

Bill as Introduced

HB 1139 - AS INTRODUCED

2010 SESSION

10-2082
10/09

HOUSE BILL **1139**

AN ACT relative to the regulation of podiatrists by the board of podiatry.

SPONSORS: Rep. DeJoie, Merr 11

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill makes various changes to the regulation of podiatrists and the administration of the board of podiatry.

Explanation: Matter added to current law appears in **bold italics**.
 Matter removed from current law appears [~~in brackets and struckthrough~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to the regulation of podiatrists by the board of podiatry.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Podiatry; Examination Requirement. Amend RSA 315:2, I to read as follows:

2 I. Any person admitted to practice podiatry in this state shall be required to pass an
3 examination [~~before the board~~] **given by the National Board of Podiatric Medical Examiners.**
4 The person shall be of good professional character and at least 18 years of age. The person shall
5 have graduated from a college of podiatry or podiatry medicine which is accredited by the American
6 Podiatric Medical Association, and maintaining at that time a standard satisfactory to the board. No
7 person who is not licensed as a podiatrist as provided by RSA 315:8 shall practice or attempt to
8 practice podiatry in the state or call oneself or allow oneself to be called a “podiatrist” or a “podiatric
9 surgeon” or designate or describe the person's occupation by the use of any words or letters to lead
10 others to believe that the person is so licensed.

11 2 Compensation of Board. RSA 315:3 is repealed and reenacted to read as follows:

12 315:3 Compensation. The members of the board shall receive per diem compensation of \$50 for
13 meetings and other board activities requiring 2 or more hours in a 24-hour period, and shall be
14 reimbursed for travel expenses incurred in connection with the work of the board.

15 3 Examinations. Amend RSA 315:7 to read as follows:

16 315:7 Examinations. Successful passage of the National Board of Podiatric Medical Examiners
17 test parts [~~1 and 2 as well as PM-Lexis~~] **I, II, and III** is required. The board shall keep a record of
18 examination results.

19 4 License Renewal. RSA 315:11 is repealed and reenacted to read as follows:

20 315:11 License Renewal. Every person licensed to practice under this chapter shall apply to the
21 board on a biennial basis for renewal of license on forms provided by the board and shall pay a
22 renewal fee as established in rules of the board. If a person applies to the board for renewal of
23 license by June 30 of the year in which the licensee's renewal is set to occur, the license shall not
24 expire until the board has taken final action on the application for renewal. At least 20 days prior to
25 the expiration of any license, the board shall cause a notice to be mailed to the licensee advising him
26 or her of the expiration date and enclosing a blank renewal application form.

27 5 Neglect to Renew; Reinstatement. RSA 315:12 is repealed and reenacted to read as follows:

28 315:12 Neglect to Renew. Any licensee who fails to renew his or her license by June 30 of the
29 year in which the licensee's renewal is set to occur, shall be required to pay double the renewal fee if
30 paid within 90 days of the expiration date. Any failure, neglect, or refusal on the part of any person
31 licensed by the board to renew the license as provided in RSA 315:11 or this section shall

1 automatically result in the lapse of the license. Licenses lapsed under this section for nonpayment
2 within 90 days shall not be reinstated except upon payment of a reinstatement fee as established in
3 rules adopted by the board, and a showing of such evidence of professional competence as the board
4 may reasonably require.

5 6 Notice of Expiration. Amend RSA 315:13 to read as follows:

6 315:13 Notice of Expiration. The secretary shall [~~also~~] mail a notice to each holder of a license
7 that has not been renewed *within 90 days of the expiration date*, advising him *or her* of the
8 expiration of [~~his~~] *the* license and the penalty of practicing podiatry without holding a license and
9 the condition and terms upon which his *or her* license may be [~~revived and renewed~~] *reinstated*.

10 7 New Section; Reinstatement. Amend RSA 315 by inserting after section 13 the following new
11 section:

12 315:13-a Reinstatement. Any person who has not renewed his or her license within 90 days of
13 the expiration date shall only have his or her license restored upon the filing of a reinstatement
14 application, accompanied by the reinstatement fee as established by the board, proof of satisfaction
15 of continuing podiatric education requirements established by RSA 315:2, II, and such other evidence
16 of professional competence as the board may reasonably require.

17 8 Repeal. The following are repealed:

18 I. RSA 315:8, IV, relative to expiration and renewal of annual licenses.

19 II. RSA 315:14, relative to list of licensees.

20 9 Effective Date. This act shall take effect 60 days after its passage.

Amendments

Amendment to HB 1139

Replaced by
New Amendment
Created

1 Amend the bill by replacing section 1 with the following:

2
3 1 Podiatry; Examination Requirement. Amend RSA 315:2, I to read as follows:

4 I. Any person admitted to practice podiatry in this state shall be required to pass an
5 examination ~~[before the board]~~ **given by the National Board of Podiatric Medical Examiners.**
6 The person shall be of good professional character ~~[and at least 18 years of age]~~. The person shall
7 have graduated from a college of podiatry or podiatry medicine which is accredited by the American
8 Podiatric Medical Association, and maintaining at that time a standard satisfactory to the board. No
9 person who is not licensed as a podiatrist as provided by RSA 315:8 shall practice or attempt to
10 practice podiatry in the state or call oneself or allow oneself to be called a "podiatrist" or a "podiatric
11 surgeon" or designate or describe the person's occupation by the use of any words or letters to lead
12 others to believe that the person is so licensed.

13
14 Amend the bill by replacing section 4 with the following:

15
16 4 License Renewal. RSA 315:11 is repealed and reenacted to read as follows:

17 315:11 License Renewal; Inactive Status.

18 I. Every person licensed to practice under this chapter shall apply to the board on a biennial
19 basis for renewal of license on forms provided by the board and shall pay a renewal fee as
20 established in rules of the board. As a condition of renewal of license, each licensee shall show proof
21 of having completed the continuing education units as required in rules adopted by the board.

22 II. If a person applies to the board for renewal of license by June 30 of the year in which the
23 licensee's renewal is set to occur, the license shall not expire until the board has taken final action on
24 the application for renewal. At least 20 days prior to the expiration of any license, the board shall
25 cause a notice to be mailed to the licensee advising him or her of the expiration date and enclosing a
26 blank renewal application form.

27 III. Upon the request of a person licensed by the board who is a member of any reserve
28 component of the armed forces of the United States or the national guard and is called to active duty,
29 the board shall place such person's license on inactive status. The license may be reactivated, after
30 notification to the board, within one year of the person's release from active status by payment of the
31 renewal fee and with proof of completion of the most current continuing education requirement
32 unless still within the renewal period.

Amendment to HB 1139

- Page 2 -



1

2 Amend the bill by inserting after section 7 the following and renumbering the original sections 8-9 to
3 read as 9-10, respectively:

4

5 8 Rulemaking; Continuing Education Requirements. Amend RSA 315:4, V to read as follows:

6 V. How a license shall be renewed, *including the requirements for continuing*
7 *education;*

Amendment to HB 1139

1 Amend the bill by replacing section 1 with the following:

2
3 1 Podiatry; Examination Requirement. Amend RSA 315:2, I to read as follows:

4 I. Any person admitted to practice podiatry in this state shall be required to pass ~~an~~ **a**
5 **proctored** examination ~~[before the board]~~ **given by the National Board of Podiatric Medical**
6 **Examiners**. The person shall be of good professional character ~~[and at least 18 years of age]~~. The
7 person shall have graduated from a college of podiatry or podiatry medicine which is accredited by
8 the American Podiatric Medical Association, and maintaining at that time a standard satisfactory to
9 the board. No person who is not licensed as a podiatrist as provided by RSA 315:8 shall practice or
10 attempt to practice podiatry in the state or call oneself or allow oneself to be called a "podiatrist" or a
11 "podiatric surgeon" or designate or describe the person's occupation by the use of any words or letters
12 to lead others to believe that the person is so licensed.

13
14 Amend the bill by replacing section 3 with the following:

15
16 3 Examinations. Amend RSA 315:7 to read as follows:

17 315:7 Examinations. Successful passage of ~~the~~ **a proctored** National Board of Podiatric
18 Medical Examiners test, parts ~~[1 and 2 as well as PM Lexis]~~ **I, II, and III** is required. The board
19 shall keep a record of examination results.

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21 Amend the bill by replacing section 4 with the following:

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23 4 License Renewal. RSA 315:11 is repealed and reenacted to read as follows:

24 315:11 License Renewal; Inactive Status.

25 I. Every person licensed to practice under this chapter shall apply to the board on a biennial
26 basis for renewal of license on forms provided by the board and shall pay a renewal fee as
27 established in rules of the board. As a condition of renewal of license, each licensee shall show proof
28 of having completed the continuing education units as required in rules adopted by the board.

29 II. If a person applies to the board for renewal of license by June 30 of the year in which the
30 licensee's renewal is set to occur, the license shall not expire until the board has taken final action on
31 the application for renewal. At least 20 days prior to the expiration of any license, the board shall
32 cause a notice to be mailed to the licensee advising him or her of the expiration date and enclosing a

Amendment to HB 1139

- Page 2 -

1 blank renewal application form.

2 III. Upon the request of a person licensed by the board who is a member of any reserve
3 component of the armed forces of the United States or the national guard and is called to active duty,
4 the board shall place such person's license on inactive status. The license may be reactivated, after
5 notification to the board, within one year of the person's release from active status by payment of the
6 renewal fee and with proof of completion of the most current continuing education requirement
7 unless still within the renewal period.

8

9 Amend the bill by inserting after section 7 the following and renumbering the original sections 8-9 to
10 read as 9-10, respectively:

11

12 8 Rulemaking; Continuing Education Requirements. Amend RSA 315:4, V to read as follows:

13 V. How a license shall be renewed, *including the requirements for continuing*
14 *education*;

15

16 Amend the bill by replacing section 9 with the following:

17

18 9 Repeal. The following are repealed:

19 I. RSA 315:8, IV, relative to expiration and renewal of annual licenses.

20 II. RSA 315:14, relative to list of licensees.

21 III. RSA 315:4, XI, relative to rulemaking regarding matters of proper administration of the
22 chapter.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 1139

BILL TITLE: relative to the regulation of podiatrists by the board of podiatry.

DATE: January 27, 2010

LOB ROOM: 306 **Time Public Hearing Called to Order:** 10:05 am

Time Adjourned: 10:35 am

(please circle if present)

Committee Members: Reps Irwin, Hardine, Pilotte, P. McMahon, Jeudy, Schmidt, Beck, D. Sullivan, D. Petterson, Houde-Guimby, Flurey, Hawkins, K. Day, Reagan, K. Gould, S. Seaman, McGuire, C. Pratt, L. Ryder and Vita.

Bill Sponsors: Rep. DeJoie, Merr 11

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

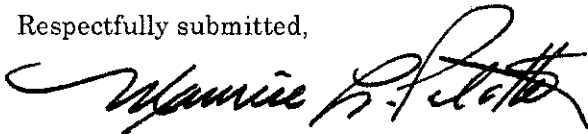
Rep. DeJoie, sponsor, introduced bill.

- Bill was filed at the request of the Board of Podiatry
- Brings statute in line with current practice
- Need reinstatement if licensees fail to renew for more than 90 days

Dr. Limburg, President, NH Board of Podiatry. Supports bill.

- Exam is proctored
- Only one national exam by Nat'l Board of Podiatric Medical Examiners
- Fees to change from \$75/yr to \$300/2 yr period
- 55 practicing podiatrists and 50 who are licensed but not in active practice
- Rulemaking authority generally allows for CME and fees but could be more specific

Respectfully submitted,



Rep. Maurice. L. Pilotte

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 1139

BILL TITLE: relative to the regulation of podiatrists by the board of podiatry.

DATE: Jan. 27, 2010

LOB ROOM: 306

Time Public Hearing Called to Order: 10:05

Time Adjourned: 10:35

(please circle if present)

Committee Members: Reps. Irwin, Harding, Pilote, P. McMahon, Jeudy, Schmidt, Beck, D. Sullivan, D. Petterson, Houde-Chirak, Fluro, Hawkins, R. Day, Reagan, K. Gould, S. Scamman, McGuire, C. Pratt, D. Ryder and Vita.

Bill Sponsors: Rep. DeJoie, Merr 11

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep DeJoie - Introduced
- Filed at the request of the board of podiatry
- Bills statute in line w/ current practice
- Need reinstatement if ~~for~~ licensees fail to renew for more than 90 days.

Dr. Rumburg - Pres of NH Board of Podiatry.
- Exam is proctored.
- Only one National Exam - by Natl Board of Podiatric Medical Examiners.
- Fees ~~can~~ to change from \$75/year to \$300/2 year period.
- 55 practicing podiatrists + 50 who are licensed but not in active practice.
- Rulemaking authority generally allows for CME and fees but could be more specific.

Licensure sub-committee

House Bill 1139 Minutes Feb9, 2010

Present Rep Houde-Quimby, McGuire, Scamman, Beck, Ryder
Rep Schmidt in attendance

Mtg called to order at 9:02 by Rep Houde-Quimby

Rep H-Q explained the reason for the bill

Chair passed to Rep McGuire who asked for a position on bill

Rep Ryder thought it should go to Interim Study to allow time to formulate plan
Rep Scamman agreed

Rep H-Q felt we should support RDH as part of Allied Health Bill and take a
subcommittee approach

Rep Schmidt said study better than ITL and we need a proposal to move forward

Rep H-Q —query Leg Services about boilerplate to define where it might fit in Allied
Health

Rep McGuire—if no boilerplate than Int Study

RECESS UNTIL Rep H-Q gets info

Rep H-Q Allied Health staff 2 FT 2PT

6 current board members approx 2000 members in plan

Rep H-C will put together an amendment to put RDH as separate board in Allied Health

Next meeting FEB 16,2010 at 9:00 AM

Adjourn at 10:02

Sub-Committee Minutes

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SUBCOMMITTEE WORK SESSION ON HB 1139

BILL TITLE: relative to the regulation of podiatrists by the board of podiatry.

DATE: February 2, 2010

Subcommittee Members: Reps. Houde-Quimby, Scamman,, Ryder, Beck, and Flurey

Comments and Recommendations: Amendment will be written to address concerns. * Talk of removing 18 year age requirement. CME's are listed in Rules and not in RSA. * RSA 315:11 – CME's must be incorporated. (CEU's) Change law for 2 year renewal. Why is RSA 315:14 being repealed? Can be done through association vs. law. Trying to cut costs – put on website. Not listed with board of medicine – must go to Podiatrists site. License fee to remain at \$75/year (\$150 for new 2 year). * Add military exclusion.

Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Don Ryder
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SUBCOMMITTEE WORK SESSION ON HB 1139

BILL TITLE: relative to the regulation of podiatrists by the board of podiatry.

DATE: 2-2-2010

Subcommittee Members:

Reps.

Haide-Cosimby, Scammou, Ryder
Becks, Flubey

Comments and Recommendations:

Amendment will be written to address concerns (X)

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.

Subcommittee Chairman/Clerk

Ryder

* Talk of Removing 18 Year Age Requirement

- CMEs are listed in Rules & not in RSA
- * RSA 315:11 - CMEs must be incorporated. (CEUs)
- Change Law for 2 Year Renewal

◦ Why is RSA 315:14 Being Repealed?

Can be done through Association vs Law
Trying to cut costs - put on website

- Not listed w/ board of medicine - rest go to Podiatrists
5 ito
- License fee to remain at \$75/yr (\$150 Renewal 2yr)

* Add military exclusion

Voting Sheets

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 1139

BILL TITLE: relative to the regulation of podiatrists by the board of podiatry.

DATE: February 9, 2010

LOB ROOM: 306

Amendments:

Sponsor: Rep. Ryder OLS Document #: 2010 0491h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Ryder

Seconded by Rep. McGuire

Vote: 17-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Ryder

Seconded by Rep. McGuire

Vote: 17-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 17-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Maurice L. Pilotte, Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 1139

BILL TITLE: relative to the regulation of podiatrists by the board of podiatry.

DATE: 2/9/10

LOB ROOM: 306

Amendments:

Sponsor: Rep. *Ryder* OLS Document #: *2010-04912.*
Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Amendment Moved by Rep. *Ryder*
Seconded by Rep. *McGuire*
Vote: *17-0* (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Ryder*
Seconded by Rep. *McGuire*
Vote: *17-0* (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: *17-0*

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Maurice L. Pilotte, Clerk

Maurice L. Pilotte

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Bill #: HB 1139 Title: re: regulation of podiatrists by the board of podiatry
 PH Date: 1/27/10 Exec Session Date: 2/9/10

Motion: Amendment OTP Amendment #: 2010-0491 h.

MEMBER	YEAS	NAYS
Irwin, Anne-Marie, Chairman	✓	
Harding, Laurie, V Chairman	✓	
Pilote, Maurice L, Clerk	✓	
McMahon, Patricia M	<i>Absent</i>	
Jeudy, Jean L	✓	
Schmidt, Peter B	✓	
Beck, Catriona D	✓	
Sullivan, Daniel J	<i>Absent.</i>	
Petterson, Don	✓	
Houde-Quimby, Charlotte	✓	
Flurey, Joan S	<i>Absent</i>	
Hawkins, Ken	✓	
Day, Russell C	✓	
Reagan, John M	✓	
Gould, Kenneth H	✓	
Scamman, Stella	✓	
McGuire, Carol M	✓	
Pratt, Calvin D	✓	
Ryder, Donald F	✓	
Vita, Carol M	✓	

TOTAL VOTE: 17-0
 Printed: 12/18/2009

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Bill #: HB 1139 Title: re. regulation of podiatrists by the board of podiatry
 PH Date: 1/27/10 Exec Session Date: 2/9/10
 Motion: OTP/A Amendment #: 2010-0491h.

MEMBER	YEAS	NAYS
Irwin, Anne-Marie, Chairman	✓	
Harding, Laurie, V Chairman	✓	
Pilote, Maurice L, Clerk	✓	
McMahon, Patricia M	Absent	
Jeudy, Jean L	✓	
Schmidt, Peter B	✓	
Beck, Catriona D	✓	
Sullivan, Daniel J	Absent	
Petterson, Don	✓	
Houde-Quimby, Charlotte	✓	
Flurey, Joan S	Absent	
Hawkins, Ken	✓	
Day, Russell C	✓	
Reagan, John M	✓	
Gould, Kenneth H	✓	
Scamman, Stella	✓	
McGuire, Carol M	✓	
Pratt, Calvin D	✓	
Ryder, Donald F	✓	
Vita, Carol M	✓	
TOTAL VOTE: <u>17-0</u>		

Committee Report

CONSENT CALENDAR

February 9, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on EXECUTIVE DEPARTMENTS AND
ADMINISTRATION to which was referred HB1139,**

**AN ACT relative to the regulation of podiatrists by the
board of podiatry. Having considered the same, report
the same with the following amendment, and the
recommendation that the bill OUGHT TO PASS WITH
AMENDMENT.**

Rep. Donald F Ryder

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	EXECUTIVE DEPARTMENTS AND ADMINISTRATION
Bill Number:	HB1139
Title:	relative to the regulation of podiatrists by the board of podiatry.
Date:	February 9, 2010
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

This bill is a housekeeping bill. It updates the name of the examination podiatrists are required to pass along with additional requirements. It also raises the per diem compensation they will receive for meeting attendance. The renewal period is increased to a two year period with the cost adjusted and a penalty instituted for neglect of renewal. The amendment adds a military clause, adds "proctored" to exam requirements and removes a clause allowing free control over rulemaking.

Vote 17-0.

Rep. Donald F Ryder
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB1139, relative to the regulation of podiatrists by the board of podiatry. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald F Ryder for EXECUTIVE DEPARTMENTS AND ADMINISTRATION. This bill is a housekeeping bill. It updates the name of the examination podiatrists are required to pass along with additional requirements. It also raises the per diem compensation they will receive for meeting attendance. The renewal period is increased to a two year period with the cost adjusted and a penalty instituted for neglect of renewal. The amendment adds a military clause, adds "proctored" to exam requirements and removes a clause allowing free control over rulemaking. **Vote 17-0.**

Original: House Clerk

Cc: Committee Bill File

ED&A

 **DRAFT**

HB 1139

This bill is ~~some~~ what of a housekeeping bill. It updates the name of the examination podiatrists are required to pass along with additional requirements. It also raises the per diem compensation they will receive for meeting attendance. The renewal period is increased to a two year period with the cost adjusted and a penalty instituted for neglect of renewal. The amendment adds a military clause, adds "proctored" to exam requirements and removes a clause allowing free control over rulemaking.

Rep. Ryder



Rep. AM Irwin, Chair

HB 1139

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Rep Don Ryder