practice podiatry in this  
15 state, and shall admit to examination any applicant who:

16 (a) Is at least eighteen (18) years of age;

17 (b) Is a citizen of the United States and a resident of the State of Kentucky;

18 (c) Is of good moral character and temperate habits; and

19 (d) Has completed a course in and graduated from a school or college of podiatry  
20 approved by the board.

21 (2) The board shall prescribe the time, place, method, manner, scope and content of  
22 examinations as relates to KRS 311.380~~(6)~~~~(2)~~; and the board may accept certified,  
23 successful National Board of Podiatry examinations in lieu of its written  
24 examination.

25 (3) Applicants for examination shall present their credentials to the board by mail upon  
26 forms furnished by the board, and shall receive due notice of the place and date of  
27 the examination. Each application shall contain proof of the qualifications required

1 of the applicant, shall be verified by the applicant under oath, and shall be  
2 accompanied by an examination fee set by the board.

3 (4) The board ~~may~~<sup>shall</sup> issue a **podiatry** license to any person who complies with the  
4 provisions of KRS 311.380 to 311.510 and: ~~who satisfactorily passes the~~  
5 ~~examination.~~

6 **(a) Is a citizen of the United States and a resident of the Commonwealth of**  
7 **Kentucky;**

8 **(b) Is of good moral character and temperate habits;**

9 **(c) Has graduated from a school or college of podiatry approved by the board;**

10 **(d) Satisfactorily passed the board examination or the National Board of**  
11 **Podiatry examinations and has presented to the board directly from the**  
12 **National Board of Podiatric Medical Examiners of the United States**  
13 **evidence that he or she has passed all parts of its examination within the**  
14 **past ten (10) years;**

15 **(e) For any applicant seeking initial licensure after January 1, 2024, by**  
16 **evidence submitted directly to the board by the sponsoring institution, has**  
17 **satisfactorily completed two (2) years of podiatric residency;**

18 **(f) Submits a nationwide criminal background investigation by means of a**  
19 **fingerprint check by the Department of Kentucky State Police and the**  
20 **Federal Bureau of Investigation;**

21 **(g) Reports to the board any conviction or disciplinary action on a license held**  
22 **by the applicant relating to prescribing or dispensing controlled substances;**  
23 **and**

24 **(h) Fulfills all other requirements of the board set by administrative regulation**  
25 **in accordance with KRS Chapter 13A.**

26 (5) The members of the board shall receive no compensation for their services, but  
27 shall be paid their traveling and other necessary expenses while employed upon the

1 business of the board.

2 (6) ~~{The board may, in good faith, adopt rules and regulations to license and control~~  
 3 ~~those persons who may become formally educated, or by years of employment by a~~  
 4 ~~licensed podiatrist, as a podiatric assistant.~~

5 ~~(7)}~~ The board may utilize such materials, services or facilities as may be made  
 6 available to it by other state agencies or may contract therefor, to such extent as the  
 7 board in its discretion, may determine.

8 **(7) The board shall promulgate administrative regulations to establish requirements**  
 9 **for a podiatric residency license and administrative regulations governing**  
 10 **podiatric residents.**

11 **(8) The board may promulgate administrative regulations to establish requirements**  
 12 **for a podiatric assistant license and administrative regulations governing**  
 13 **podiatric assistants.**

14 ➔Section 4. KRS 311.480 is amended to read as follows:

15 The board may refuse to license or renew, or may suspend, probate or revoke the license  
 16 of any podiatrist, **podiatric resident, podiatric assistant,** or in addition to such **refusal,**  
 17 **suspension, probation, or revocation,** ~~{punishment}~~ or in lieu thereof, may impose a fine  
 18 not to exceed five hundred dollars (\$500) for each offense, upon proof that he **or she:**

19 (1) Has been convicted of a felony, if in accordance with KRS Chapter 335B;

20 (2) Has been convicted of a misdemeanor, if in accordance with KRS Chapter 335B;

21 (3) Has employed, hired, procured or induced a person not licensed to practice podiatry  
 22 in this state so to practice;

23 (4) Has aided or abetted in the practice of podiatry a person not licensed to practice  
 24 podiatry in this state;

25 (5) Has been granted a license upon a mistake of a material fact;

26 (6) Has violated any provision of KRS **311.380** ~~{311.390}~~ to 311.510;

27 (7) Has become drug addicted;

- 1 (8) Has become a chronic or persistent alcoholic;
- 2 (9) Has developed such physical or mental disability, or other condition whereby  
3 continued practice is dangerous to patients or to the public;
- 4 (10) Has violated any order of suspension, or the terms or the conditions of any order of  
5 probation, issued by the board;
- 6 (11) Has engaged in, or attempted to engage in the practice of podiatry under a false or  
7 assumed name;
- 8 (12) Has willfully violated a confidential communication;
- 9 (13) Has acted in a grossly negligent or willful manner which is inconsistent with the  
10 practice of podiatry;
- 11 (14) Is unfit or incompetent to practice podiatry by reason of gross negligence or other  
12 causes including but not limited to being unable to practice podiatry with  
13 reasonable skill or safety;
- 14 (15) Has a license to practice as a podiatrist denied, limited, suspended, probated or  
15 revoked in another jurisdiction on grounds sufficient to cause a license to be denied,  
16 limited, suspended, probated or revoked in this Commonwealth; or
- 17 (16) Has engaged in conduct likely to deceive or defraud the public.

18 ➔Section 5. KRS 311.410 is amended to read as follows:

- 19 (1) There is hereby created in the government of the Commonwealth a State Board of  
20 Podiatry which shall consist of five (5) members, each appointed by the Governor.  
21 Four (4) members shall be appointed from lists of three (3) names for each position  
22 submitted by the Kentucky Podiatry Association. One (1) member shall be a citizen  
23 at large who is not associated with or financially interested in the practice or  
24 business regulated. Any vacancy shall be filled for the unexpired term by the  
25 Governor, as provided in the original appointment.
- 26 (2) A person to be eligible for appointment as a podiatrist member of the board shall be  
27 at least twenty-one (21) years of age, of good moral character, a resident of this

- 1 state, and a licensed practicing podiatrist in this state for at least five (5)  
2 consecutive years next preceding the date of his appointment. No member of the  
3 board shall be a stockholder, officer or member of the faculty or board of trustees of  
4 any school, college or institution of podiatry or chiropody.
- 5 (3) The terms of office of each member shall be four (4) years, or until his successor  
6 shall be appointed and qualified.
- 7 (4) The board shall elect one (1) of its members as president and another of its  
8 members as secretary. The secretary may, subject to approval by the board, employ  
9 and fix the compensation of all personnel required for the administration of KRS  
10 311.380~~[311.390]~~ to 311.510. The board may *promulgate administrative*~~[make all~~  
11 ~~rules and]~~ regulations, not inconsistent with KRS 311.380~~[311.390]~~ to 311.510, as  
12 may be necessary to implement and carry out the provisions and purposes of KRS  
13 311.380~~[311.390]~~ to 311.510.
- 14 (5) The board shall hold meetings at least twice a year and as frequently as it deems  
15 necessary at such times and places as the board may designate. A majority of the  
16 members shall constitute a quorum.
- 17 (6) The board may sue and be sued in its own name.
- 18 (7) Members of the board shall be immune from suit in any civil or criminal action  
19 which is based upon any official act or acts performed by them in good faith as  
20 members of the board.