

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PODIATRIC MEDICINE AND SURGERY – GENERAL RULES

Filed with the secretary of state on October 28, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, 16148, 16174, 16178, 16182, 16186, 16204, 16205, 16287, 18031, and 18033 of the public health code, 1978 PA 368, MCL 333.16145, 333.16148, 333.16174, 333.16178, 333.16182, 333.16186, 333.16204, 333.16205, 333.16287, 333.18031, and 333.18033, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.8103, R 338.8107, R 338.8109, R 338.8110, R 338.8113, R 338.8127, and R 338.8128 of the Michigan Administrative Code are amended and R 338.8102a is rescinded as follows:

PART 2. LICENSURE

R 338.8102a Rescinded.

R 338.8103 Licensure by examination; requirements.

Rule 103. An applicant for licensure by examination shall submit a completed application, on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated pursuant to the code, an applicant shall satisfy all of the following requirements:

(a) Have graduated from a school of podiatric medicine approved by the board in R 338.8113.

(b) Have achieved a passing score on the required parts of the American Podiatric Medical Licensing Examination (APMLE) sponsored by the National Board of Podiatric Medical Examiners (NBPME) as required by R 338.8104(4).

(c) Have achieved a converted score of not less than 75 on the podiatric jurisprudence examination administered by the department or an entity approved by the department.

(i) The jurisprudence examination shall assess an applicant's knowledge of the laws and administrative rules governing the practice of podiatric medicine and surgery in this state.

(ii) An applicant who fails to achieve a passing score on the jurisprudence examination may repeat the examination without limitation.

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(d) Have satisfactorily completed not less than 3 years of a postgraduate residency program approved by the board pursuant to R 338.8113. Certification of completion of postgraduate training must be submitted to the department not more than 15 days before completion of the training.

R 338.8107 Licensure by endorsement; requirements.

Rule 107. (1) An applicant for licensure by endorsement shall hold a current license in good standing from another state.

(2) An applicant shall submit a completed application, on a form provided by the department, together with the requisite fee.

(3) An applicant for licensure by endorsement shall achieve a converted score of not less than 75 on the podiatric jurisprudence examination administered by the department or an entity approved by the department.

(4) If an applicant was first licensed in another state and has been actively engaged in the practice of podiatric medicine for a minimum of 2 years before the date of filing an application for Michigan podiatric medical licensure, it is presumed that the applicant meets the requirements of section 16186(1)(a) and (b) of the code, MCL 333.16186.

(5) If an applicant was first licensed in another state and has been actively engaged in the practice of podiatric medicine for less than 2 years before the date of filing an application for Michigan podiatric medical licensure, the applicant shall satisfy all of the following requirements:

(a) Have graduated from a school of podiatric medicine approved by the board pursuant to R 338.8113.

(b) Have satisfactorily completed not less than 3 years of a postgraduate residency approved by the board pursuant to R 338.8113.

(c) Have achieved a passing score on each part of the APMLE as required by R 338.8104.

(6) An applicant's license in good standing shall be verified by the licensing agency of any state of the United States in which the applicant holds or ever held a license as a podiatrist. The verification must include the record of any disciplinary action taken or pending against the applicant.

R 338.8109 Educational limited licenses; limited license renewal.

Rule 109. (1) An educational limited license authorizes the holder of the license to engage in the practice of podiatric medicine and surgery as part of a postgraduate education program.

(2) An applicant for an educational limited license shall submit a completed application, on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated pursuant to the code, an applicant shall satisfy all of the following requirements:

(a) Have graduated from a school of podiatric medicine approved by the board pursuant to R 338.8113.

(b) If the applicant graduated in 2014 or earlier, or graduated in 2016, have achieved a passing score on all of the following components of the APMLE:

(i) Part I.

(ii) Part II.

(c) If the applicant graduated in 2015 or later, excluding 2016, have achieved a passing score on all of the following components of the APMLE:

(i) Part I.

(ii) Part II.

(d) Have documentation provided directly to the department verifying that the applicant has been accepted into a postgraduate training program that satisfies R 338.8113(2).

(3) A limited license is renewable for not more than 5 years pursuant to section 333.18012(2) of the code, MCL 333.18012.

R 338.8110 Requirements for relicensure after lapse.

Rule 110. An applicant whose license has been lapsed may be relicensed under section 16201(3) or (4) of the code, as applicable, MCL 333.16201, if the applicant satisfies the following requirements as indicated by a (√) below:

(1) For a podiatrist who has let his or her Michigan license lapse and is not currently licensed in another state or Canada.		Lapsed 3 years or less.	Lapsed more than 3 years.
(a)	Application and fee: Submit a completed application on a form provided by the department, together with the required fee.	√	√
(b)	Good moral character: Establish that he or she is of good moral character as defined in 1974 PA 381, MCL 338.41 to 338.47.	√	√
(c)	Fingerprints: Submit fingerprints as required by section 16174(3) of the code, MCL 333.16174(3).		√
(d)	<p>Continuing education: Complete 150 hours of continuing education pursuant to R 338.8127 including the following:</p> <p>(i) Not less than 3 hours in pain and symptom management pursuant to R 338.8127(1)(c).</p> <p>(ii) At least 1 hour in medical ethics pursuant to R 338.8127(1)(d).</p> <p>(iii) Not less than 2 hours related to controlled substances prescribing pursuant to R 338.8127(1)(e).</p> <p>The applicant shall submit proof of having completed the required continuing education within the 3-year period immediately preceding the date of the application for relicensure. If the continuing education hours submitted with the application are deficient, the applicant shall have 2 years from the date the department received the application to complete the deficient hours.</p>	√	√

(e)	Examination: Achieve a score 75 or more on the examination of Michigan laws and rules related to the practice of podiatric medicine that is developed and administered by the department, or an entity approved by the department.	√	√
(f)	Examination: Achieve a passing score on part III of the APMLE sponsored by the NBPME or its successor.		√
(g)	Proof of license verification: An applicant's license in good standing shall be verified by the licensing agency of each jurisdiction in which the applicant has ever held a license as a podiatrist. Verification must include the record of any disciplinary action taken or pending against the applicant.	√	√

(2) For a podiatrist who has let his or her Michigan license lapse and is currently licensed in another state or Canada.		Lapsed 3 years or less.	Lapsed more than 3 years.
(a)	Application and fee: Submit a completed application on a form provided by the department, together with the required fee.	√	√
(b)	Good moral character: Establish that he or she is of good moral character as defined by 1974 PA 381, MCL 338.41 to 338.47.	√	√
(c)	Fingerprints: Submit fingerprints as required by section 16174(3) of the code, MCL 333.16174(3).		√
(d)	Continuing education: Complete 150 hours of continuing education pursuant to R 338.8127 including the following: (i) Not less than 3 hours in pain and symptom management pursuant to R 338.8127(1)(c). (ii) At least 1 hour in medical ethics pursuant to R 338.8127(1)(d). (iii) Not less than 2 hours related to controlled substances prescribing pursuant to R 338.8127(1)(e). The applicant shall submit proof of having completed the required continuing education within the 3-year period immediately preceding the date of the application for relicensure. If the continuing education hours submitted with the application are deficient, the applicant shall have 2	√	√

	years from the date the department received the application to complete the deficient hours.		
(e)	Examination: Achieve a score of 75 or more on the examination of Michigan laws and rules related to the practice of podiatric medicine that is developed and administered by the department, or an entity approved by the department.	√	√
(f)	Proof of license verification: An applicant's license in good standing shall be verified by the licensing agency of each jurisdiction in which the applicant holds or has ever held a license as a podiatrist. Verification must include the record of any disciplinary action taken or pending against the applicant.	√	√

PART 3. EDUCATIONAL AND RESIDENCY PROGRAMS

R 338.8113 Accreditation standards for approval of schools of podiatric medicine and residency programs; institutions of higher education; adoption of standards by reference.

Rule 113. (1) The board approves and adopts by reference the standards for accrediting colleges of podiatric medicine developed and adopted by the Council on Podiatric Medical Education (CPME) of the American Podiatric Medical Association (APMA) and entitled "Standards and Requirements for Accrediting Colleges of Podiatric Medicine," CPME 120, adopted October 2019, implementation date July 1, 2020. A copy of the standards and requirements is available at no cost from the council's website at www.cpme.org. A copy of the standards and requirements also is available for inspection and distribution at a cost of 10 cents per page from the Board of Podiatric Medicine and Surgery, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa, Lansing, Michigan 48909. The board considers any school of podiatric medicine accredited by the CPME of the APMA as a school of podiatric medicine approved by the board.

(2) The board approves and adopts by reference the standards for approval of residency programs developed and adopted by the CPME of the APMA entitled "Standards and Requirements for Approval of Podiatric Medicine and Surgery Residencies," CPME 320, July 2015. A copy of the standards and requirements is available at no cost from the council's website at www.cpme.org. A copy of the standards and requirements also is available for inspection and distribution at a cost of 10 cents per page from the Board of Podiatric Medicine and Surgery, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa, Lansing, Michigan 48909. The board considers any residency program approved by the CPME of the APMA as a school of podiatric medicine approved by the board.

(3) A higher education institution is considered approved by the board if it is accredited by the accrediting body of the region in which the institution is located and the accrediting body meets either the recognition standards and criteria of the Council for

Higher Education Accreditation (CHEA) or the recognition procedures and criteria of the United States Department of Education. The board adopts by reference the procedures and criteria for recognizing accrediting organizations of the CHEA, effective June 28, 2010, and the procedures and criteria for recognizing accrediting agencies of the United States Department of Education, effective July 1, 2010, as contained in 34 CFR Part 602. Copies of the standards and criteria of the CHEA and the United States Department of Education are available for inspection and distribution at a cost of 10 cents per page from the Board of Podiatric Medicine and Surgery, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909. The CHEA recognition standards also may be obtained at no cost from the council's website at <http://www.chea.org>. The federal recognition criteria also may be obtained at no cost from the department's website at <http://www.ed.gov/about/offices/list/OPE/index.html>.

PART 4. CONTINUING EDUCATION

R 338.8127 Acceptable continuing education; requirements; limitations.

Rule 127. (1) The 150 hours of continuing education required pursuant to R 338.8126(1) for the renewal of a license shall comply with the following, as applicable:

(a) Not more than 12 credit hours must be earned during one 24-hour period.

(b) A licensee may not earn credit for a continuing education program or activity that is identical or substantially identical to a program or activity the licensee has already earned credit for during that renewal period.

(c) An applicant for license renewal shall have earned not less than 3 continuing podiatric medical education hours in pain and symptom management in each renewal period pursuant to sections 16204(2) and 18033(2) of the code, MCL 333.16204 and 333.18033. Courses in pain and symptom management may include, but are not limited to, any of the following as they relate to professional practice:

(i) Courses in behavior management.

(ii) Pharmacology.

(iii) Behavior modification.

(iv) Stress management.

(v) Clinical applications.

(vi) Drug interventions.

(d) Beginning September 4, 2020, an applicant for license renewal shall have earned at least 1 continuing podiatric medical education hour in medical ethics.

(e) Beginning September 4, 2020, an applicant for license renewal shall have earned not less than 2 continuing podiatric medical education hours in controlled substances prescribing. This is in addition to the continuing education required by subdivision (c) of this subrule.

(2) The board shall consider the following as acceptable continuing education:

Activity Code	Acceptable Continuing Education Activities and Proof of Completion	Number of Continuing Education Hours Granted/Permitted for Each Activity
A	Attendance at or participation in a continuing education program or	The number of continuing education hours for a specific

	<p>activity related to the practice of podiatry, or any non-clinical subject relevant to practice, education, administration, management, or science, including, but not limited to, live and in-person programs; interactive or monitored teleconference or audio-conference programs; online programs; and, journal articles or other self-study programs offered by a sponsor accredited or approved by the CPME.</p> <p>If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or activity completed.</p>	<p>program or activity is the number of hours approved by the sponsor or the approving organization.</p> <p>A minimum of 75 hours must be earned in each renewal period, unless all 150 hours are earned in Category N.</p>
B	<p>Attendance at or participation in a continuing education program or activity related to the practice of podiatry, or any non-clinical subject relevant to practice, education, administration, management, or science, including, but not limited to, live and in-person programs; interactive or monitored teleconference or audio-conference programs; online programs; and, journal articles or other self-study programs approved by either of the following:</p> <ul style="list-style-type: none"> • The Michigan board of podiatric medicine and surgery, pursuant to R 338.8128. • Another state or provincial board of podiatric medicine and surgery. 	<p>The number of continuing education hours for a specific program or activity is the number of hours approved by the sponsor or the approving organization.</p> <p>If the activity was not approved for a set number of hours, then 1 credit hour for each 50 to 60 minutes of participation may be earned.</p> <p>A maximum of 75 hours may be earned for this category in each renewal period.</p>

	<p>If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or activity completed.</p>	
C	<p>Attendance at or participation in a continuing education program or activity related to the practice of podiatry, or any non-clinical subject relevant to practice, education, administration, management, or science, including, but not limited to, live and in-person programs; interactive or monitored teleconference or audio-conference programs; online programs; and, journal articles or other self-study programs accredited, approved, or offered by any of the following:</p> <ul style="list-style-type: none"> • The Accreditation Council for Continuing Medical Education. • The American Medical Association. • The American Osteopathic Association. <p>If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or activity completed.</p>	<p>The number of continuing education hours for a specific program or activity is the number of hours approved by the sponsor or the approving organization.</p> <p>A maximum of 40 hours may be earned in this category in each renewal period.</p>

D	<p>Obtaining specialty board certification from 1 of the following:</p> <ul style="list-style-type: none"> • American Board of Podiatric Medicine (ABPM). • American Board of Foot and Ankle Surgery (ABFAS). • American Board of Multiple Specialties in Podiatry (ABMSP). • American Board of Lower Extremity Surgery (ABLES). • American Board of Wound Management (ABWM). <p>If audited, a licensee shall submit proof of certification.</p>	<p>Fifty hours of continuing education may be earned in the year the applicant is advised of passing the certification examination.</p>
E	<p>Obtaining specialty board recertification from 1 of the following:</p> <ul style="list-style-type: none"> • ABPM. • ABFAS. • ABMSP. • ABLES. • ABWM. <p>If audited, a licensee shall submit proof of recertification.</p>	<p>Thirty hours of continuing education may be earned in the year the applicant is advised of passing the recertification examination.</p>
F	<p>Serving as an instructor of podiatric medical students, house staff, other physicians, or allied health professionals in a hospital or institution that offers a postgraduate training program that is approved by the board pursuant to R 338.8113, if the hospital or institution has approved the instruction.</p> <p>If audited, a licensee shall submit a letter from the program director verifying the licensee's role.</p>	<p>Two hours of continuing education is granted for each 50 to 60 minutes spent as an instructor.</p> <p>A maximum of 50 hours of continuing education may be earned in this category each renewal period.</p>

G	<p>Serving as an instructor of podiatric students at an accredited podiatric medical institution under a rotating externship program recognized and approved by the medical institution in accordance with R 338.8113.</p> <p>If audited, a licensee shall submit a letter from the sponsoring podiatric institution verifying the licensee's role.</p>	<p>Two hours of continuing education is granted for each 50 to 60 minutes spent as an instructor.</p> <p>A maximum of 50 hours may be earned in this category in each renewal period.</p>
H	<p>Initial publication of an article related to the practice of podiatric medicine and surgery in a peer-reviewed journal.</p> <p>If audited, a licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p>	<p>Twenty-five hours of continuing education is granted per publication.</p> <p>A maximum of 75 hours may be earned in this category in each renewal period.</p>
I	<p>Initial publication of a chapter related to the practice of podiatric medicine and surgery in either of the following:</p> <ul style="list-style-type: none"> • A professional or health care textbook. • A peer-reviewed textbook. <p>If audited, a licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p>	<p>Fifty hours of continuing education is granted per publication.</p> <p>A maximum of 50 hours may be earned in this category in each renewal period.</p>
J	<p>Initial presentation of a scientific exhibit, a formal original scientific paper, or both, at a professional meeting.</p> <p>If audited, a licensee shall submit a copy of the document presented with evidence of presentation and a log indicating time spent in preparation or a letter from the program sponsor verifying the length and date of the presentation and a log indicating time spent in</p>	<p>Two hours of continuing education is granted for each 50 to 60 minutes of presentation and preparation.</p> <p>A maximum of 30 hours may be earned in this category each renewal period.</p>

	preparation.	
K	<p>Independent study, which is the independent reading of peer-reviewed professional journals or medical textbooks.</p> <p>If audited, a licensee shall submit an affidavit attesting to the number of hours the licensee spent participating in these activities and a bibliography listing the journal, article, author or authors, publication date, and date read.</p>	<p>One hour of continuing education is granted for each 50 to 60 minutes of participation.</p> <p>A maximum of 30 hours may be earned in this category in each renewal period.</p>
L	<p>Completion of a multi-media program that requires a licensee to complete a self-assessment component, including, but not limited to, videotapes, internet web-based seminars, video conferences, on-line continuing education programs, and journal articles. This does not include multi-media programs that satisfy the requirements of activity codes A, B, or C. A self-assessment component includes, but is not limited to, a post-test or other evaluation instrument that assesses the knowledge an individual gained after completing an activity.</p> <p>If audited, a licensee shall submit a certificate of self-assessment provided by the program sponsor.</p>	<p>One hour of continuing education is granted for each 50 to 60 minutes of participation.</p> <p>A maximum of 30 hours may be earned in this category each renewal period.</p>
M	<p>Participation on a hospital staff committee dealing with quality patient care or utilization review, or both.</p> <p>If audited, a licensee shall submit a letter from an organization official verifying the licensee's participation and the number of hours the licensee spent participating on the committee.</p>	<p>One hour of continuing education is granted for each 50 to 60 minutes of participation.</p> <p>A maximum of 30 hours may be earned in this category each renewal period.</p>

N	<p>Full-time enrollment in a postgraduate clinical training program related to the practice of podiatric medicine and surgery in a hospital or institution that is approved by the board pursuant to R 338.8113.</p> <p>If audited, a licensee shall submit a letter from the program director verifying the licensee participated in the program.</p>	<p>A minimum of 5 months participation per year is required.</p> <p>Fifty hours of continuing education is granted for each year of full-time enrollment.</p> <p>A maximum of 150 hours may be earned in this category each renewal period.</p>
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R 338.8128 Continuing education programs; adoption of standards by reference; board approval.

Rule 128. (1) The board approves and adopts by reference the standards for approving sponsors of continuing education developed and adopted by the CPME of the APMA entitled, "Standards and Requirements for Approval of Providers of Continuing Education in Podiatric Medicine," CPME 720, adopted October 2019, implementation date: July 1, 2020. A copy of the standards and requirements is available at no cost from the council's website at www.cpme.org. A copy of the standards and requirements is also available for inspection and distribution at a cost of 10 cents per page from the Board of Podiatric Medicine and Surgery, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa, Lansing, Michigan 48909.

(2) A continuing education program approved by the CPME is considered approved by the board.

(3) The board shall consider requests for approval of individual continuing education programs. A sponsor shall submit an application and information regarding the program or activity to the department not less than 60 days before the program or activity is held. For purposes of this rule, 1 credit of continuing education is defined as 50 to 60 minutes of program attendance or participation in an activity.

(4) The board shall evaluate applications for approval based upon all of the following:

(a) The content of a program or activity must enhance the skills, knowledge, and practice of podiatric medicine and surgery.

(b) The sponsor shall provide an outline of the program or activity that includes a statement of educational goals or measurable behavioral objectives, or both.

(c) The program or activity shall be presented, if applicable, by instructors who are qualified and competent in the subject matter as demonstrated by their education, training, and experience.

(d) Licensee attendance at the program or activity shall be monitored by the sponsor, if applicable.

(e) The sponsor shall maintain, for a period of 3 years from the date of each program, records of program attendance or completion of an activity that show all of the following, as applicable:

(i) The date a program was held or an activity completed.

- (ii) The location of a program.
- (iii) The credentials of the individuals who presented a program.
- (iv) Rosters of individuals who were in attendance at a program or completed an activity.
- (v) The continuing education credits awarded to each attendee or participant.
- (f) The sponsor shall award a certificate or written evidence of attendance at a program or completion of an activity that includes the following, as applicable:
 - (i) The participant's name.
 - (ii) The date and location of the program.
 - (iii) The sponsor or program approval number.
 - (iv) The number of continuing education credits earned.
- (5) The board may deny approval of programs or activities offered by institutions and organizations if the board or authorized committee determines that the programs or activities offered by those institutions or organizations fail to demonstrate compliance with the legislative intent to further educate licensees on subjects related to the practice of podiatric medicine and surgery.