

249 CMR 3.00: APPLICATION AND LICENSURE

Section

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3.01: Forms of and Requirements for Licensure

(1) Licensure by Examination.

(a) An applicant must submit a completed application to the Board. An application shall include verification of graduation from an approved college of podiatric medicine and the original results of the applicant's American Podiatric Medical Licensing Examination, administered by the National Board of Podiatric Medical Examiners.

(b) An applicant shall present to the Board satisfactory proof that he or she has served and satisfactorily completed a residency, of at least one year in duration, in a duly-licensed clinic, hospital, institution, facility or program approved by the Board. In *lieu* of a residency, the Board will accept a preceptorship program if the following conditions are satisfied:

1. The Board has reviewed and approved the preceptorship program.
2. The applicant may be required to submit a log of duties and responsibilities, including surgical cases, general work and educational courses, during the preceptorship.
3. The preceptorship is at least one year in duration.

The Board may waive the residency requirements in 249 CMR 3.01(1)(b) and (2) for an applicant who submits documentation sufficient to demonstrate, to the Board's satisfaction, that the applicant was licensed in another state prior to 1995 and that the other state did not require residency or preceptorship on the date the applicant was licensed.

(c) The applicant must submit three original letters attesting to the applicant's good moral character from individuals who have known the applicant for at least three years. None of these individuals may be a relative of the applicant.

(d) The applicant must pass Part I and Part II of the American Podiatric Medical Licensing Examination (the APMLE) and Part III (formerly known as the PMLexis examination), or other equivalent examinations approved by the Board, and pass the Massachusetts Jurisprudence Examination.

(e) The Board may conduct a personal interview before a licensure application is approved.

(f) An applicant who fails the licensure examination may be re-examined, upon payment of the required fee, at a time and place designated by the Board.

(2) Licensure by Reciprocity. The Board may issue a license to an applicant who furnishes satisfactory proof that he or she has the qualifications to be licensed in Massachusetts and that he or she has been licensed in another state for at least five years where the requirements for registration are, in the opinion of the Board, equivalent to those of Massachusetts, provided that such state accords a like privilege to holders of certificates of registration issued in Massachusetts and that the applicant has not previously failed to pass an examination required in Massachusetts. A state may be deemed to accord a like privilege to Massachusetts podiatrist if the state has a process by which a Massachusetts podiatrist may apply for licensure without taking additional licensing examinations other than a state-specific jurisprudence examination.

(3) Limited Licensure.

(a) A limited license enables a person to complete his or her podiatric medical training. The Board may issue a limited license to a person who has received an appointment as an intern, fellow or podiatric medical officer at a health care facility or in a training program or preceptorship approved by the Board.

(b) An applicant for a limited license must submit to the Board a completed application form and any additional information which the Board requests.

(c) If the Board determines that the applicant is qualified, it shall issue a limited license to the applicant.

(d) Limited licenses are subject to the following limitations:

1. A limited license authorizes a limited licensee to practice podiatry only in the training or preceptorship program or at the health care facility designated on the limited license or at the facility's approved affiliates. A limited licensee may practice podiatric medicine only under the supervision of a full licensee.

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2. A limited licensee may practice outside the health care facility designated on the license but only for the treatment of persons accepted as patients by the designated residency or preceptorship program.
 3. A limited license shall terminate automatically upon termination of the residency or preceptorship and, in any event, at the end of three years from the date of issue.
- (4) Temporary Licensure.
- (a) The Board may issue a temporary license to a podiatric physician licensed in another jurisdiction for a period in the following circumstances:
 1. to a podiatrist licensed in another jurisdiction who has a temporary faculty appointment certified by the chairman of the board of registration in podiatry for purposes of podiatric medical education. Such temporary licensure shall terminate automatically upon termination of the faculty appointment and, in any event, at the end of eight months from the date of issue.
 2. to permit a podiatrist licensed in another jurisdiction to act as a substitute podiatric physician for a registered podiatric physician in the commonwealth. A temporary license requested for this purpose shall be granted only upon the written request of said registered podiatric physician and to be limited to three months or less.
 3. to a podiatric physician eligible for examination or registration in the commonwealth who is a diplomate of a specialty board approved by the APMA to permit the individual to act as a substitute podiatric physician for a registered podiatric physician in the commonwealth. A temporary license requested for this purpose shall be granted only upon written request of said registered podiatric physician and shall be limited to the specialty to which the applicant is certified and to a duration of three months or less.

3.02: Denial of Licensure

The Board may deny an application for a license or renewal of a license if it determines that the applicant lacks good moral character or is otherwise not qualified for licensure.

3.03: Fees

- (1) The Secretary of the Executive Office of Administration and Finance has set a fee schedule, which may be revised from time to time, for all documents processed by the Board.
- (2) If an applicant submits an application which is processed by the Board and the applicant subsequently withdraws the application, the application fee is forfeited. In addition, any applicant failing to appear for a scheduled examination forfeits the application fee.

3.04: Requirements for Renewal and Reinstatement of a License

- (1) Renewal. Pursuant to M.G.L. c. 112, § 16, a licensee must annually renew a license obtained by examination or reciprocity. In order to renew a license the following requirements must be met:
 - (a) A licensee must submit to the Board a completed renewal application form demonstrating that he or she meets the statutory and regulatory requirements for renewal and the proper fee prior to the renewal date; and
 - (b) A licensee must provide proof of fulfillment of his or her continuing podiatric medical education requirement as described in 249 CMR 3.05 or obtain a waiver from the Board pursuant to 249 CMR 3.05(1).
- (2) If a licensee fails to renew a license, the license automatically expires. Failure to renew prohibits the licensee from practicing podiatric medicine until he or she has completed the renewal requirements.
- (3) Reinstatement. Any licensee who fails to renew his or her license after the date the license lapsed/expired, or who otherwise fails to meet the requirements for renewal of his or her registration, may apply to the Board for reinstatement of his or her license as follows:

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- (a) A licensee whose license lapsed/expired for a period of five years or less may have his or her license reinstated if:
 - 1. He or she submits the Board-approved form demonstrating that he or she meets the statutory and regulatory requirements for reinstatement and pays the current registration fee, applicable missed renewal fees as provided in M.G.L. c. 112, § 65F, and a late fee; and
 - 2. He or she submits written proof satisfactory to the Board that he or she has completed at least 15 hours of continuing education for each registration period which has elapsed since the date on which his or her license lapsed or expired.
- (b) A licensee whose license lapsed/expired for a period of more than five years and who has been engaged in the lawful practice of podiatry in another jurisdiction for a least two years during the period of expiration/lapse may have his or her license reinstated if:
 - 1. He or she satisfies all requirements of 249 CMR 3.04(3)(a); and
 - 2. He or she submits a certified written statement from the licensing or registration authority of each state or territory in which he or she practiced reflecting the status of his or her license to practice podiatry in that state or territory.
- (c) A licensee whose license lapsed/expired for a period of more than five years but does not meet the requirements of 249 CMR 3.04(3)(b) may have his or her license reinstated if:
 - 1. He or she satisfies all requirements of 249 CMR 3.04(3)(b); and
 - 2. He or she demonstrates his or her current competency to practice as required by the Board which may include but is not limited to obtaining a passing score on the current Massachusetts Jurisprudence Examination.

3.05: Continuing Medical Education (CME)

- (1) Each licensee shall present satisfactory evidence to the Board that in the previous 12 months he or she attended an educational conference(s) or program(s) approved by the Board for not less than 15 CME credits: provided however, that the Board may exempt from this requirement licensees who submit satisfactory proof that they were unable to attend an educational conference or program because of illness or other good cause. Requests for a waiver of the CME requirement due to special circumstances must be submitted in writing and directed to the Secretary of the Board. Only CME credits which have specifically been approved by the Board may be used to meet this requirement. Courses or programs approved for CME credit by the APMA or the Council of Podiatric Medical Education are approved by the Board.
- (2) Opioid Education and Pain Management Training. At least one credit of CME taken in the previous one year shall be in pain management training, pursuant to St. 2010, c. 283. Pain management training shall include, but not be limited to, training in how to identify patients at high risk for substance abuse and training in how to counsel patients on the side effects, addictive nature and proper storage and disposal of prescription medicines.
- (3) Any teaching organization or institute seeking CME approval from the Board shall submit a written request to the Secretary of the Board and shall provide a detailed course description. Additional information may be requested at the Board's discretion.
- (4) Audit and Sanctions for Noncompliance.
 - (a) Each licensee at the time of license renewal shall sign a statement, under penalty of perjury, that he or she has or has complied with the CME requirements set by the Board.
 - (b) A licensee who has not complied with the CME requirement shall not submit a renewal application and shall not practice with a lapsed/expired license. A licensee seeking a waiver of the CME requirement shall not be eligible for renewal of his or her license until he or she has received a written waiver of the CME requirement from the Board.
 - (c) The Board shall audit once each year a random sample of licensees who have reported compliance with the CME requirement. Those licensees selected for audit shall be required to document their compliance with the CME requirements of 249 CMR 3.05 on a form provided by the Board.

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(d) Any licensee who is found to have not completed the required number of hours of approved CME may be subject to disciplinary action and required to make up any deficiency during the next renewal period. Such licensees shall document to the Board the completion of any deficient hours identified by audit. Any licensee who fails to obtain the deficient hours, in addition to the hours required for the current renewal period, shall be ineligible for renewal of the license to practice podiatric medicine until such time as all the required hours of CME are completed and documented to the Board.

REGULATORY AUTHORITY

249 CMR 3.00: M.G.L. c. 112, §§ 16, 17A, 19 and 61 through 65.