Chapter 682

1979 REPLACEMENT PART

Podiatrists

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Note: Section 38, chapter 842, Oregon Laws 1977, is operative July 1, 1986, and provides:

Sec. 38. ORS 682.010, 682.020, 682.030, 682.040, 682.050, 682.055, 682.060, 682.065, 682.070, 682.080, 682.090, 682.100, 682.110, 682.115, 682.140, 682.150, 682.160, 682.170, 682.191, 682.200, 682.210 and 682.990 relating to podiatrists are repealed.

GENERAL PROVISIONS

682.010 Definitions. As used in this chapter:

(1) "Board" means the State Board of Podiatry Examiners.

(2) "Podiatrist" means an individual who practices podiatry.

(3) "Podiatry" means the diagnosis or the medical, physical or surgical treatment of ailments of the human foot, except treatment involving the use of a general or spinal anesthetic unless the treatment is performed in a hospital certified in the manner described in subsection (2) of ORS 441.055 and is under the supervision of or in collaboration with a physician licensed to practice medicine by the Board of Medical Examiners for the State of Oregon. "Podiatry" does not include the administration of general or spinal anesthetics or the amputation of the foot. [Amended by 1961 c.248 §1; 1969 c 276 §1]

682.020 License required to practice podiatry. (1) No person shall practice podiatry without first obtaining from the board a license authorizing the practice of podiatry in this state, except as otherwise provided in this chapter.

(2) It shall be deemed prima facie evidence of practicing podiatry within the meaning of this chapter if any person uses the name or title podiatrist, chiropodist, D.S.C., D.P.M., D.P., foot expert, foot specialist, foot correctionist, or any other word, abbreviation or title to his name indicating that he was or is qualified and licensed to practice podiatry. [Amended by 1961 c.248 §2; 1969 c.276 §2]

682.030 Persons and practices not affected. (1) This chapter does not prevent:

(a) Any person, firm or corporation from manufacturing, selling, fitting or adjusting any shoe or appliance designed and intended to equalize pressure on different parts of the foot.

(b) The sale by licensed druggists of plasters, salves and lotions for the relief and cure of corns, warts, callosities and bunions.

(2) This chapter shall not be construed to apply to or interfere with:

(a) The practice of any person whose religion treats or administers to the sick or suffering by purely spiritual means, nor with any individual's selection of any such person.

(b) Physicians licensed by the State Board of Medical Examiners of this state, nor to surgeons of the United States Army, Navy and United States Public Health Service, when in actual performance of their official duties.

LICENSING

682.040 Qualifications of applicants. All applicants for a license to practice podiatry under this chapter shall:

(1) Have attained the age of 18 years.

(2) Be of good moral character.

(3) Have graduated from a podiatry school or college which, at the time of graduation of such applicants, was approved by the board. [Amended by 1961 c.248 §3; 1969 c.276 §3; 1973 c.827 §70]

682.050 Examination of applicants; issuing license; fees; reexamination. Any person desiring a license to practice podiatry shall be examined by the board in anatomy, chemistry, dermatology, diagnosis, pharmacology, pathology, physiology, therapeutics, clinical and orthopedic podiatry and such other subjects as the board may deem advisable, limited in their scope to the treatment of the human foot. If the applicant possesses the qualifications required by ORS 682.040 and passes the examination prescribed with a general average of 75 percent in all subjects, and not less than 60 percent in any one subject, he shall be issued a license by the board to practice podiatry in this state. Each applicant shall submit his application for examination and the required examination fee to the secretary of the board no later than two weeks prior to the date of the examination. Any applicant failing in the examination, and being refused a license, is entitled to a reexamination without the payment of an additional examination fee, after the expiration of six months and prior to the expiration of 12 months from the time of the examination. [Amended by 1953 c.525 §6; 1969 c.276 §4]

682.055 Reciprocal licensing; use of national board examination. (1) Notwithstanding the provisions of ORS 682.050, the

board may issue a license to practice podiatry without a written examination of the applicant if the applicant has a license to practice podiatry issued by a licensing agency of another state or territory of the United States and he complies with the other provisions of this chapter. Such a license shall not be issued unless the requirements, including the examination for such license are substantially similar to the requirements of this state for a license to practice podiatry. The board shall adopt rules governing the issuance of licenses to persons applying under this section. The license may be evidenced by a certificate of the board indorsed on the license issued by the other state or territory, or by issuance of a license as otherwise provided by this chapter.

(2) The board may accept a certificate of successful examination issued by the National Board of Podiatry Examiners in lieu of a written examination given by the board.

(3) The board may require an applicant under subsection (1) or (2) of this section to take an oral examination conducted by one or more members of the board. [1969 c.276 §6]

682.060 Time and place of examinations. Examinations to procure a license to practice podiatry in this state shall be held annually and at such other times and places as the board shall fix.

682.065 Fees. The following schedule establishes the maximum examination and license fees for podiatrists. Actual fees, not to exceed the maximums, shall be established by the board and approved by the Budget Division of the Executive Department. The maximum fees shall be:

(1) $100 for a written examination and issuance of a license.

(2) $100 for a license based upon a license issued by another state or territory of the United States as authorized by ORS 682.055.

(3) $100 for a license based upon a certificate issued by the National Board of Podiatry Examiners as authorized by ORS 682.055. [1969 c.276 §7]

682.070 Designation of licensees. (1) All licensees shall be designated as "registered podiatrists" and shall not use any title or abbreviation thereof without the designation "registered podiatrist," "practice limited to the foot," and shall not mislead the public as to their limited professional qualifications to treat human ailments.

(2) Any duly licensed podiatrist must pursue the profession under that person's name only, as it appears in the license, and not under any other name or trade name, using the title of "podiatrist" and not any other title.

(3) The term "foot specialist" may be used as an explanatory term of the title "podiatrist" and not as a substitute therefor and not alone. [Amended by 1979 c.142 §2]

682.080 Display of licenses. Licenses granted under this chapter shall be conspicuously displayed at the office or other place of practice of the licensee. [Amended by 1971 c.621 §41; 1975 c.607 §45; 1979 c.114 §3]

682.090 Renewal of licenses; fee. In addition to meeting the requirements provided in ORS 682.095, every licensed podiatrist shall reregister the podiatrist's license on July 1 of each year by paying to the secretary of the board a fee of $50. If such fee is not paid or the requirements of ORS 682.095 are not met by October 1 of each year, the license shall be considered revoked as of October 1 of that year . The license shall be reissued only upon satisfaction of the requirements provided in ORS 682.095 and application made within three years from the date of revocation and upon payment of a restoration fee of $50. [Amended by 1953 c.525 §6; 1955 c.135 §1; 1965 c.47 §1; 1969 c.276 §8; 1975 c.697 §4; 1979 c.114 §1]

682.095 Continuing education required. (1) Except as provided in subsection (2) of this section, any podiatrist at the time he submits the annual fee required under ORS 682.090 shall submit evidence satisfactory to the board of his successful completion of an approved program of continuing podiatry education, if any, in the 12-month period preceding the date on which the fee is submitted.

(2) The board may exempt a podiatrist from the requirements of subsection (1) of this section upon an application showing by evidence satisfactory to the board that the podiatrist was unable to comply with the requirements because of unusual or extenuating circumstances. [1975 c.697 §2]

682.100 Suspension of licentiate for misconduct. The board may suspend any licentiate for a period not to exceed six months on account of any misconduct on the part of the licentiate if the misconduct would not justify a revocation of the license.

682.110 Grounds for refusal or revocation of license. The board, after due hearing, may refuse to grant or reregister and may suspend or revoke any license issued under this chapter to a person, otherwise qualified, who:

(1) Obtained such license by fraudulent representations or dishonesty in taking an examination.

(2) Is convicted of a felony, or of a misdemeanor involving moral turpitude.

(3) Has knowingly made false and deceptive statements in advertising.

(4) Has conducted business in an unprofessional or dishonest manner.

(5) Is addicted to liquor, drugs or controlled substances to such a degree as to render the person unfit to practice.

(6) Wilfully or repeatedly violates any of the provisions of ORS chapter 682 or the rules of the board. [Amended by 1953 c.525 §6; 1969 c.276 §9; 1979 c.744 §55]

682.115 License denial procedure; review of board orders. (1) Where the board proposes to refuse to issue or renew a license, or proposes to revoke or suspend a license, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.500.

(2) Judicial review of orders under subsection (1) of this section shall be as provided in ORS 183.310 to 183.500. [1971 c.734 §126]

682.120 [Repealed by 1969 c.276 §10 (682.125 enacted in lieu of 682.120 and 682.130)]

682.125 [1969 c.276 §11 (enacted in lieu of 682.120 and 682.130); repealed by 1971 c.734 §21]

682.130 [Repealed by 1969 c.276 §10 (682.125 enacted in lieu of 682.120 and 682.130)]

682.140 Reissuance of licenses. The board may, at its discretion, in case a license has been revoked or the renewal thereof refused, reissue such license at the expiration of six months from the time such license was revoked.

STATE BOARD

682.150 State Board of Podiatry Examiners; members; confirmation; terms of office. (1) A board of examiners to consist of five persons and to be known as the State Board of Podiatry Examiners, hereby is created in the Health Division to carry out the purposes and enforce the provisions of this chapter. Members of the board shall be appointed by the Governor, for three-year terms, but none shall serve more than three consecutive terms without the lapse of at least one term.

(2) Of the members of the board:

(a) Three shall be podiatrists who have been residents of this state for at least two years and have held licenses as podiatrists for no less than two years.

(b) Two shall be appointed from among members of the general public.

(3) If a vacancy occurs, the Governor shall appoint a member, as appropriate, to serve for the unexpired term.

(4) All appointments of members of the board by the Governor are subject to confirmation by the Senate in the manner provided in ORS 171.560 and 171.570.

(5) Not later than February 1 of each year, the Oregon Podiatry Association shall nominate three qualified podiatrists for appointment to the vacancy under paragraph (a) of subsection (2) of this section of the member of the board whose term expires in that year, and shall certify its nominees to the Governor. The Governor may make his appointment from among the nominees whose names were submitted by the Oregon Podiatry Association. [Amended by 1961 c.248 §4; 1969 c.276 §12; 1971 c.650 §31; 1973 c.289 §1]

682.160 Powers of the board. (1) The board shall elect a president and treasurer, have a common seal, and has the power to administer oaths. The headquarters of the board is the office of the secretary of the board. The board has the power to make and enforce reasonable rules for the procedure of the board, for the conduct of examinations, for the requirements of continuing education in podiatry and for the practice of podiatry not inconsistent with the provisions of this chapter.

(2) Upon its own motion or upon any complaint, the board may initiate and conduct investigations of and hearings on all matters relating to the practice of podiatry, the discipline of licensees or to the enforcement of any provisions of this chapter.

(3) In the conduct of investigations, the board may:

(a) Take evidence;

(b) Take the depositions of witnesses, including the person charged, in the manner provided by law in civil cases;

(c) Compel the appearance of witnesses, including the person charged, before it in person the same as in civil cases;

(d) Require answers to interrogatories; and

(e) Compel the production of books, papers, accounts, documents and testimony pertaining to the matter under investigation or the hearing.

(4) In exercising its authority under subsection (3) of this section, the board may issue subpenas over the signature of the secretary and the seal of the board in the name of the State of Oregon. Issuance of each subpena must be authorized by the vote of a majority of the board.

(5) In all investigations and hearings, the board and any person affected thereby may have the benefit of counsel, and all hearings shall be held in compliance with ORS 183.310 to 183.500.

(6) If any person fails to comply with any subpena or order of the board under this section, the judge of the circuit court of any county on the application of the board or its representative shall compel obedience by process for contempt as in the case of disobedience of the requirements of a subpena or order from such court. [Amended by 1953 c.525 §6; 1975 c.697 §5; 1979 c.114 §2]

682.165 Approval of program of continuing education. (1) Any person seeking approval of a program of continuing education to assist podiatrists in meeting the requirements of subsection (1) of ORS 682.095 shall submit to the board, at such times as the board may require, copies of such courses of study and proof of such other qualifications as the board may require.

(2) The board may approve any program or category of programs which can be used to satisfy the continuing education requirements of subsection (1) of ORS 682.095.

(3) Approval granted any course of study under subsection (2) of this section shall be reviewed periodically and approval shall be withdrawn from any course of study which fails to meet the requirements of the board. [1975 c.697 §3]

682.170 Compensation and expenses of board members. Members are entitled to compensation and expenses as provided in ORS 292.495. [Amended by 1967 c.15 §2; 1969 c.276 §13; 1969 c.314 §83]

682.180 [Repealed by 1969 c.317 §2]

682.190 [Amended by 1953 c.525 §6; 1955 c.135 §2; 1957 c.700 §1; 1967 c.637 §30; 1969 c.276 §14; repealed by 1973 c.427 §22 (682.191 enacted in lieu of 682.190)]

682.191 Disposition of moneys received under chapter. All moneys received by the Health Division under this chapter shall be paid into the General Fund in the State Treasury and placed to the credit of the Health Division Account and such moneys hereby are appropriated continuously and shall be used only for the administration and enforcement of this chapter. [1973 c.427 §23 (enacted in lieu of 682.190)]

ENFORCEMENT

682.200 Enforcement. All sheriffs, constables and district attorneys within this state shall cooperate with the board in carrying out the provisions of this chapter and in prosecuting persons practicing podiatry within this state who are not licensed as provided in this chapter and shall prosecute all other violations of this chapter. [Amended by 1961 c.248 §5]

682.210 Jurisdiction. Circuit courts, justice courts, municipal courts acting as justice courts and district courts have jurisdiction in matters pertaining to the violation of ORS 682.020.

PENALTIES

682.990 Penalties. Any person who knowingly violates any of the provisions of ORS 682.020 shall, upon conviction, be fined an amount not exceeding $300, or be imprisoned in the county jail for a period not to exceed one year.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
October 1, 1979.

Thomas G. Clifford
Legislative Counsel