

## CHAPTER 52 - BOARD OF PODIATRY EXAMINERS

### SECTION .0100 - ORGANIZATION OF THE BOARD

#### 21 NCAC 52 .0101 NAME AND PURPOSE

(a) The office of the board shall be in Raleigh and the mailing address of the board is 1500 Sunday Drive, Suite 102, Raleigh, North Carolina 27607.

(b) The following terms have the following meanings:

- (1) "Application" shall mean the application form provided by the Board;
- (2) "American Podiatric Medical Licensing Examination" and "APMLE", shall mean the national examination in multiple parts, formerly known as (and referred in the statutes as) the "National Boards," as administered by the National Board of Podiatric Medical Examiners and including the examination formerly called "PM-Lexis;"
- (3) "Board" or "board" shall refer to the "Board of Podiatry Examiners" of North Carolina as defined in G.S. 90-202.4;
- (4) "Establishment" in G.S. 55B-10 shall mean any separate podiatry office, clinic, or branch location where podiatry services are provided. It does not include a corporate office located in a separate building or location where podiatry services are not performed; and
- (5) "Podiatry" has the same meaning as in G.S. 90-202.2.

*History Note:* Authority G.S. 55B-10; 90-202.4; 90-202.6; 90-202.8;  
Eff. February 1, 1976;  
Amended Eff. June 1, 2011; January 1, 2005; December 1, 1988.

#### 21 NCAC 52 .0102 MEMBERSHIP

*History Note:* Authority G.S. 90-202.4;  
Eff. February 1, 1976;  
Amended Eff. December 1, 1988;  
Repealed Eff. June 1, 2011.

#### 21 NCAC 52 .0103 ANNUAL MEETING: ELECTION AND OFFICERS

*History Note:* Authority G.S. 90-202.4;  
Eff. February 1, 1976;  
Amended Eff. December 1, 1988;  
Repealed Eff. January 1, 2005.

### SECTION .0200 - EXAMINATION AND LICENSING

#### 21 NCAC 52 .0201 APPLICATION

(a) Anyone who meets the statutory requirements and wishes to apply for examination may do so by submitting a written application to the executive secretary of the board. Such Application for Examination or Application of Reciprocity shall be made on a form provided by the board.

(b) Applicants shall furnish the board with certification of graduation from a four-year high school, completion of at least two years of undergraduate college education, graduation from an accredited college of podiatric medicine, and passing scores on all parts of the APMLE, as provided in the statutes.

(c) The application must be accompanied by a non-refundable application fee of three hundred fifty dollars (\$350.00).

(d) Applications must also be notarized by a Notary Public in good standing.

*History Note:* Authority G.S. 90-202.5; 90-202.6; 90-202.7;  
Eff. February 1, 1976;  
Amended Eff. June 1, 2011; April 1, 2005; January 1, 2005; December 1, 1988.

#### 21 NCAC 52 .0202 EXAMINATION

The board shall conduct an examination as set out in G.S. 90-202.6. The examination shall be scheduled so as not to conflict with the APMLE.

*History Note:* Authority G.S. 90-202.6;  
Eff. February 1, 1976;  
Amended Eff. June 1, 2011; December 1, 1988.

#### **21 NCAC 52 .0203      TEMPORARY LICENSE**

*History Note:* Authority G.S. 90-202.6;  
Eff. February 1, 1976;  
Repealed Eff. December 1, 1988.

#### **21 NCAC 52 .0204      RE-EXAMINATION**

Unsuccessful candidates for licensure may apply to the board for re-examination within a period of one year and be entitled to re-examination upon the payment of the three hundred fifty dollar (\$350.00) examination fee. No more than two re-examinations shall be allowed any one applicant within that one-year period under this Rule.

*History Note:* Authority G.S. 90-202.6;  
Eff. February 1, 1976;  
Amended Eff. June 1, 2011; December 1, 1988.

#### **21 NCAC 52 .0205      PRACTICE ORIENTATION**

The board shall require each applicant, who has otherwise successfully completed his or her requirements to practice in the state, to attend by personal appearance a practice- and ethics-orientation prior to receiving his or her license. Should an applicant be unable to attend the required orientation for a documented emergency reason, such as death in the family or personal medical emergency, e.g., emergency appendectomy, then the board shall require an applicant to spend up to one week as a trial period to better equip them to practice podiatry in North Carolina in the office of and under the direction of a podiatrist practicing in North Carolina. Such orientation shall take place only in those offices approved by the board according to these Rules and assignment of an orientation office in which to work shall be considered as a portion of the clinical examination in podiatry. The license shall not be issued until the orientation requirement has been fulfilled.

*History Note:* Authority G.S. 90-202.4(g); 90-202.6(a)(b);  
Eff. February 1, 1976;  
Amended Eff. March 1, 2006; May 1, 2005; December 1, 1988.

#### **21 NCAC 52 .0206      LICENSING**

*History Note:* Authority G.S. 90-202.6; 90-202.7;  
Eff. February 1, 1976;  
Amended Eff. December 1, 1988;  
Repealed Eff. July 1, 2011.

#### **21 NCAC 52 .0207      ANNUAL RENEWAL OF LICENSE**

The executive secretary of the board shall mail to the last known address of each license holder each year a form on which to apply for renewal of his license. The penalties for failure to comply are specified in G.S. 90-202.10.

*History Note:* Authority G.S. 90-202.4(g); 90-202.10;  
Eff. February 1, 1976;  
Amended Eff. January 1, 2005; December 1, 1988.

#### **21 NCAC 52 .0208      CONTINUING EDUCATION**

An additional requirement for issuance of the annual renewal certificate shall be certification to the board of proof of having complied with the continuing education provisions of the General Statutes. The board shall notify all podiatrists that 25 hours are required annually.

*History Note:* Authority G.S. 90-202.4(g); 90-202.11;  
Eff. February 1, 1976;  
Amended Eff. June 1, 2011; December 1, 1988.

#### **21 NCAC 52 .0209 APPLICANTS LICENSED IN OTHER STATES**

If an applicant for licensure is already is licensed in another state to practice podiatry, the board shall issue a license to practice podiatry in the State of North Carolina only upon evidence that said podiatrist has complied with the requirements as set forth in General Statute 90-202.7 of the Podiatry Practice Act. Presentation of such evidence is the responsibility of the podiatrist seeking reciprocity to practice in the State of North Carolina. This evidence shall include verification from the Board of Podiatry Examiners of the state where the applicant has last practiced that the applicant is in good standing and has no disciplinary action pending. The verification shall include a history of previous disciplinary action, if any.

*History Note:* Authority G.S. 90-202.4(g); 90-202.7;  
Eff. December 1, 1988.

#### **21 NCAC 52 .0210 FEE FOR VALIDATION OF LICENSEE LISTS; COMPUTER SERVICES**

(a) In order to validate a podiatrist's authority to receive drug samples pursuant to U.S. federal laws, the Board shall provide computerized lists of its licensees and their licensing status to companies engaged in the business of providing data information services to the pharmaceutical and healthcare industries for the purposes of validating the licensing status of health care professionals for a fee of three hundred dollars (\$300) per order, payable in advance. Orders for a list of licensees shall be placed at least four weeks in advance.

(b) Other Data Processing Services. The Board may provide data processing services related to the Board's powers and duties upon request from research and educational organizations. No fees for such services shall be assessed if the use of the data is for nonprofit educational or research purposes.

*History Note:* Authority G.S. 90-202.3; 150B-19(5)e;  
Eff. April 1, 2005.

#### **21 NCAC 52 .0211 TEMPORARY LICENSE**

The Board shall grant temporary license privileges to podiatrists practicing solely on federal military installations within North Carolina. Application for temporary license shall require the same education as for a permanent license, but there shall be no examination nor application fee assessed. Temporary licenses shall be granted for a maximum of one-year, renewable annually so long as the podiatrist continues to practice on the federal military installation.

*History Note:* Authority G.S. 90-202.5(b); 90-202.6;  
Eff. April 1, 2005.

#### **21 NCAC 52 .0212 SPECIALTY CREDENTIALING PRIVILEGES**

(a) The Board shall grant surgical specialty privileges to podiatrists in the areas of amputation, ankle surgery, and club foot correction.

(b) Application for such privileges shall be made upon a form provided by the Board along with two copies of the applicants' surgery logs, both of which shall be highlighted in different colors (one color per specialty area, i.e. amputations, ankle surgeries, and club foot corrections).

*History Note:* Authority G.S. 90-202.2;  
Eff. June 1, 2011.

## **SECTION .0300 - PROFESSIONAL CORPORATIONS**

### **21 NCAC 52 .0301 REGISTRATION**

No podiatrist or group of podiatrists may operate in the State of North Carolina as a professional corporation without first obtaining from the board a certificate of registration as required by the General Statutes. Registration shall be as set forth in G.S. 55B-10:

[http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_55B/GS\\_55B-10.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_55B/GS_55B-10.html). Each corporate registrant must pay a separate registration fee of twenty-five dollars (\$25.00) per year for each separate establishment where podiatric services are performed.

*History Note:* Authority G.S. 55B-10; 90-202.4(g);  
Eff. February 1, 1976;  
Amended Eff. June 1, 2011; December 1, 1988.

### **21 NCAC 52 .0302 ANNUAL RENEWAL**

Annual renewal of a professional podiatry corporate registration shall be as set forth in G.S. 55B-11:

[http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_55B/GS\\_55B-11.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_55B/GS_55B-11.html).

*History Note:* Authority G.S. 55B-11; 90-202.4(g);  
Eff. February 1, 1976;  
Amended Eff. June 1, 2011; December 1, 1988.

### **21 NCAC 52 .0303 PENALTIES**

Penalties for non-renewal of a professional podiatry corporation certificate of registration shall be as set forth in G.S. 55B-11: [http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_55B/GS\\_55B-11.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_55B/GS_55B-11.html).

*History Note:* Authority G.S. 55B-11; 90-202.4(g);  
Eff. December 1, 1988;  
Amended Eff. June 1, 2011.

## **SECTION .0400 - REVOCATION OR SUSPENSION OF LICENSE**

### **21 NCAC 52 .0401 INITIATION OF PROCEEDINGS**

*History Note:* Authority G.S. 90-202.8;  
Eff. February 1, 1976;  
Repealed Eff. December 1, 1988.

### **21 NCAC 52 .0402 HEARINGS**

The board may deny, revoke or suspend a license in accordance with Article 3A of G.S. 150B. In addition, the board may summarily suspend a license where the public health, safety or welfare requires emergency action as provided in G.S. 150B-3(c).

*History Note:* Authority G.S. 90-202.8; 150B-38;  
Eff. February 1, 1976;  
Amended Eff. December 1, 1988.

### **21 NCAC 52 .0403 SERVICE OF NOTICE**

Any notice required by the rules shall be given personally or by certified mail, return receipt requested, directed to the licensee or applicant at his last known address as shown by the records of the board. If service cannot be accomplished either personally or by certified mail, it shall then be given as provided in G.S. 1A-1, Rule 4 (j1).

*History Note:* Authority G.S. 90-202.8; 150B-38;  
Eff. February 1, 1976;  
Amended Eff. December 1, 1988.

**21 NCAC 52 .0404 PLACE OF HEARINGS**

A hearing conducted by the board shall be held in the location as provided by statute.

*History Note:* Authority G.S. 90-202.8; 150B-38(e);  
Eff. February 1, 1976;  
Amended Eff. December 1, 1988.

**21 NCAC 52 .0405 TRIAL EXAMINER OR DEPOSITION**

**21 NCAC 52 .0406 EVIDENCE ADMISSIBLE**

**21 NCAC 52 .0407 FAILURE TO APPEAR**

*History Note:* Authority G.S. 90-202.8;  
Eff. February 1, 1976;  
Repealed Eff. December 1, 1988.

**21 NCAC 52 .0408 APPEAL**

A podiatrist who is aggrieved by a final decision in a contested case may obtain judicial review of the decision of the board as provided by statute.

*History Note:* Authority G.S. 90-202.8; 150B-43 to 150B-45;  
Eff. February 1, 1976;  
Amended Eff. December 1, 1988.

**SECTION .0500 - CERTIFICATION OF PODIATRIC ASSISTANTS**

**21 NCAC 52 .0501 APPLICATION**

**21 NCAC 52 .0502 EXAMINATION**

**21 NCAC 52 .0503 CERTIFICATION**

**21 NCAC 52 .0504 ANNUAL RENEWAL**

*History Note:* Authority G.S. 90-202.6;  
Eff. February 1, 1976;  
Repealed Eff. December 1, 1988.

## SECTION .0600 - GENERAL PROVISIONS

### **21 NCAC 52 .0601 APPLICATION FOR EXAMINATION**

The application for examination shall be used by all applicants who wish to take the examination for licensure. It requires the applicant to furnish the board with information required or permitted by these Rules. The form may be obtained in hard-copy or electronic format from the office of the executive secretary or from the board's website at [www.ncbpe.org](http://www.ncbpe.org).

*History Note:* Authority G.S. 90-202.5;  
Eff. February 1, 1976;  
Amended Eff. June 1, 2011; April 1, 2005; January 1, 2005; December 1, 1988.

<b>21 NCAC 52 .0602</b>	<b>CERTIFICATE OF LICENSURE</b>
<b>21 NCAC 52 .0603</b>	<b>APPLICATION FOR RENEWAL</b>
<b>21 NCAC 52 .0604</b>	<b>CERTIFICATE OF CONTINUING EDUCATION</b>
<b>21 NCAC 52 .0605</b>	<b>CERTIFICATE FOR ESTABLISHING A PROFESSIONAL CORPORATION</b>
<b>21 NCAC 52 .0606</b>	<b>CERTIFICATE OF REGISTRATION OF PROFESSIONAL CORPORATION</b>

*History Note:* Authority G.S. 55B-10; 55B-11; 90-202.6; 90-202.10; 90-202.11;  
Eff. February 1, 1976;  
Amended Eff. December 1, 1988;  
Repealed Eff. June 1, 2011.

<b>21 NCAC 52 .0607</b>	<b>APPLICATION FOR EXAMINATION: PODIATRIC ASSISTANTS</b>
<b>21 NCAC 52 .0608</b>	<b>CERTIFICATE OF REGISTRATION: PODIATRIC ASSISTANTS</b>
<b>21 NCAC 52 .0609</b>	<b>ANNUAL RENEWAL: PODIATRIC ASSISTANTS</b>

*History Note:* Authority G.S. 90-202.4;  
Eff. February 1, 1976;  
Repealed Eff. December 1, 1988.

### **21 NCAC 52 .0610 APPL/EXAM/PODIATRIST LICENSED/OTHER STATES (RECIPROCITY)**

The application for examination for those already licensed in other states to practice podiatric medicine shall be used by applicants who request such consideration. The requirements shall be the same as for the applicant in Rule .0201 of this Chapter and as required by statute. Application forms may be obtained from the office of the executive secretary of the board or from the board's website at [www.ncbpe.org](http://www.ncbpe.org).

*History Note:* Authority G.S. 90-202.7;  
Eff. December 1, 1988;  
Amended Eff. June 1, 2011; January 1, 2005.

### **21 NCAC 52 .0611 FORMS AND APPLICATIONS**

(a) The Board shall issue the following items:

- (1) Certificate of Licensure,
- (2) Licensure Renewal Card,
- (3) Temporary License Certificate, and
- (4) Certificate of Corporate Registration.

(b) The Board shall provide and require use of its application forms for the following specific purposes which may be obtained from the Board's web site, <http://www.ncbpe.org>:

- (1) Licensure Renewal Application,
- (2) Disclaimer Form,
- (3) Corporate Registration Application,
- (4) Corporate Registration Renewal, and

- (5) Specialty Credentialing Application.

*History Note:* Authority G.S. 55B-10; 55B-11; 90-202.4(g); 90-202.6; 90-202.7; 90-202.9; 90-202,10; 90-202.11;  
Eff. June 1, 2011.

## **SECTION .0700 - PETITIONS FOR RULES**

### **21 NCAC 52 .0701 PETITION FOR RULEMAKING HEARINGS**

Any person wishing to submit a petition requesting the board to promulgate, amend or repeal a rule shall address a petition to the office of the Board of Podiatry Examiners. The caption of the petition shall bear the notation: RULEMAKING PETITION RE: and then the subject area.

*History Note:* Authority G.S. 150B-20;  
Eff. February 1, 1976;  
Amended Eff. June 1, 2011; January 1, 2005; December 1, 1988.

### **21 NCAC 52 .0702 CONTENTS OF PETITION**

The petition must include the following information:

- (1) an indication of the subject area to which the petition is directed. For example: "This petition is to hold a rulemaking hearing to amend Rule .0000;"
- (2) either a draft of the proposed rule or a summary of its contents;
- (3) reason for the proposal;
- (4) the effect on existing rules;
- (5) any data supporting the proposal;
- (6) effect of the proposed rule on existing practices in the area involved, including cost factors;
- (7) names of those most likely to be affected by the proposed rule with addresses if reasonably known; and
- (8) name(s) and address(es) of petitioner(s).

*History Note:* Authority G.S. 150B-20;  
Eff. February 1, 1976;  
Amended Eff. June 1, 2011; December 1, 1988.

### **21 NCAC 52 .0703 DISPOSITION OF PETITIONS**

(a) The board shall determine whether the public interest will be served by granting the request. Prior to making this determination, the board may request additional information from the petitioner(s); it may contact interested persons or persons likely to be affected by the proposed rule and request comments; and it may use any other appropriate method for obtaining information on which to base its determination. It shall consider the contents of the petition submitted plus any other information obtained by the means described herein.

(b) The board shall make a determination for the institution of rulemaking proceedings or for the denial of the petition as provided by G.S. 150B-20.

*History Note:* Authority G.S. 150B-20;  
Eff. February 1, 1976;  
Amended Eff. June 1, 2011; December 1, 1988.

## **SECTION .0800 - NOTICE OF RULEMAKING HEARINGS**

- 21 NCAC 52 .0801 TIMING OF NOTICE**  
**21 NCAC 52 .0802 NOTICE MAILING LIST**  
**21 NCAC 52 .0803 ADDITIONAL INFORMATION**

*History Note:* Authority G.S. 150B-12; 150B-12(a)(2);  
Eff. February 1, 1976;

*Repealed Eff. December 1, 1988.*

**21 NCAC 52 .0804 NOTICE MAILING LIST**

- (a) Upon a determination to hold a rulemaking proceeding, either in response to a petition or otherwise, the Board shall give notice to all interested parties of the proceedings in accordance with the requirements of G.S. 150B.
- (b) Mailing List. Any person desiring to be placed on the mailing list for the rulemaking notices may file a request in writing, furnishing his name and mailing address to the Board. The request shall state the subject areas within the authority of the Board for which notice is requested.
- (c) Fee Charged. The cost to be on the mailing list for rulemaking notices shall be fifteen dollars (\$15.00) per year. A notice and invoice shall be mailed no later than February 1 of each year to the last known address of persons on the mailing list. Persons who do not renew their request to remain on the mailing list by remitting the fee by March 1 of each year shall be deleted from the list.

*History Note: Authority G.S. 150B-21.2(d); 90-20.4(g);  
Eff. April 1, 2005;  
Amended Eff. June 1, 2011.*

**SECTION .0900 - RULEMAKING HEARINGS**

- 21 NCAC 52 .0901 REQUEST TO PARTICIPATE**  
**21 NCAC 52 .0902 CONTENTS OF REQUEST: GENERAL TIME LIMITATIONS**  
**21 NCAC 52 .0903 RECEIPT OF REQUEST: SPECIFIC TIME LIMITS**  
**21 NCAC 52 .0904 WRITTEN SUBMISSIONS**  
**21 NCAC 52 .0905 PRESIDING OFFICER: POWERS AND DUTIES**  
**21 NCAC 52 .0906 STATEMENT OF REASONS FOR DECISION**  
**21 NCAC 52 .0907 RECORD OF PROCEEDINGS**  
**21 NCAC 52 .0908 EMERGENCY RULES**

*History Note: Authority G.S. 150B-12; 150B-13;  
Eff. February 1, 1976;  
Repealed Eff. December 1, 1988.*

**SECTION .1000 - DECLARATORY RULINGS**

**21 NCAC 52 .1001 SUBJECTS OF DECLARATORY RULINGS**

Any person substantially affected by a statute administered or rule promulgated by the board may request a declaratory ruling as provided in G.S. 150B-17.

*History Note: Authority G.S. 150B-17;  
Eff. February 1, 1976;  
Amended Eff. December 1, 1988.*

**21 NCAC 52 .1002 SUBMISSION OF REQUEST FOR RULING**

All requests for declaratory rulings shall be written and mailed to the Board of Podiatry Examiners, 1500 Sunday Drive, Suite 102, Raleigh, North Carolina 27607. Attention: Executive Secretary. The request shall include the following information:

- (1) name and address of petitioner;
- (2) statute or rule to which petition relates;
- (3) concise statement of the manner in which petitioner is aggrieved by the rule or statute or its potential application to him;
- (4) a statement of whether an oral hearing is desired, and if so, the reason therefore.

*History Note:* Authority G.S. 150B-17;  
Eff. February 1, 1976;  
Amended Eff. January 1, 2005; December 1, 1988.

### **21 NCAC 52 .1003 DISPOSITION OF REQUESTS**

- (a) When the board deems it appropriate to issue a declaratory ruling, it shall issue such declaratory ruling within 60 days of receipt of the petition.
- (b) A declaratory ruling proceeding may consist of written submissions, an oral hearing, or other procedure as may be appropriate in the circumstances of the particular request.
- (c) Whenever the board believes "for good cause" that the issuance of a declaratory ruling is undesirable, it may refuse to issue such ruling. When good cause is deemed to exist, it will notify the petitioner of its decision in writing, stating the reasons for the denial of the declaratory ruling.
- (d) For purposes of Subpart (c) of this Rule, the board will ordinarily refuse to issue a declaratory ruling:
  - (1) unless the petitioner shows that the circumstances are so changed since the adoption of the rule that such a ruling would be warranted;
  - (2) unless the petitioner shows that the agency did not give to the factors specified in the request for a declaratory ruling a full consideration at the time the rule was issued;
  - (3) where there has been a similar controlling factual determination in a contested case, or where the factual context being raised for a declaratory ruling was specifically considered upon the adoption of the rule or directive being questioned, as evidenced by the rulemaking record;
  - (4) where the subject matter of the request is involved in pending litigation in any state or federal court in North Carolina.

*History Note:* Authority G.S. 150B-17;  
Eff. February 1, 1976.

### **21 NCAC 52 .1004 RECORD OF DECISION**

A record of all declaratory ruling proceedings will be maintained in the board office for as long as the ruling is in effect and for five years thereafter. This record will contain: the petition, all written submissions filed in the request, whether filed by the petitioner or any other person, and a record or summary of oral presentations, if any. Records of declaratory ruling proceedings will be available for public inspection during the regular office hours of the board's office.

*History Note:* Authority G.S. 150B-17;  
Eff. February 1, 1976;  
Amended Eff. December 1, 1988.

### **21 NCAC 52 .1005 DEFINITION**

For purposes of Rule .1004 of this Section, a declaratory ruling shall be deemed to be "in effect": until the statute or rule interpreted by the declaratory ruling is amended or repealed; until the board changes the declaratory ruling prospectively for good reasons; or until any court sets aside the ruling.

*History Note:* Authority G.S. 150B-12; 150B-17;

*Eff. February 1, 1976;*  
*Amended Eff. December 1, 1988.*

## **SECTION .1100 - ADMINISTRATIVE HEARING PROCEDURES**

<b>21 NCAC 52 .1101</b>	<b>RIGHT TO HEARING</b>
<b>21 NCAC 52 .1102</b>	<b>REQUEST FOR HEARING</b>
<b>21 NCAC 52 .1103</b>	<b>GRANTING OR DENYING HEARING REQUESTS</b>
<b>21 NCAC 52 .1104</b>	<b>NOTICE OF HEARING</b>
<b>21 NCAC 52 .1105</b>	<b>WHO SHALL HEAR CONTESTED CASES</b>
<b>21 NCAC 52 .1106</b>	<b>PETITION FOR INTERVENTION</b>
<b>21 NCAC 52 .1107</b>	<b>TYPES OF INTERVENTION</b>

*History Note:* Authority G.S. 1A-1, Rule 24; 150B-2(2); 150B-23(a); 150B-38; 150B-38(f);  
150B-40;  
*Eff. February 1, 1976;*  
*Repealed Eff. December 1, 1988.*

## **SECTION .1200 - ADMINISTRATIVE HEARINGS: DECISIONS: RELATED RIGHTS AND PROCEDURES**

### **21 NCAC 52 .1201 FAILURE TO APPEAR**

*History Note:* Authority G.S. 150B-42 to 150B-45;  
*Eff. February 1, 1976;*  
*Repealed Eff. December 1, 1988.*

### **21 NCAC 52 .1202 SIMPLIFICATION OF ISSUES**

The parties to a contested case may agree in advance to simplify the hearing by: decreasing the number of the issues to be contested at the hearing; accepting the validity of certain proposed evidence; accepting the findings in some other case with relevance to the case at hand; or agreeing to such other matters as may expedite the hearing.

*History Note:* Authority G.S. 150B-40;  
*Eff. February 1, 1976;*  
*Amended Eff. December 1, 1988.*

### **21 NCAC 52 .1203 SUBPOENAS**

The board issues subpoenas as provided in G.S. 150B-39.

*History Note:* Authority G.S. 150B-39;  
*Eff. February 1, 1976;*  
*Amended Eff. December 1, 1988.*

**21 NCAC 52 .1204 FINAL DECISIONS IN ADMINISTRATIVE HEARINGS**

The board shall make a written final decision or order in all contested cases as provided by G.S. 150B-42.

*History Note: Authority G.S. 150B-42;  
Eff. February 1, 1976;  
Amended Eff. December 1, 1988.*

**SECTION .1300 - NOMINATIONS FOR PODIATRISTS MEMBERS OF THE BOARD OF PODIATRY EXAMINERS: BOARD OF PODIATRY EXAMINERS CONSTITUTING A BOARD OF PODIATRY ELECTIONS: PROCEDURES FOR HOLDING AN ELECTION**

**21 NCAC 52 .1301 BOARD OF PODIATRY ELECTIONS**

The Board of Podiatry Examiners serve as the Board of Podiatry Elections for the purpose of submitting, as vacancies on the board occur, nominees to the Governor for appointment as required by statute. Every podiatrist with a current North Carolina license residing in this state shall be eligible to vote in all elections subject to the procedures set out in Rule .1302.

*History Note: Authority G.S. 90-202.4;  
Eff. September 1, 1982;  
Amended Eff. December 1, 1988; May 1, 1983.*

**21 NCAC 52 .1302 PROCEDURES FOR CONDUCTING ELECTIONS**

The procedures to be followed in the conducting of elections to fill podiatrists' positions on the Board of Podiatry Examiners are as set forth in this Rule:

- (1) At least 30 days prior to the expiration of the term of a board member, written notice of the holding of an election shall be sent to every podiatrist with a current North Carolina license residing in this state using a mailing or electronic address as contained in the board's official records.
- (2) The notice shall have with it a list of at least two, but no more than three nominees proposed by the Board of Podiatry Examiners for the board member position to be filled.
- (3) The election or voting for the board member position shall take place annually prior to July 1 of each year. Additional nominations may be received from the floor or as write-in nominations on a ballot and may be received from any licensed podiatrist residing in North Carolina.
- (4) Ballots shall be prepared by the Board of Podiatry Elections and distributed or mailed to all North Carolina licensed podiatrists who reside in North Carolina. Any podiatrist who is eligible to vote and who wishes to vote and who will not be in attendance at the election meeting may request a written ballot from the executive secretary or secretary-treasurer and shall return the ballot prior to the election meeting. Each voting podiatrist shall mark his/her ballot and cast his/her ballot in the ballot box or other designated receptacle, or return the ballot to the board by the specified deadline for receipt of ballots. Late ballots shall not be counted.
- (5) The executive secretary, secretary-treasurer or such other member of the board as may be designated by the President of the Board of Podiatry Examiners shall conduct a tally of the ballots, record the two names receiving the highest number of votes and their respective percentages, and submit to the president of the board the names of the two nominees receiving the highest number of votes and their respective percentage of votes.
- (6) The president of the board shall in turn submit to the Governor the two names who received the highest number of votes and their respective percentage of votes with biographical data on the two podiatrists being submitted.

- (7) It shall not be necessary for an individual podiatrist to receive a majority of votes of those North Carolina licensed podiatrists participating in the election. All licensees shall be notified of the results of the election.
- (8) To be eligible for board membership, a podiatrist must be a licensed podiatrist in North Carolina at least for the period of time prescribed by statute. A vote for any licensed podiatrist not holding a North Carolina license for that minimum period shall not be counted.

*History Note:* Authority G.S. 90-202.4;  
Eff. September 1, 1982;  
Amended Eff. May 1, 1983;  
Legislative Objection Lodged Eff. May 11, 1983;  
Curative Amended Eff. May 13, 1983;  
Amended Eff. April 1, 2005; December 1, 1988.

## **SECTION .1400 - SCOPE OF PRACTICE**

### **21 NCAC 52 .1401      SOFT TISSUE PROCEDURES**

Simple soft tissue procedures pursuant to G.S. 90-202.2(b) are procedures involving structures proximal to a line parallel with the dome of the talus that may be performed by a podiatrist in an office setting include:

- (1) ligation of superficial veins or vessels;
- (2) repair of soft tissue lacerations and abrasions;
- (3) incision, drainage and debridement of abscesses, hematomas, and ulcerations;
- (4) excision of foreign bodies and soft tissue masses which are not known or thought to be malignant;
- (5) biopsy and cauterization of soft tissue lesions;
- (6) ligamentous and tendon repairs found during the aforementioned procedures;
- (7) release of nerve entrapment found in conjunction with an extension of nerve entrapment procedures of the foot.

*History Note:* Authority G.S. 90-202.2(b);  
Eff. October 1, 1995.