Rhode Island Department of Health

PUBLIC NOTICE

The Director of the Rhode Island Department of Health has determined to amend the rules and regulations listed below to remove the specific dollar value of all fees for licensing, laboratory and administrative services provided by the Department of Health from the individual regulations and reference all such fees to a new consolidated fee regulation (to be promulgated separately). These amendments are proposed pursuant to the authority contained in Public Law 2012-241, enacted by the General Assembly on 15 June 2012, and the relevant sections of the respective professional practice and licensure acts.

The following seventy-five (75) regulations are proposed to be amended:

1. Food Code
2. Rules and Regulations Establishing Educational and Experience Requirements for Registration as a Sanitarian
3. Rules and Regulations for Asbestos Control
4. Rules and Regulations for Bottled Water
5. Rules and Regulations for Certifying Analytical Laboratories
6. Rules and Regulations for Determination of Need for New Health Care Equipment and New Institutional Health Services
7. Rules and Regulations for Lead Poisoning Prevention
8. Rules and Regulations for Licensing Assisted Living Residences
9. Rules and Regulations for Licensing Athletic Trainers
10. Rules and Regulations for Licensing Birth Centers
11. Rules and Regulations for Licensing Chemical Dependency Professionals
12. Rules and Regulations for Licensing Clinical Laboratories and Stations
13. Rules and Regulations for Licensing Clinical Social Workers and Independent Clinical Social Workers
14. Rules and Regulations for Licensing Doctors of Acupuncture and Acupuncture Assistants
15. Rules and Regulations for Licensing Home Nursing Care Providers and Home Care Providers
16. Rules and Regulations for Licensing Hospice Care
17. Rules and Regulations for Licensing Interpreters for the Deaf
18. Rules and Regulations for Licensing Kidney Disease Treatment Centers
19. Rules and Regulations for Licensing Massage Therapists
20. Rules and Regulations for Licensing Mental Health Counselors and Marriage and Family Therapists
21. Rules and Regulations for Licensing Occupational Therapists and Occupational Therapy Assistants
22. Rules and Regulations for Licensing of Hospitals
23. Rules and Regulations for Licensing of Midwives
24. Rules and Regulations for Licensing of Nursing Facilities
25. Rules and Regulations for Licensing of Nursing Home Administrators
26. Rules and Regulations for Licensing Physical Therapists and Physical Therapist Assistants
27. Rules and Regulations for Licensing Psychologists
28. Rules and Regulations for Licensing Rehabilitation Hospital Centers

29. Rules and Regulations for Licensing Respiratory Care Practitioners
30. Rules and Regulations for Licensing Speech Pathologists and Audiologists
31. Rules and Regulations for Licensing Swimming and Wading Pools, Hot Tubs, and Spas
32. Rules and Regulations for Licensure and Discipline of Chiropractic Physicians
33. Rules and Regulations for Limited Medical Registration
34. Rules and Regulations for Radon Control
35. Rules and Regulations for the Certification of Administrators of Assisted Living Residences
36. Rules and Regulations for the Certification of Health Plans
37. Rules and Regulations for the Control of Radiation
38. Rules and Regulations for the Licensing of Freestanding Ambulatory Surgical Centers
39. Rules and Regulations for the Licensing of Freestanding Emergency Care Facilities
40. Rules and Regulations for the Licensing of Nurses and Standards for the Approval of Basic Nursing Education Programs
41. Rules and Regulations for the Licensing of Nursing Service Agencies
42. Rules and Regulations for the Licensing of Organized Ambulatory Care Facilities
43. Rules and Regulations for the Licensing of Podiatrists
44. Rules and Regulations for the Licensing of Radiographers, Nuclear Medicine Technologists, Radiation Therapists and Radiologist Assistants
45. Rules and Regulations for the Licensure and Discipline of Physicians
46. Rules and Regulations for the Licensure of Barbers, Hairdressers/Cosmeticians, Manicurists, Estheticians, and Instructors
47. Rules and Regulations for the Licensure of Clinical Laboratory Science Practitioners
48. Rules and Regulations for the Licensure of Physician Ambulatory Surgery Centers and Podiatry Ambulatory Surgery Centers
49. Rules and Regulations for the Licensure of Physician Assistants
50. Rules and Regulations for the Licensure of Veterinarians
51. Rules and Regulations for the Registration of Body Piercing Technicians and Body Piercing Establishments
52. Rules and Regulations for the Registration of Distributors of Controlled Substances in Rhode Island
53. Rules and Regulations for the Registration of Tanning Facilities
54. Rules and Regulations for the Registration of Tattoo Artists and Tattoo Parlors
55. Rules and Regulations for the Utilization Review of Health Care Services
56. Rules and Regulations Governing Vital Statistics
57. Rules and Regulations Pertaining to Certification of Managers in Food Safety
58. Rules and Regulations Pertaining to Dentists, Dental Hygienists, and Dental Assistants
59. Rules and Regulations Pertaining to Embalmers, Funeral Directors, and Funeral Service Establishments
60. Rules and Regulations Pertaining to Opticians
61. Rules and Regulations Pertaining to Optometrists
62. Rules and Regulations Pertaining to Permits for Screening Programs
63. Rules and Regulations Pertaining to Pharmacists, Pharmacies and Manufacturers, Wholesalers, and Distributors
64. Rules and Regulations Pertaining to Public Drinking Water
65. Rules and Regulations Pertaining to Rhode Island Certificates of Registration for Nursing Assistants, Medication Aides, and the Approval of Nursing Assistant and Medication Aide Training Programs
66. Rules and Regulations Pertaining to the Certification of Public Drinking Water Supply Treatment and Public Water Supply Transmission and Distribution Operators

67. Rules and Regulations Pertaining to the Licensing of Dietitians/Nutritionists
68. Rules and Regulations Pertaining to the Medical Examiner System
69. Rules and Regulations Pertaining to the Newborn Metabolic, Endocrine, and Hemoglobinopathy Screening Program and the Newborn Hearing Loss Screening Program
70. Rules and Regulations Pertaining to the Processing and Distribution of Shellfish
71. Rules and Regulations Prescribing Minimum Standards for Processing, Storage and Transportation of Fish and Fishery Products
72. Rules and Regulations Related to the Licensure of Hearing Aid Dealers and Fitters
73. Rules and Regulations Related to the Medical Marijuana Program
74. Rules and Regulations Related to the Practice of Electrolysis
75. Rules and Regulations Relating to Emergency Medical Services

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Notice is hereby given in accordance with the provisions of §42-35-3(a)(2) of the Rhode Island General Laws, as amended, that the Director is affording all interested persons the opportunity to submit data, views, or arguments in writing on this matter. Opportunity for public hearing shall be granted if requested by twenty-five (25) persons, by a government subdivision or agency, or by an association having not less than twenty-five (25) members. *Otherwise, no hearing shall be convened*. Should a hearing be requested by twenty-five (25) persons, by a government subdivision or agency, or by an association having not less than twenty-five (25) members, *a hearing shall be scheduled only for the regulation(s) for which the request for hearing was received*. All regulations for which a public hearing is not requested will be filed with the Rhode Island Secretary of State pursuant to Chapter 42-35 of the Rhode Island General Laws, as amended, shortly after the 10 September 2012 deadline (as below).

Such input or requests for public hearing must be received in writing **no later than Monday, 10 September 2012**. Such input or requests should be addressed to: Michael Fine, M.D., Director, Rhode Island Department of Health, Three Capitol Hill, Room #401, Providence, Rhode Island 02908-5097.

In the development of these amendments, consideration was given to the following: (1) alternative approaches; and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach, duplication, or overlap was identified based upon available information.

Copies of all regulations are available for public inspection in the Cannon Building, Room #201, Rhode Island Department of Health, Three Capitol Hill, Providence, Rhode Island 02908-5097, on the Secretary of State's website: http://www.sos.ri.gov/rules/, by calling 401-222-7767, or by e-mail to Bill.Dundulis@health.ri.gov.

Signed this 3rd day of August 2012

Original signed by Michael Fine, MD

Michael Fine, M.D., Director of Health

RULES AND REGULATIONS
FOR THE LICENSING OF PODIATRISTS

[R5-29-POD]

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH

January 1964

AS AMENDED:

September 1987

January 1991

September 1991 (E)

January 1992 (E)

May 1992

June 2000

November 2001

January 2002 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)

January 2007 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)

September 2007

January 2012 (re-filing in accordance with the provisions of section 42-35-4.1 of the Rhode Island General Laws, as amended)

August 2012 (Proposed)

COMPILER'S NOTES:
Proposed Additions: Underlined
Proposed Deletions: ~~Strikeouts~~

INTRODUCTION

These amended *Rules and Regulations for the Licensing of Podiatrists [R5-29-POD]* are promulgated pursuant to the authority conferred under section 5-29-5 of the General Laws of Rhode Island, as amended, and are established for the purpose of adopting minimum requirements for the licensure of podiatrists in this state.

In accordance with the provisions of section 42-35-3(c) of the General Laws of Rhode Island, 1956, as amended, consideration was given to: (1) alternative approaches to the regulations; and (2) duplication or overlap with other state regulations. Based on the available information, no known alternative approach or duplication or overlap was identified.

These amended regulations shall supersede all previous *Rules and Regulations for the Licensing of Podiatrists*, promulgated by the Rhode Island Department of Health and filed with the Secretary of State.

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PART I ***DEFINITIONS***
R5-29-POD

Section 1.0 ***Definitions***

Wherever used in these rules and regulations the terms listed below shall be construed in the following manner:

1.1 ***"Act"*** refers to Chapter 5-29 of the General Laws of Rhode Island, as amended, entitled "Podiatrists."

1.2 ***"Board"*** refers to the Board of Examiners in Podiatry established in accordance with the provisions of section 5-26-2 of the General Laws of Rhode Island, as amended.

1.3 ***"Department"*** means the Rhode Island Department of Health.

1.4 ***"Director"*** refers to the Director of the Rhode Island Department of Health.

1.5 ***"Division"*** refers to the Division of Professional Regulation, Rhode Island Department of Health.

1.6 ***"Foot"*** is defined to be the pedal extremity of the human body and its articulations, and shall include the tendons and muscles of the lower leg only as they shall be involved in the condition of the foot.

1.7 ***"Health care facility"*** means any institutional health service provider licensed pursuant to the provisions of Chapter 23-17 of the General Laws of Rhode Island, as amended.

1.8 ***"Health maintenance organization"*** means a public or private organization licensed pursuant to the provisions of Chapter 27-41 of the General Laws of Rhode Island, as amended.

1.9 ***"Limited registrant"*** means a person holding a limited registration certificate pursuant to the provisions of the Act.

1.10 "***Nonprofit medical services corporation***" or "***nonprofit hospital service corporation***" or "***nonprofit podiatry/medical service corporation***" means any corporation organized pursuant to Chapter 27-19 or 27-20 of the General Laws of Rhode Island, as amended for the purpose of establishing, maintaining and operating a nonprofit medical hospital.

1.11 ***"Peer Review Board"*** means any committee of a state or local podiatry association or society, or a committee or any licensed health care facility, or the podiatry staff thereof, or any committee of a podiatric care foundation or health maintenance organization, or any staff committee or consultant of a hospital, medical, or podiatric service corporation, the function of which, (1) is to evaluate and improve the quality of podiatric care rendered by providers of podiatric care service or to determine that podiatric care services rendered were professionally indicated or were performed in compliance with the applicable standard of care or that the cost for podiatric care rendered was considered reasonable by the providers of professional podiatric

care services in the area and shall include a committee functioning as a utilization review committee under the provisions of the health insurance for the aged act (Medicare) or as a professional standards review organization or statewide professional standards review council under the provisions of Public Law 92-603 42 USC Section 1301 *et seq*. (professional standards review organizations) or a similar committee or a committee of similar purpose, to evaluate or review the diagnosis or treatment of the performance or rendition of podiatric services which are performed under public podiatric programs of either state or federal design.

1.12 ***"Person"*** means any individual, partnership, firm, corporation, association, trust or estate, state or political subdivision or instrumentality of a state.

1.13 "***Podiatric residency***" means one year of post doctoral training sponsored by and primarily conducted in an institution approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association.

1.14 ***"Podiatrist"*** means a person with a license to practice podiatric medicine and surgery in this state under the provisions of the Act. "Podiatrist," a person licensed as described in the Act, shall be considered a physician and surgeon of the foot and ankle. For the purposes of reimbursement by and for subscriber benefits/participation agreements with health maintenance organizations, nonprofit medical service corporations, for-profit medical service corporations, and third party insurers, it shall be unlawful to discriminate against podiatrists.

1.15 "***Podiatry*** and ***podiatrist***" are synonymous with "***chiropody*** and ***chiropodist.***"

1.16 ***"Practice of podiatry***": Any person shall be said to be practicing podiatry within the meaning of the Act who uses or permits to be used, directly or indirectly, for profit or otherwise, for himself or for any other person, in connection with his name, the word "podiatrist" or "podiatric physician and surgeon," or the title DPM, or any other words, letters, titles, or descriptive matter, personal or not, which directly or indirectly implies the practice of podiatry, or who owns, leases, maintains, or operates a podiatry business in any office or other room or rooms where podiatry operations are performed, or directly or indirectly is manager, proprietor or conductor of the same; or who directly or indirectly informs the public in any language, orally, in writing, or by drawings, demonstrations, specimens, signs, or pictures that he/she can perform or will attempt to perform foot operations of any kind; or who undertakes, by any means or method, gratuitously or for a salary, fee, money or other reward paid or granted directly or indirectly to himself or to any other person, to diagnose or profess to diagnose, or to treat or profess to treat, or to prescribe for or profess to prescribe for any of the lesions, diseases, disorders, or deficiencies of the pedal extremity. The foot is defined to be the pedal extremity of the human body and its articulations, and shall include the tendons and muscles of the lower leg only as they shall be involved in the condition of the foot.

1.17 "***Recognized college or university***" means an institution of higher learning approved by the Office of Higher Education of any given state.

PART II ***LICENSURE REQUIREMENTS***
R5-29-POD

Section 2.0 ***General Requirements***

2.1 Any person desiring to commence to practice podiatry and to continue to practice podiatry in this state must possess a license to practice podiatry in accordance with the statutory and regulatory requirements herein.

2.1.1 Furthermore, no person granted a license under the statutory and regulatory provisions herein, shall display or use the title "doctor" or its synonym without the designation of "chiropodist" or "podiatrist" and shall not mislead the public as to the limited professional qualification to treat human ailments pursuant to sections 5-29-23 and 5-29-25 of the Act.

Section 3.0 ***Qualifications for Licensure***

3.1 An applicant seeking licensure to practice podiatry must:

a) have attained the age of eighteen (18) years of age or older.

b) be of good moral character;

c) have completed a satisfactory course of at least three (3) years of study in a duly recognized college or university.

d) The applicant shall provide evidence of satisfactory completion of a course of study in podiatric medicine approved and accredited by the Council on Podiatric Medical Education of the American Podiatric Medical Association. The degree of doctor of podiatric medicine shall be conferred upon the applicant from the same college as was his/her course of study.

e) have satisfactorily completed a one (1) year residency in Podiatric Medicine as defined, recognized and accredited by the Council on Podiatric Medical Education of the American Podiatric Medical Association. Said program must also have been accredited by the aforementioned body at the time of residency participation.

f) have satisfactorily passed the National Board of Podiatric Examination and the Podiatric Medical Licensing Examination for States (PM LEXIS Examination).

g) meet such other requirements as set forth by regulation or as may be established by the Board.

Section 4.0 ***Application for Licensure and Fee***

4.1 Application for licensure shall be made on forms provided by the Division which shall be completed, notarized and submitted to the Division sixty (60) days prior to the scheduled date of examination.

4.2 Such application shall be accompanied by the following documents and fee (non-returnable and non-refundable) unless for due cause pursuant to section 5-29-7 of the Act);

a) three (3) statements of good moral character from reputable individuals in this state other than relatives;

b) i) ***For U.S. born*:** a certified copy of birth certificate;

ii) ***for those born outside the U.S.*:** proof of citizenship or lawful alien status;

c) two (2) recent identification photographs of the applicant, head and shoulder front view, approximately 2 x 3 inches in size; one photograph shall be signed on the reverse side by the dean or registrar of the school attesting to the likeness of the photograph to that of the applicant submitted directly by the school;

d) supporting certified transcripts of education credentials as required in section 3.0 herein, signed by the dean or registrar of the school or college verifying the dates of attendance and completion of podiatric program. Such documentation must consist of original statements and/or photocopies bearing the signature of the dean or registrar and the imprint of the school and must be sent directly by the school;

e) a statement from a responsible authority for the residency program verifying successful completion of the residency program and submitted directly to the Board, including a certificate of successful completion of the requirements of section 3.1 herein;

f) the results of the National Board of Podiatric Examination of the National Board of Podiatry Examiners AND the PM LEXIS examination, shall be submitted directly to the Board;

g) a statement from the Board of Podiatry Examiners in each state in which the applicant has held or holds licensure, to be submitted directly to the Board of this state attesting to the licensure status of the applicant during the time period applicant held licensure in said state;

h) the application fee ~~of four hundred ten dollars ($410.00) made payable to the General Treasurer, state of Rhode Island;~~ as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health;*

and

i) such other information as may be deemed necessary by the Board.

Section 5.0 ***Examination***

5.1 ***By Examination***:

Applicants shall be required to pass an examination to test the applicant's knowledge and skills to practice podiatry in this state, pursuant to the statutory and regulatory provisions herein.

5.1.1 For written examination the Board requires the applicants to successfully pass the National Board of Podiatric Examination, and the PM LEXIS, which can be taken upon satisfactory completion of the didactic requirements herein.

5.1.2 The current PMLexis examination fee shall be made payable directly to the National Board of Podiatric Medical Examiners.

5.2 ***Re-Examination:***

5.2.1 The current PMLexis re-examination fee shall be made payable directly to the National Board of Podiatric Medical Examiners.

5.2.2 In accordance with section 5-29-9 of the Rhode Island General Laws, as amended, there shall be no reciprocity in granting licenses for the practice of podiatric medicine and surgery to licensees from other states or countries.

5.2.3 Applicants seeking licensure under this section shall be subject to the same application requirements as listed in section 4.0 herein.

Section 6.0 ***Continuing Education***

6.1 Every podiatrist licensed to practice podiatry in this state under the provisions of the Act and the regulations herein, shall on or before the 30th of September of each year, have satisfactorily completed a minimum of fifteen (15) continuing medical education credits as approved by the Board of Examiners in Podiatry. Such approval shall be based on the *Standards, Requirements, and Guidelines for Approval of Continuing Education in Podiatric Medicine* of the Council on Podiatric Medical Education of the American Podiatry Medical Association.

6.2 Satisfactory evidence of successful completion of at least fifteen (15) credits of continuing education approved by the Board and completed in the year preceding relicensure must be submitted to the Board and accompany the application for license renewal.

6.3 It shall be the sole responsibility of the individual podiatrist to obtain documentation from the approved sponsoring or co-sponsoring organization, agency or other, of his or her participation in a continuing education course including the date, time, sponsoring agency and number of credits obtained.

6.3.1 Those documents must be safeguarded by the podiatrist for review by the Board if required. Only a summary list of those documents, not the documents themselves, shall be submitted to the Board with the application for renewal of license.

6.4 Failure to provide satisfactory evidence of continuing education as required herein shall be cause for denial of license renewal.

Section 7.0 ***Limited Registration***

7.1 Except for podiatrists licensed pursuant to the Act, no person shall perform the duties of an intern, resident, fellow or podiatry officer in this state without holding a limited podiatric registration pursuant to section 5-29-13 of the Act, and registered with the Division as a hospital podiatric officer.

7.1.1 Hospital podiatric officers may be granted limited podiatric registration for such time as said Division may prescribe, provided the following criteria are met:

a) an application, on behalf of the applicant signed by the administrator/chief executive officer of a hospital licensed in Rhode Island is submitted to the Division accompanied by the following:

i. a signed statement by the chief of the medical staff attesting to the approval of the applicant's credentials in accordance with the credentialing process of the medical staff by-laws;

ii. a signed statement that the applicant has not previously held a limited podiatric registration;

iii. information satisfactory to the Board if submitted by the hospital regarding the duties and responsibilities of the applicant and the person to be responsible for the supervision of the applicant; and

b) limited podiatric registration issued to a hospital podiatric officer under the provisions herein shall be valid for a period of not more than one (1) year from the date of issuance and may be renewed annually at the discretion of the Board.

7.2 Limited hospital podiatric officer registration shall entitle the holder thereof to practice podiatry in the hospital or other institution designated on the certificate of limited registration, or outside such hospital or other institution for the treatment, under the supervision of one of its medical officers who is a duly licensed physician and/or podiatrist of persons accepted by it as patients, or in any hospital, institution, clinic or program affiliated for training purposes with the hospital, institution or clinic designated on such certificate which affiliation is approved by the Division and the Council of Podiatric Medical Education of the American Podiatric Medical Association. In all cases the practice of podiatry under a limited podiatric registration shall be in accordance with regulations established by the hospital, institution or other clinic designated on the certificate.

7.2.1 It shall be the responsibility of each hospital, clinic, or other institution to submit, on or before the first of June of each year to the Division for its approval, a list of affiliated hospitals, institutions, clinics or programs providing training programs for interns, residents, fellow or podiatric officers.

7.2.2 Any hospital, clinic or institution providing training programs for interns, residents, fellows, or podiatric officers, which are subject to statutory licensure in this state, must hold a current license as may be required.

7.3 ***Application For Limited Registration***

7.3.1 An applicant for limited podiatric registration shall submit through the hospital, institution or clinic, to the Division satisfactory proof of:

a) having attained eighteen (18) years of age or older;

b) good moral character;

c) having creditably completed not less than two (2) years of study in a legally chartered podiatry school accredited by the Council of Podiatric Medical Education of the American Podiatry Association having power to grant degrees in podiatry;

d) appointment as an intern, resident, fellow or podiatry officer in a hospital licensed in this state or other institution or clinic pursuant to section 7.2 herein; and

e) such other information as may be deemed necessary.

7.3.2 A registration fee ~~of seventy dollars ($70.00) made payable to the General Treasurer, state of Rhode Island~~ as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* must accompany each application for limited podiatric registration.

Section 8.0 ***Issuance and Renewal of License and Limited Registration***

8.1 ***Licensure:***

8.1.1 Upon completion of the aforementioned requirements, the Director may issue a license to those applicants found to have satisfactorily met all the requirements herein. Said license unless sooner suspended or revoked shall expire biennially on the date of expiration.

8.1.2 Thirty days prior to expiration date of license, the Administrator of the Division shall mail an application for renewal of license to every person whose license expires. Every person licensed who intends to engage in podiatry during the ensuing year, shall file a renewal application duly executed together with the renewal fee ~~of two hundred sixty dollars ($260.00) made payable to the General Treasurer, state of Rhode Island.~~ as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health.* The renewal fee of shall be accompanied by evidence of completion of a minimum of fifteen (15) continuing medical education credits per year as approved by the Board and in accordance with section 6.0 herein.

8.2 ***Limited Registration:***

8.2.1 A limited registration certificate shall be issued by the Division to applicants who have submitted credentials found to be satisfactory pursuant to section 7.0 herein. Furthermore, the limited podiatric registration shall be issued through the hospital, clinic, institution or other program designated on the application for limited podiatric registration and approved by the Division.

8.2.2 Limited podiatric registration for hospital podiatric officer shall be valid for a period of not more than one (1) year from the date of issuance and may be renewed at the discretion of the Division.

8.3 ***Limited Registration: Academic Faculty***

8.3.1 Notwithstanding any other provisions of the Act, a podiatrist of noteworthy and recognized professional attainment who is a clearly outstanding podiatrist and who has been offered by the dean of a medical school or podiatry school in this state a full-time academic appointment, is eligible for a limited registration while serving on the academic staff of the medical school or podiatry school. Upon recommendation of the dean of an accredited school of medicine, podiatry in this state, the board in its discretion, after being satisfied that the applicant is a graduate of a foreign podiatry school and a person of professional rank whose knowledge and special training will benefit that medical school, podiatry school may issue to that podiatrist a limited registration to engage in the practice of podiatry to the extent that the practice is incidental to a necessary part of his or her academic appointment and then only in the hospital or hospitals and out-patient clinics connected with the medical school or podiatry school.

8.3.2 Except to the extent authorized by this section, the registrant shall not engage in the practice of podiatry or receive compensation for that practice, unless he or she is issued a license to practice podiatry. The registration is valid for a period of not more than one year expiring on the 30th day of June following its initial effective date but may be renewed annually. Provided, that such registration automatically expires when the holder's relationship with the medical school or podiatry school is terminated.

8.3.3 The application fee for the registration authorized under this section shall be ~~five hundred seventy dollars ($570.00).~~ as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health.* The application fee for biennial renewal shall be ~~two hundred eighty dollars ($280.00).~~ as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health.*

Section 9.0 ***Practice of Podiatry***

9.1 Podiatrists licensed to practice podiatry in this state shall be governed by the prevailing standards of practice.

9.2 Furthermore, no person licensed to practice podiatry shall advertise by written or spoken words of a character tending to deceive or mislead the public.

Section 10.0 ***Denial, Suspension or Revocation of License***

10.1 The license of any podiatrist violating any of the provisions of the Act and the regulations herein, after such person has been afforded an opportunity to be heard by the Division may be

suspended for a period of not less than sixty (60) days; provided however, that if the license of such person has previously been suspended for a prior violation, then after such hearing, the Division may either revoke the license of such person or suspend the same for a period of not less than six (6) months.

10.2 Furthermore, the Division may suspend or revoke the license of any podiatrist, after due notice and hearing, if the licensee is found:

a) not to be of good moral character;

b) to have violated any of the laws of the state involving moral turpitude or affecting the ability of any podiatrist to practice podiatry;

c) to have been guilty of any fraud or deception committed in obtaining such license; and/or

d) to be guilty of gross unprofessional conduct or conduct of a character likely to deceive or defraud the public. Gross unprofessional conduct shall include but not be limited to those provisions as set forth in section 5-29-16 of the Act.

PART III ***VIOLATIONS/PRACTICES AND PROCEDURES/SEVERABILITY***

Section 11.0 ***Violations***

11.1 Any person who violates the provisions of the Act and the regulations herein shall be subject to the appropriate sanctions of sections 5-29-23, 5-29-33, 5-29-34, and 5-29-36 of the Act.

Section 12.0 ***Rules Governing Practices and Procedures***

12.1 All hearings and reviews required under the provisions of the Act and the rules and regulations herein, shall be held in accordance with the provisions of the rules and regulations of the Rhode Island Department of Health, entitled *Rules and Regulations of the Rhode Island Department of Health Regarding the Practices and Procedures Before the Department of Health and Access to Public Records of the Department of Health (R42-35-PP).*

Section 13.0 ***Severability***

13.1 If any provisions of the rules and regulations herein or the application to any facility or circumstances shall not affect the provisions or application of the rules and regulations which can be given effect, and to this end the provisions of the rules and regulations are declared to be severable.

Tuesday, July 31, 2012
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