

EFFECTIVE
12-26-2021

NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

172 NAC 143

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 143 PRACTICE OF PODIATRY

001. SCOPE AND AUTHORITY. These regulations apply to licensure of Podiatrists as defined by the Podiatry Practice Act, Nebraska Revised Statutes (Neb. Rev. Stat.) §§ 38-3001 to 38-3012; and the Uniform Credentialing Act, Neb. Rev. Stat. §§ 38-101 to 38-1,142.

002. DEFINITIONS. Definitions are set out in the Podiatry Practice Act, the Uniform Credentialing Act, 172 Nebraska Administrative Code (NAC) 10, and this chapter.

002.01 ANGOFF METHOD. A method of determining passing scores based on aggregate information obtained by having judges predict the probability that a hypothetical minimally competent candidate will correctly answer items in a test is the Angoff Method.

002.02 APPROVED CLINICAL FACILITY. A clinical facility sponsored by an accredited college of podiatry is an approved clinical facility.

002.03 APPROVED CONTINUING COMPETENCY ACTIVITIES. Approved continuing competency activities are activities that ensure the maintenance of knowledge and skills necessary to competently practice podiatry; the utilization of new techniques based on scientific and clinical advances; and the promotion of research to assure expansive and comprehensive services to the public. The activities must meet the criteria for approval established by the Board to be recognized for licensure renewal.

002.04 HOUR. An hour is a period of 50 minutes of formal instruction, otherwise known as a "contact hour."

002.05 PROVIDER. A provider is an institution or individual that presents continuing education programs to licensees and requests approval from the Board of those programs.

002.06 ADVANCED POSTDOCTORAL SURGICAL RESIDENCY PROGRAM. An advanced postdoctoral surgical residency program is a surgical residency program approved by the Council on Podiatric Medical Education, or approved by another body that approves podiatric residency programs that maintains standards for approval that are equivalent to those of the Council on Podiatric Medical Education.

003. LICENSE REQUIREMENTS. To obtain a license, an individual must submit a complete application provided by the Department and provide documentation demonstrating that the applicant meets the requirements of Neb. Rev. Stat. § 38-3008, 172 NAC 10, and this chapter.

003.01 LICENSE BY EXAMINATION. An applicant applying by examination must submit the following:

- (A) Have an Official Transcript submitted to the Department by the issuing institution.
- (B) Request detailed score reports showing successful completion of one of the following:
 - (i) The Podiatric Medical Licensing Examination for States (PMLexis) given by the National Board of Podiatric Medical Examiners with a passing score as determined by using the Angoff Method or other comparable criterion referenced scoring method; or
 - (ii) The National Board of Podiatric Medical Examiners Examination Part III with a score of 75 or above; and
- (C) Indicate whether or not the applicant holds a Drug Enforcement Administration (DEA) Registration.

003.02 LICENSE BY RECIPROCITY. An applicant applying by reciprocity must meet the requirements of 172 NAC 143-003.01 and submit the following:

- (A) Direct source verification of certification of a credential to practice podiatry submitted to Department by the jurisdiction; and
- (B) Documentation that the applicant has been actively engaged in the practice of podiatry or in an accepted residency or graduate training program for at least 1 of the 3 years immediately preceding the date of the application for Nebraska licensure.

004. RENEWAL, WAIVER OF CONTINUING EDUCATION, AND INACTIVE STATUS. The applicant must meet the requirements set out in 172 NAC 10. All Podiatry licenses expire on April 1 of each even-numbered year.

005. CONTINUING COMPETENCY. Each podiatrist must meet the requirements of the Podiatry Practice Act, 172 NAC 10, and this chapter for continuing competency.

005.01 GENERAL REQUIREMENTS. On or before April 1 of each even-numbered year thereafter, each podiatrist who is in active practice in the state of Nebraska must complete 48 hours of continuing education approved by the Council of Podiatric Medical Education during the preceding 24 month period.

005.02 SUBJECT MATTER THAT IS NOT ACCEPTABLE. Practice management programs and education provided by a business entity for the purpose of promotion of its products or services and similar courses or training will not be accepted for continuing competency credit.

006. UNPROFESSIONAL CONDUCT. Unprofessional conduct is set out in Neb. Rev. Stat. § 38-179, this chapter which includes the following:

- (A) Refusal to cooperate or failure to furnish requested information during a licensing or discipline investigation by the department;
- (B) Misrepresenting one's credentials in an application submitted to a healthcare facility, insurance company, or prospective employer;
- (C) Refusal to provide professional service to a person because of such person's race, color, religion, sex, national origin, ethnicity, disability or familial status;
- (D) Refusal to undergo an examination for evaluation of competency as required by the board;
- (E) Practicing podiatry under a false or assumed name;

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- (F) Advertising for health care services that does not provide accurate information on the type of credential(s) held or includes deceptive or misleading information pursuant to Neb. Rev. Stat. § 38-124;
- (G) Advertising a fee for service that does not state a specific period of time the fee will be honored; if a time period is not specified it must be offered for a reasonable amount of time of at least 20 calendar days; or
- (H) Advertising as a specialist without being certified by a specialty board as recognized by the Council on Podiatric Medical Education of the American Podiatric Medical Association, unless the practitioner has disclosed in the advertisement that they are not board certified.

007. REINSTATEMENT. The applicant must meet the requirements set out in 172 NAC 10.

008. FEES. Fees are set out in 172 NAC 2.