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CHAPTER 51.

 PODIATRISTS AND PODIATRY

**SECTION 40‑51‑10.** Terms “podiatry” or “podiatrist” and “chiropody” or “chiropodist” have identical meanings.

The terms “chiropody” or “chiropodist” or their derivatives and the terms “podiatry” or “podiatrist” or their derivatives shall convey and imply identical meanings.

**SECTION 40‑51‑20.** Definitions.

For the purposes of this chapter:

(1) “Podiatry” shall mean the diagnosis, medical and surgical treatment limited to ailments of the human foot, except the administration of an anaesthetic other than local.

(2) “Diagnosis” shall mean to ascertain a disease or ailment by symptoms and findings and does not confer the right to use X‑ray other than for diagnosis.

(3) “Medical treatment” shall mean the application or prescribing of any therapeutic agent or remedy for the relief of foot ailments, except the medical treatment of any systemic disease causing manifestations in the foot.

(4) “Surgical treatment” shall mean the use of any cutting instrument to treat a disease, ailment, deformity or condition of the foot, but shall not confer the right to amputate the foot or toes.

**SECTION 40‑51‑30.** Board of Podiatry Examiners; members; terms; removal; legal adviser.

(A) There is created the Board of Podiatry Examiners to be composed of five members, appointed by the Governor with the advice and consent of the Senate, one of whom must be a lay member from the State at large, one of whom must be a podiatrist from the State at large who shall serve as chairman, and three of whom must be podiatrists, one from each of these districts:

(1) the Upper District comprised of Oconee, Pickens, Anderson, Greenville, Spartanburg, Cherokee, Union, York, Chester, Fairfield, Lancaster, Newberry, Saluda, Edgefield, McCormick, Greenwood, Laurens, and Abbeville counties;

(2) the Central District comprised of Kershaw, Chesterfield, Marlboro, Darlington, Lee, Sumter, Clarendon, Richland, Calhoun, Orangeburg, Lexington, Aiken, Barnwell, and Allendale counties; and

(3) the Lower District comprised of Hampton, Jasper, Beaufort, Colleton, Charleston, Dorchester, Bamberg, Berkeley, Williamsburg, Georgetown, Florence, Horry, Marion, and Dillon counties.

(B) The podiatrist at large and the lay member serve coterminously with the appointing Governor and until their successors are appointed and qualify. The board shall conduct an election to nominate three podiatrists from each district to be submitted to the Governor for consideration for appointment. The Governor shall appoint one podiatrist to represent each district from among the nominees submitted for that district. The election shall provide for participation by all podiatrists currently licensed. The podiatrists elected must be residents of the district they represent, licensed, and in good standing to practice podiatry in this State and actively engaged in the practice of podiatry in this State. The elected members of the board representing the three districts shall serve a four‑year term. No member may serve more than one consecutive term of office; however, a person appointed to fill an unexpired portion of a term if reelected and reappointed may serve one full term.

(C) Before January sixteenth in the year in which the term expires for a member representing a district, a qualified podiatrist desiring to be a candidate for the board must submit to the secretary of the board a biography and a statement indicating a desire to be a candidate for the board. The secretary, in conjunction with the Department of Labor, Licensing and Regulation, shall prepare ballots for mailing to all licensed podiatrists. The ballots must be in a form that makes tabulation quick and easy and shall contain the names of the nominees in alphabetical order. Enclosures to accompany the ballots shall include the envelope in which the ballot is to be sealed and an envelope addressed to the Department of Labor, Licensing and Regulation.

(D) Ballots must be mailed before April second to the last known mailing address of all licensed podiatrists and must be returned to the department postmarked before May second and received by the office before May eleventh. The secretary of the board shall certify in the presence of an employee of the Department of Labor, Licensing and Regulation who is not employed by the board that these ballots are true and valid.

(E) Before June second the board shall certify in writing to the Governor the names of the three persons winning the election and the name of the person on the board the nominees are being considered to replace.

(F) Notwithstanding subsection (B), if a nominee is judged unfit by the Governor, the board must be informed and other nominees must be submitted in like manner.

(G) Vacancies must be filled in the manner of the original appointment for the unexpired portion of the term.

**SECTION 40‑51‑40.** Regulations of board; continuing education.

The Board of Podiatry Examiners may promulgate regulations to carry out this chapter including, but not limited to, regulations establishing continuing education requirements.

**SECTION 40‑51‑50.** License required.

It shall be unlawful for any person to profess to be a podiatrist or chiropodist or to practice or assume the duties incident to podiatry or chiropody without first obtaining from the State Board of Podiatry Examiners a podiatry license.

**SECTION 40‑51‑57.** Preceptorships and residency programs.

(A) In addition to all licensing requirements provided for in this chapter, an applicant for licensure must have completed a one‑year post‑podiatric medical formal preceptorship or residency program approved by the American Association of Podiatric Physicians and Surgeons or the American Podiatric Medical Association.

(B) The board may issue limited licenses to podiatrists participating in approved preceptorship or residency programs.

**SECTION 40‑51‑60.** Board to determine fee for practicing podiatry.

Any person desiring to enter into the practice of podiatry in this State shall pay a fee to be determined by regulation of the Board.

**SECTION 40‑51‑65.** License required to practice; examination; qualifications; temporary license.

It is unlawful for any person to practice podiatric medicine in this State without obtaining first a license from the board.

The board shall conduct an examination of any applicant who submits satisfactory evidence that he has:

(a) received four years of high school training;

(b) completed at least three years of pre‑podiatry training at a recognized college;

(c) received a diploma or certificate of graduation from a recognized college of podiatric medicine which has been accredited by the Council on Podiatric Medical Education.

**SECTION 40‑51‑70.** Board to make regulations governing examinations and meetings.

The board may make such regulations as it may deem necessary to conduct its examinations and meetings. It shall provide such books, blanks, and forms as may be necessary to conduct such examinations and shall preserve and keep a complete record of all its transactions.

**SECTION 40‑51‑80.** Examinations.

For the purposes of examination the board shall use the National Board of Podiatry Examination and may use other written or oral or written and oral examinations as the board considers necessary; however, a written examination administered by the board must be a nationally recognized examination or must be administered by at least one other state. The board shall offer the required examinations at least twice annually. A successful applicant who has completed all requirements is eligible for a certificate to practice podiatric medicine.

**SECTION 40‑51‑100.** Fees for examinations; reexamination.

Each applicant before being allowed to take the examination, must pay to the board a fee to be fixed by the board at an amount which, with other available resources of the board, will fully cover the cost of the examination, including compensation and expenses of members of the examining board. In case the application is denied and examination is refused the fee shall be returned to the applicant. Any applicant who fails to pass an examination shall be entitled to a reexamination within six months upon payment of the original examination fee, but only two such reexaminations shall be permitted under the privilege of the original application.

**SECTION 40‑51‑110.** Reciprocity.

Upon payment of a fee to be determined by regulation of the board, a license may be issued to a podiatrist or a chiropodist moving to this State from a state maintaining requirements for the practice of podiatry or chiropody equal to the standard in this State and extending the same reciprocal privileges to podiatrists or chiropodists in this State.

**SECTION 40‑51‑120.** Designation of licensed persons.

Any person to whom a license is granted under the provisions of this chapter shall be entitled to be known as a licensed podiatrist or chiropodist and any other podiatrist or chiropodist who may later practice in the State shall be privileged to use the title which his diploma from his podiatry or chiropody college may have granted.

**SECTION 40‑51‑130.** Display of licenses.

A license must be conspicuously displayed at the place of practice within thirty days of its issue.

**SECTION 40‑51‑140.** Annual renewal of licenses; continuing education requirements.

A person licensed to practice podiatry must pay an annual renewal license fee which must be established in regulation by the board, annually must complete twelve hours of continuing medical education through a program approved by the South Carolina Board of Podiatry Examiners, and must submit documentation to the board of completion of this education. If the renewal fee is not accompanied with the appropriate continuing education documentation, the license may not be renewed and is considered late and subject to the penalties promulgated by the board in regulation. This continuing education requirement takes effect and applies to licenses being renewed beginning in 1997. If the renewal fee is not paid within two months after the date of notification by the secretary that the fee is due, the license of the person failing to pay shall be considered late and a penalty imposed as determined by regulation. After an additional sixty days a nonrenewed license must be suspended or revoked and must be reissued only by a majority vote of the Board of Podiatry Examiners and upon payment of a late fee and penalties established by the board.

**SECTION 40‑51‑150.** Grounds for revocation of licenses.

The State Board of Podiatry Examiners may revoke the license to practice podiatry or chiropody of any person who, while holding such license, obtains a fee or a promise or obligation to pay a fee by fraud, or is guilty of gross negligence, ignorant or wilful malpractice in the practice of podiatry or chiropody, violation of any provisions of this chapter or any immoral or dishonorable conduct.

**SECTION 40‑51‑160.** Procedure for denying or revoking licenses.

(A) The Board of Podiatry, if it has just cause, shall notify a licensee not less than thirty days before a scheduled hearing of its intention to suspend or revoke the license of the licensee. The notice must specify the alleged grounds for suspension or revocation and offer the licensee reasonable opportunity to be heard in answer to the allegations. The decision to suspend or revoke the license must be by majority vote of the total membership of the board. A decision of the board to revoke or suspend a license is subject to review by an administrative law judge as provided under Article 5 of Chapter 23 of Title 1.

(B) A decision to suspend or revoke a license by the board is effective upon delivery of a copy of the decision to the licensee, and a petition for review by an administrative law judge is not a supersedeas. The grounds for revocation or suspension of a license are a satisfactory showing to the board that a holder of a license:

(1) used a false, fraudulent, or forged statement or document or practiced a fraudulent, deceitful, or dishonest act in connection with a licensing requirement;

(2) has been convicted of a felony or other crime involving moral turpitude, drugs, or gross immorality;

(3) is addicted to alcohol or drugs to such a degree as to render the podiatrist unfit to practice podiatry;

(4) has been convicted of the illegal or unauthorized practice of podiatry;

(5) has knowingly performed an act which in any way assists an unlicensed person to practice podiatry;

(6) has sustained a physical or mental disability which renders further practice by the podiatrist dangerous to the public;

(7) has engaged in advertising for the practice of podiatry in a manner that is deceptive or untruthful;

(8) is guilty of the performance of dishonorable, unethical, or unprofessional conduct that is likely to deceive, defraud, or harm the public;

(9) is guilty of the use of a false or fraudulent statement in a document connected with the practice of podiatry;

(10) is guilty of obtaining fees or assisting in obtaining fees under dishonorable, false, or fraudulent circumstances; or

(11) has violated or attempted to violate, directly or indirectly, or is assisting in or abetting the violation or conspiring to violate a provision or term of this chapter or a regulation promulgated under this chapter.

(C) In addition to all other remedies and actions incorporated in this chapter, the license of a person adjudged mentally incompetent by a court of competent jurisdiction is automatically suspended by the board until the person is adjudged by a court of competent jurisdiction or in any other manner provided by law as being restored to mental competency.

(D) In enforcing subsections (B)(3) and (6), the board upon just cause may require a licensee or applicant to submit to a mental or physical examination by a physician mutually agreed to by the licensee or applicant and the board. If agreement is not reached, an administrative law judge may appoint a physician to conduct the examination. The results of an examination are admissible in a hearing before the board, notwithstanding a claim of privilege under any other provision of law. A person who accepts the privilege of practicing podiatry in this State or who files an application for a license to practice podiatry in this State is deemed to have consented to submit to a mental or physical examination and to have waived all objections to the admissibility of the results in a hearing before the board upon the grounds of a privileged communication. If a licensee or applicant fails to submit to an examination when properly directed by the board, unless the failure was due to circumstances beyond the person’s control, the board shall enter an order automatically suspending or denying the license pending compliance and further order of the board. A licensee or applicant who is prohibited from practicing podiatry under this subsection must be afforded at reasonable intervals an opportunity to demonstrate to the board the ability to resume or begin the practice of podiatry with reasonable skill and safety to patients.

(E) In enforcing subsections (B)(3) and (6), the board upon just cause may obtain records relating to the mental or physical condition of a licensee or applicant including, but not limited to, psychiatric records. These records are admissible in a hearing before the board, notwithstanding any other provision of law, if there is a prior showing that the past mental or physical condition of the licensee or applicant relates to a condition which may render the licensee or applicant unfit to practice podiatry. A person who accepts the privilege of practicing podiatry in this State or who files an application to practice podiatry in this State is deemed to have consented to the board obtaining these records and to have waived all objections to the admissibility of these records in a hearing before the board upon the grounds of a privileged communication. If a licensee or applicant refuses to sign a written consent for the board to obtain these records when properly requested by the board, unless the failure was due to circumstances beyond the person’s control, the board shall enter an order automatically suspending or denying the license pending compliance and further order of the board. A licensee or applicant who is prohibited from practicing podiatry under this subsection must be afforded at reasonable intervals an opportunity to demonstrate to the board the ability to resume or begin the practice of podiatry with reasonable skill and safety to patients.

(F) The board may impose a fine of up to five hundred dollars for each violation of this chapter or of a regulation promulgated under this chapter; however, the total fine may not exceed five thousand dollars. All fines must be remitted to the State Treasurer and deposited in a special fund from which the board must be reimbursed upon the approval of the State Budget and Control Board for administrative costs associated with each complaint or alleged violation. At any time the revenue in this fund exceeds twenty thousand dollars, all funds in excess of twenty thousand dollars must be remitted to the general fund. Fines are payable immediately upon the effective date of the board’s action imposing the fine. Interest accrues after fines are due at the maximum rate allowed by law. The license of a person against whom a fine is imposed may not be reinstated until the fine has been paid in full.

**SECTION 40‑51‑170.** Disposition of funds; assessments, fees, and licenses to equal appropriations and allocations.

All revenues and income from licenses, examination fees, other fees, sale of commodities and services, and income derived from any other Board source or activity shall be remitted to the State Treasurer as collected, when practicable, but at least once each week, and shall be credited to the General Fund of the State. All assessments, fees or licenses shall be levied in an amount sufficient to at least equal the amount appropriated in the annual General Appropriations Act for the Board, plus any additional funds allocated by the Budget and Control Board for implementation of the State’s Personnel Compensation Plan.

**SECTION 40‑51‑180.** Use of license fees.

All license fees received by the Board shall be used to defray the necessary expenses of maintaining the Board.

**SECTION 40‑51‑190.** Annual report of board.

The board shall report annually in accordance with the provisions of Chapter 73, Title 40 of the 1976 Code.

**SECTION 40‑51‑200.** Acts considered prima facie evidence of practicing podiatry.

It shall be deemed prima facie evidence of the practice of podiatry or chiropody or of holding one’s self out as a practitioner within the meaning of this chapter for any person to treat in any manner the human foot by medical, mechanical or surgical methods or electrical means or in any sign or advertisement to use the word “chiropodist” or “registered chiropodist” or “podiatrist,” or “foot specialist” or “foot correctionist” or “foot expert” or “practapedist” or “podiatrist” or any other term or letters indicating that he is a podiatrist or chiropodist.

**SECTION 40‑51‑220.** Penalties.

Any person who shall practice or attempt to practice podiatry or chiropody in this State without having complied with the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than two hundred dollars nor more than five hundred dollars or imprisoned for not less than ninety days, nor more than one year, or both.

**SECTION 40‑51‑230.** Exemptions.

This chapter shall not apply to licensed physicians or surgeons in this State, to osteopaths licensed by the State Board of Medical Examiners, nor to surgeons of the Army, Navy, Air Force, and Public Health Service when in actual performance of their official duties.

**SECTION 40‑51‑240.** Fitting and sale of shoes and arch supports.

No part of this chapter shall be deemed to prohibit the fitting or sale of shoes or arch supports, excepting those shoes or arch supports or other mechanical devices or prosthetics that involve foot casting or impressions or fabricating for the feet, except by written prescription of a duly licensed medical doctor or chiropodist.

**SECTION 40‑51‑260.** Right of recipients of government aid or services to choose podiatrists.

No agency of the State, county or municipality, nor any commission or clinic, nor any board administering relief, social security, health insurance or health service under the laws of the State of South Carolina shall deny to the recipients or beneficiaries of their aid or services the freedom to choose the provider of care or service which are within the scope of practice of a duly licensed podiatrist as defined in this chapter.

**SECTION 40‑51‑270.** Board member not to serve as officer in state podiatry association.

No member of the board may serve as an officer in any state podiatry association during his tenure on the Board.