

ILLINOIS REGISTER

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DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

The Department of Financial and Professional Regulation is posting these proposed amendments in an effort to make the public aware of possible changes that may have an impact on the profession.

The general public may submit written comments to the Department during the first 45 day public comment period. Any suggested changes will be considered by the Department and the appropriate Board.

These proposed amendments will be published in the July 30, 2010 Illinois Register. The 45 day comment period will end September 13, 2010.

Please submit written comments to Craig Cellini as stated in the attached notice.

**THESE PROPOSED CHANGES ARE NOT IN EFFECT AT THIS TIME AND THE ADOPTED RULES MAY DIFFER FROM THOSE ORIGINALLY PUBLISHED.**

- 1) Heading of the Part: Podiatric Medical Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1360
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1360.60	Amendment
1360.70	Amendment
- 4) Statutory Authority: Implementing the Podiatric Medical Practice Act of 1987 [225 ILCS 100] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 95-235 was the sunset reauthorization of the Podiatric Medical Practice Act of 1987. A previous rulemaking implemented its provisions, including an increase in the number of continuing education hours required for license renewal. The CE change was not made, however, in the requirements for the restoration of a license (1360.60); this proposed rulemaking corrects that oversight. In addition, changes are being made concerning CE hours that may be earned through non-supervised individual activities to greatly increase the options available to licensees for meeting the CE requirement.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

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- 7) Will this rulemaking replace emergency rules currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may submit written comments to:

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3rd Floor  
Springfield, IL 62786

217/785-0813 Fax: 217/557-4451

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing podiatric services.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: Podiatric skills are required for licensure.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2010

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The full text of the Proposed Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1360  
PODIATRIC MEDICAL PRACTICE ACT OF 1987

Section

1360.10	Statutory Authority (Repealed)
1360.20	Approved Colleges of Podiatry
1360.30	Application for Examination
1360.40	Examination
1360.45	Application for Licensure on the Basis of Examination
1360.50	Endorsement
1360.55	Renewals
1360.60	Restoration
1360.65	Temporary Licenses
1360.70	Continuing Education
1360.75	Visiting Professor Permits
1360.80	Definition of "Human Foot" (Repealed)
1360.85	Advertising
1360.86	Mandatory Reporting of Impaired Podiatric Physicians by Health Care Institutions
1360.90	Granting Variances
1360.95	Dishonorable, Unprofessional and Unethical Conduct Standards
1360.APPENDIX A	Curriculum Requirements (Repealed)
1360.APPENDIX B	Clinical Training Requirements (Repealed)

AUTHORITY: Implementing the Podiatric Medical Practice Act of 1987 [225 ILCS 100] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 4 Ill. Reg. 50, p. 58, effective December 3, 1980; codified at 5 Ill. Reg. 11053; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 915, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 8402, effective July 2, 1982; amended at 7 Ill. Reg. 7668, effective June 15, 1983; amended at 9 Ill. Reg. 5377, effective April 4, 1985; transferred from Chapter I, 68 Ill. Adm. Code 360 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1360 (Department of Professional Regulation) pursuant to P.A.

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85-225, effective January 1, 1988, at 12 Ill. Reg. 2962; amended at 13 Ill. Reg. 4234, effective March 21, 1989; amended at 14 Ill. Reg. 701, effective December 28, 1989; amended at 16 Ill. Reg. 13281, effective August 18, 1992; amended at 18 Ill. Reg. 16433, effective October 21, 1994; amended at 20 Ill. Reg. 10692, effective July 26, 1996; amended at 23 Ill. Reg. 12681, effective October 5, 1999; amended at 30 Ill. Reg. 4704, effective March 1, 2006; amended at 33 Ill. Reg. 14111, effective September 28, 2009; amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1360.60 Restoration**

- a) A person seeking restoration of a license that has expired for 5 years or less shall have the license restored upon payment of \$100 plus all lapsed renewal fees required by Section 18(a)(4) of the Act and proof of 10050 hours of continuing education, as defined in Section 1360.70 of this Part, earned within the 2 years preceding restoration of the license.
- b) A person seeking restoration of a license that has been placed on inactive status for 5 years or less shall have the license restored upon payment of the current renewal fee and proof of 10050 hours of continuing education, as defined in Section 1360.70 of this Part, earned within 2 years preceding the restoration of the license.
- c) A person seeking restoration of a license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Division, together with the fee required by Section 18(a)(4) of the Act, and be scheduled for an interview before the Board. The person shall also submit either:
  - 1) Certification of active practice in another jurisdiction and proof of 10050 hours continuing education as defined in Section 1360.70 of this Part during the 2 years prior to restoration. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the applicant was authorized to practice during the term of active practice; or
  - 2) Proof of successful completion of the PM Lexis examination in accordance with Section 1360.40 within one year before applying for restoration.

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- d) Pursuant to Section 15(D) of the Act, anyone applying for restoration of a license that has expired or been placed on inactive status while in military service shall submit an affidavit attesting to that service. If the application is made within 2 years after discharge and if all other provisions of Section 15(D) are met, the applicant will only be required to pay the current renewal fee and will not be required to submit proof of continuing education.
- e) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration of a license shall be requested to:
  - 1) Provide such information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information. Upon the recommendation of the Board and approval by the Division, an applicant's license shall be restored.

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1360.70 Continuing Education**

- a) Continuing Education Hour Requirements
  - 1) Every renewal applicant who applies for renewal of a license as a podiatric physician must complete 100 hours of continuing education (CE) relevant to the practice of podiatric medicine.
  - 2) A prerenewal period is the 24 months preceding January 31 of each odd-numbered year.
  - 3) A renewal applicant is not required to comply with CE requirements for the first renewal.
  - 4) Podiatric physicians licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section.

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- b) Approved Continuing Education
- 1) All continuing education hours must be earned by verified attendance at or participation in a program or course sponsored, approved or given by a sponsor approved by the Council on Podiatric Medical Education; sponsored by the Illinois Podiatric Medical Association; or which is offered or sponsored by an approved continuing education sponsor who meets the requirements set forth in subsection (c), except for those activities provided in subsections (b)(2), (3), (4), (5), and (6).
  - 2) A maximum of 18 hours of credit per prerenewal period may be earned through postgraduate training programs (i.e., extern, residency, or fellowship programs) approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association as provided for in Section 5(G) of the Act.
  - 3) A maximum of 18 hours per prerenewal period may be earned for verified teaching in an approved podiatric medical college which meets the standards set forth in Section 1360.20 and/or as an instructor of continuing education through an approved sponsor. One hour of credit will be granted for actual presentation, plus actual preparation time of up to 2 hours for each hour of presentation. Preparation time shall not be allowed for presentations of the same course, and will only be allowed for additional study or research.
  - 4) Up to 15 total credit hours per prerenewal period may be claimed for papers, publications, books, presentations and exhibits. The preparation of each published paper, book chapter or audio-visual presentation dealing with Podiatric Medicine which is made available to health professionals may be claimed as 5 hours of credit. A presentation or exhibit must be before a professional audience of podiatrists or other health professionals. Five credit hours may be claimed for only the first time the information is published or presented.
  - 5) Up to ~~50~~15 total credit hours per prerenewal period may be earned through nonsupervised individual activities in the following areas:
    - A) Self-Instruction – ~~Up to 3 hours of~~ credit may be claimed for the use of audio-visual materials, programmed education materials,

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electronic teaching devices and the individual reading of podiatric medical literature.

- B) Patient Care Review – ~~credit~~Up to 3 hours may be claimed for time spent in programs concerned with the review and evaluation of patient care. This includes such activities as peer review.
  - C) Self-assessment – ~~Up to 3 hours of credit~~ may be claimed for time spent in self-assessment programs. These would include, for example, quizzes completed by the podiatrist after reading professional publications of a scientific or patient-care oriented nature, or completion of aptitude questionnaires provided by various organizations and societies.
  - D) Specialty Board or Specialty Organization Preparation – ~~credit~~Up to 6 hours may be claimed for nonsupervised individual activities carried out in preparation for an examination or to satisfy other requirements for membership in a specialty organization. No additional credit may be claimed for taking and/or passing an examination given by the board or organization.
- 6) Up to 10 hours of credit per prerenewal period may be claimed for verified formal learning experiences sponsored by hospitals, agencies, organizations or other institutions which are not approved continuing education sponsors, in subjects that facilitate the podiatrist's performance, such as courses in computerized patient-record systems, practice management, risk management or training – including advanced degree programs in education, health administration, and similar subjects.
- c) Approved CE Sponsors and Programs
- 1) Sponsor, as used in this Section, shall mean the Council on Podiatric Medical Education and its approved sponsors, the Illinois Podiatric Medical Association, or a person, firm, association, corporation, or any other group which has been approved and authorized by the Board and validated by the Illinois Podiatric Medical Association Continuing Education Committee to coordinate and present continuing education courses or programs.

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- 2) A sponsor shall submit the fee set forth in Section 18(a)(10) of the Act, along with a sponsor application that certifies:
  - A) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (c)(3) and all other criteria in this Section;
  - B) That the sponsor will be responsible for verifying attendance at each course or program, and provide a certificate of attendance as set forth in subsection (d);
  - C) That, upon request by the Division, the sponsor will submit such evidence (e.g., certificate of attendance or course materials) as is necessary to establish compliance with this Section. Such evidence shall be required when the Division has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance.
- 3) All courses and programs shall:
  - A) Contribute to the advancement, extension and enhancement of professional clinical skills and scientific knowledge in the practice of podiatric medicine;
  - B) Provide experiences which contain scientific integrity, and subject matter and course material relevant to podiatric medicine;
  - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
  - D) Specify the course objectives, course content and teaching methods to be used; and
  - E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal.
- 4) All programs given by approved sponsors shall be open to all licensed podiatric physicians and not be limited to members of a single organization or group.

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- 5) Continuing education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.
- 6) Each sponsor shall reapply by January 31 of each year. The sponsor shall submit to the Division, along with the completed sponsor application and the fee set forth in Section 18(a)(10) of the Act, a list of courses and programs offered within the last 12 months, which includes a brief description, location, date and time of the course.
- 7) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in an approved program or course with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:
  - A) The name and address of the sponsor;
  - B) The name and address of the participant;
  - C) A brief statement of the subject matter;
  - D) The number of hours attended in each program;
  - E) The date and place of the program; and
  - F) The signature of the sponsor.
- 8) The sponsor shall maintain attendance records for not less than five years.
- 9) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.
- 10) Upon the failure of any sponsor to comply with any of the foregoing requirements, the Division, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of such sponsor's CE activities until such time as the Division receives assurances of compliance with this Section.

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- 11) Notwithstanding any other provision of this Section, the Division or Board may evaluate any sponsor of any approved continuing education program at any time to ensure compliance with the requirements of this Section.
- d) Certification of Compliance with CE Requirements
  - 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b).
  - 2) The Division may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such additional evidence will be required in the context of the Division's random audit.
  - 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified in writing and may request an interview with the Board.
- e) Continuing Education Earned in Other Jurisdictions
  - 1) If a renewal applicant will be earning or has earned CE hours in another jurisdiction, but is not licensed in that jurisdiction and the course is not presented by an approved sponsor, the applicant shall submit an individual program approval request form, along with a \$20 processing fee, to have the program reviewed. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(5) of this Section. Applicants may seek individual program approval prior to the participation in the course or program. All individual program approval requests shall be submitted 90 days prior to the expiration date of the license.
  - 2) If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$20 processing fee plus a \$50 per credit hour late fee not to exceed \$300. The Board shall review and recommend approval and disapproval of the program using the criteria set forth in subsection (b) of this Section.

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- f) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Division a renewal application along with the required fee set forth in Section 18(a)(3) of the Act, a statement setting forth the facts concerning such non-compliance, and request for waiver of the CE requirements on the basis of such facts. The request for waiver shall be made prior to the renewal date. If the Division, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted, that extreme hardship has been shown for granting a waiver, the Division shall waive enforcement of the requirements for the renewal period for which the applicant has applied.
  - 2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prer renewal period because of:
    - A) Full time service in the Armed Forces of the United States of America during a substantial part of such period;
    - B) An incapacitating illness documented by a statement from a currently licensed physician;
    - C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; or
    - D) Any other similar extenuating circumstances.
  - 3) Any renewal applicant who, prior to the expiration date of a license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final Division decision on the application has been made.

(Source: Amended at 34 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)