

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 496

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO PODIATRISTS; REPEALING CHAPTER 6, TITLE 54, IDAHO CODE, RELATING  
2 TO PODIATRISTS; AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW  
3 CHAPTER 6, TITLE 54, IDAHO CODE, TO DEFINE PODIATRY, TO PROVIDE THAT  
4 LICENSURE IS A PREREQUISITE TO PRACTICE, TO ESTABLISH POWERS AND DUTIES  
5 OF THE STATE BOARD OF MEDICINE, TO ESTABLISH PROVISIONS REGARDING AP-  
6 PPLICATION AND EXAMINATION FOR LICENSE, TO PROVIDE FOR LICENSE ISSUANCE  
7 AND RENEWALS, TO ESTABLISH GROUNDS FOR LICENSE SUSPENSION, DENIAL,  
8 REFUSAL TO RENEW, OR REVOCATION, TO DEFINE UNPROFESSIONAL CONDUCT, TO  
9 ESTABLISH PROCEEDINGS FOR SUSPENSION, REVOCATION, OR OTHER DISCIPLINE  
10 OF LICENSURE, TO PROVIDE FOR LICENSURE BY ENDORSEMENT, AND TO PROVIDE  
11 THAT PRACTICING WITHOUT A LICENSE SHALL BE A FELONY; AMENDING SECTION  
12 54-1805, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE COMPOSITION  
13 OF THE BOARD OF MEDICINE AND TO MAKE A TECHNICAL CORRECTION; AMENDING  
14 SECTION 39-1395, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE PRAC-  
15 TICE OF PODIATRY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION  
16 54-4401, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE A TECHNICAL COR-  
17 RECTION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.  
18

19 Be It Enacted by the Legislature of the State of Idaho:

20 SECTION 1. That Chapter 6, Title 54, Idaho Code, be, and the same is  
21 hereby repealed.

22 SECTION 2. That Title 54, Idaho Code, be, and the same is hereby amended  
23 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-  
24 ter 6, Title 54, Idaho Code, and to read as follows:

25 CHAPTER 6

26 PODIATRIC MEDICAL PRACTICE ACT

27 54-601. PODIATRY DEFINED. (1) Podiatry shall, for the purpose of this  
28 chapter, mean the diagnosis and mechanical, electrical, medical, physical,  
29 and surgical treatment of ailments of the human foot and leg and the casting  
30 of feet for the purpose of preparing or prescribing corrective appliances,  
31 prosthetics, or custom orthopedic shoes for corrective treatment; how-  
32 ever, the casting of feet for preparing corrective appliances, prosthetics,  
33 or custom orthopedic shoes may be permitted on the prescription of a duly  
34 licensed person in the healing arts in this state. Podiatrists shall be  
35 limited in their practice to the human foot and leg. Surgical treatment,  
36 as herein used, shall mean the surgical treatment of the foot and ankle and  
37 those soft tissue structures below the knee governing the function of the  
38 foot and ankle, but it shall not include the amputation of the leg, surgery of  
39 the knee joint, surgery of the bony structures proximal to the distal half of  
40 the tibia, or the administration or monitoring of general anesthesia.

1 (2) Advanced surgical procedures, as determined by the state board of  
2 medicine, shall be performed in a licensed hospital or certified ambulatory  
3 surgical center accredited by the joint commission or the accreditation as-  
4 sociation for ambulatory health care where a peer review system is in place.

5 (3) A podiatrist may administer narcotics and medications in the treat-  
6 ment of ailments of the human foot and leg in the same manner as a physician  
7 licensed to practice pursuant to chapter 18, title 54, Idaho Code.

8 (4) A podiatrist is defined as a natural person who practices podiatry  
9 within the scope of this chapter and shall be referred to as a podiatric  
10 physician and surgeon. Nothing within this chapter shall prohibit any  
11 physician or surgeon, registered and licensed as such and authorized to  
12 practice under the laws of the state of Idaho, or any physician or surgeon of  
13 the United States army, navy, or public health service when in actual perfor-  
14 mance of his duties from practicing medicine and surgery.

15 54-602. LICENSE A PREREQUISITE TO PRACTICE. It is unlawful for any  
16 person to practice podiatry unless licensed to do so as provided in this  
17 chapter.

18 54-603. POWERS AND DUTIES OF STATE BOARD OF MEDICINE. (1) The state  
19 board of medicine, herein referred to as the board, shall have the following  
20 powers and duties:

21 (a) To designate examinations to ascertain the qualifications and fit-  
22 ness of applicants to practice podiatry; to pass upon the qualifica-  
23 tions of applicants for licenses by endorsement; and to establish, by  
24 rule, the specific examinations to be required of each applicant for li-  
25 censure;

26 (b) To prescribe rules, subject to legislative approval, defining for  
27 the podiatrists what shall constitute a reputable school, college or  
28 university, or department of a university or other institution in good  
29 standing and to determine such reputability of good standing by refer-  
30 ence to compliance with such rules;

31 (c) To conduct hearings and proceedings for discipline of licensees as  
32 set forth in this chapter;

33 (d) To make and promulgate rules, subject to legislative approval,  
34 prescribing the standards for the ethical practice of podiatry in the  
35 state;

36 (e) To make and promulgate rules, subject to legislative approval,  
37 defining and requiring a podiatric residency as a condition of licen-  
38 sure; and

39 (f) To prescribe the fees required by this chapter in board rule, sub-  
40 ject to legislative approval.

41 (2) Rules regarding the practice of podiatry that are in effect on July  
42 1, 2026, shall remain in effect as if promulgated by the board of medicine and  
43 may be amended as necessary by the board of medicine consistent with chapter  
44 52, title 67, Idaho Code, subject to legislative approval.

45 54-604. APPLICATION AND EXAMINATION FOR LICENSE. (1) Every person,  
46 except as hereinafter provided, desiring to practice podiatry within this  
47 state shall make application to the board in the form designated by the

1 board. Such application shall be accompanied by a fee as established by  
2 board rule, not to exceed four hundred dollars (\$400).

3 (2) Each applicant shall:

4 (a) Not have been convicted or found guilty in this state or in any other  
5 state of a crime that is deemed relevant in accordance with the provi-  
6 sions of section 67-9411(1), Idaho Code;

7 (b) Submit to a fingerprint-based criminal history background check in  
8 accordance with the provisions of section 67-9411A, Idaho Code;

9 (c) Be a graduate of a school of podiatry approved by the board; and

10 (d) Have completed an accredited podiatric residency as defined by  
11 board rule.

12 (3) Each applicant shall take and pass a competency exam approved by  
13 board rule. The examination shall test for entry-level competency to pro-  
14 vide podiatric medical services.

15 (4) The examination fee shall not exceed the amount charged by the  
16 board-approved exam provider. The applicant shall pay the examination fee  
17 directly to the exam provider.

18 54-605. LICENSES -- ISSUANCE -- RENEWALS. (1) If an applicant passes a  
19 satisfactory examination and shows that he is a person who has not been con-  
20 victed or found guilty in this state or in any other state of a crime that is  
21 deemed relevant in accordance with section 67-9411(1), Idaho Code, and that  
22 he possesses the qualifications of a licensed podiatrist required by this  
23 chapter, he shall be entitled to a license authorizing him to practice podi-  
24 atry within the state of Idaho. The successful applicant shall be issued a  
25 license by the division of occupational and professional licenses upon pay-  
26 ment of the original license fee, which shall be established by board rule  
27 and shall not exceed the renewal fee.

28 (2) The board shall keep on file a register of all applicants for li-  
29 cense, rejected applicants, and licensees.

30 54-606. LICENSES -- GROUNDS FOR SUSPENSION, DENIAL, REFUSAL TO RENEW,  
31 OR REVOCATION. No license may be issued, and a license previously issued may  
32 be suspended, revoked, or otherwise disciplined, if the person applying or  
33 the person licensed is:

34 (1) Found guilty by a court of competent jurisdiction of a crime that is  
35 deemed relevant in accordance with section 67-9411(1), Idaho Code;

36 (2) Found by the board to be a repeated and excessive abuser of any drug,  
37 including alcohol, or any controlled substance;

38 (3) Found by the board to be in violation of any provision of this chap-  
39 ter or the rules promulgated pursuant thereto;

40 (4) Found by the board to have used fraud or deception in the procuring  
41 of any license;

42 (5) Found by the board to have had any action, including denial of a li-  
43 cense or the voluntary surrender of or voluntary limitation on a license,  
44 taken against the licensee by any peer review body, any health care insti-  
45 tution, any professional medical society or association, or any court, law  
46 enforcement, or governmental agency;

47 (6) Found by the board to have been unethical or unprofessional in the  
48 practice of healing the sick; or

1 (7) Found by the board to have failed to cooperate in a board investiga-  
2 tion or to comply with a board order.

3 54-607. UNPROFESSIONAL CONDUCT DEFINED. It shall constitute unpro-  
4 fessional conduct justifying suspension, revocation, or other discipline of  
5 a license for any person holding a license to practice podiatry to:

6 (1) Offer, give, or promise, either directly or indirectly, any gift in  
7 return for the procurement of a patient or patients for podiatric treatment;

8 (2) Request, list, accept, or receive any rebates or commission for  
9 prescribing or recommending any footwear, drug, medicine, or any other ar-  
10 ticle, to his patients;

11 (3) Prescribe, dispense, or pretend to use, in treating any patient,  
12 any secret remedial agent, or manifest or promote its use in any way, or guar-  
13 antee or imply to guarantee any treatment, therapy, or remedy whatsoever;

14 (4) Use any form of advertising that is false, misleading, or decep-  
15 tive;

16 (5) Use any title other than that of podiatrist or doctor of podiatric  
17 medicine. The term "foot specialist" or "physician and surgeon of the feet"  
18 may be used as explanatory terms of the title podiatrist but not alone or as a  
19 substitute therefor;

20 (6) Employ a solicitor or solicitors to obtain business;

21 (7) Publish or use untruthful or improbable statements with the intent  
22 of deceiving or defrauding the public or any patient; or

23 (8) Violate any rule promulgated by the board that prescribes the stan-  
24 dards for the ethical practice of podiatry in this state.

25 54-608. PROCEEDINGS FOR SUSPENSION, REVOCATION, OR OTHER DISCIPLINE  
26 OF LICENSE. (1) Proceedings for the suspension, revocation, or other disci-  
27 pline of a license shall be conducted in accordance with the provisions of  
28 chapter 52, title 67, Idaho Code.

29 (2) The board shall have the power to administer oaths, take deposi-  
30 tions of witnesses within or without the state in the manner provided by law  
31 in civil cases, and, throughout the state of Idaho, to require the attendance  
32 of such witnesses and the production of such books, records, and papers as  
33 it may desire, relevant to any hearing before it of any matter that it has  
34 authority to investigate, and for that purpose, the board may issue a sub-  
35 poena for any witness or a subpoena duces tecum to compel the production of  
36 books, records, or papers, directed to the sheriff of any county of the state  
37 of Idaho where such witness resides or may be found, which shall be served  
38 and returned in the same manner as a subpoena in a criminal case. Fees and  
39 mileage of the witnesses shall be the same as that allowed in the district  
40 courts in criminal cases and shall be paid from any funds in the state trea-  
41 sury in the same manner as other expenses of the board are paid. In the event  
42 of disobedience to or neglect of any subpoena or subpoena duces tecum served  
43 on any person, or the refusal of any witness to testify to any matter regard-  
44 ing which he may be lawfully interrogated, it shall be the duty of the dis-  
45 trict court of any county in this state in which such disobedience, neglect,  
46 or refusal occurs, or any judge thereof, upon application by the board, to  
47 compel obedience by proceedings for contempt as in the case of disobedience  
48 of the requirements of a subpoena issued from such court or for refusal to

1 testify therein. The licensed person accused shall have the same right of  
2 subpoena upon making application to the board therefor.

3 (3) If the board finds that the licensed person accused has violated any  
4 of the provisions of this chapter, the board may enter an order that includes  
5 one (1) or more of the following:

- 6 (a) Revoking the respondent's license to practice podiatric medicine;
- 7 (b) Suspending or restricting the respondent's license to practice po-  
8 diatric medicine;
- 9 (c) Imposing conditions or probation on the respondent's license, in-  
10 cluding requiring rehabilitation or remediation;
- 11 (d) Issuing a public reprimand;
- 12 (e) Imposing an administrative fine not to exceed ten thousand dollars  
13 (\$10,000) for each count or offense; or
- 14 (f) Assessing costs and attorney's fees against the respondent for any  
15 investigation, administrative proceeding, or both.

16 54-609. LICENSE BY ENDORSEMENT. The board may issue a license to an ap-  
17 plicant by endorsement where the applicant has passed an examination for and  
18 is currently licensed to practice podiatry in another state. The applicant  
19 must satisfy in all other respects the requirements for licensure in this  
20 chapter and any rules adopted by the board. All applications for licensure  
21 by endorsement must be accompanied by an application fee as established by  
22 board rule.

23 54-610. PRACTICE WITHOUT A LICENSE A FELONY. Any person who practices  
24 or attempts to practice podiatry, who publicly advertises as a podiatrist,  
25 who uses the title chiropodist, podiatrist, or any other word, title, or ab-  
26 breviation calculated to induce belief that he is engaged in the practice of  
27 podiatry, or who holds himself out to the public as diagnosing the ailments  
28 of or treating in any manner the human foot by medical, physical, or surgical  
29 methods without a license as provided in this chapter shall be deemed guilty  
30 of a felony.

31 SECTION 3. That Section 54-1805, Idaho Code, be, and the same is hereby  
32 amended to read as follows:

33 54-1805. ~~THE STATE BOARD OF MEDICINE ESTABLISHED.~~ (1) There is hereby  
34 established in the division of occupational and professional licenses a  
35 state board of medicine to be composed of eleven (11) members.

36 ~~(2) (a) The board shall consist of eleven (11) members. The director~~  
37 ~~of the Idaho state police or the director's designated agent shall be a~~  
38 ~~member of the board. Seven (7) members shall be physicians who are res-~~  
39 ~~idents of this state and engaged in the active practice of medicine in~~  
40 ~~this state, two (2) members shall be public members, and one (1) member~~  
41 ~~shall be a physician assistant who is a resident of this state and en-~~  
42 ~~gaged in the active practice of medicine in this state.~~

43 ~~(b) All physician and physician assistant appointments to the board~~  
44 ~~shall be for a single six (6) year term. The physician members shall~~  
45 ~~consist of six (6) members who are licensed to practice medicine in~~  
46 ~~this state and one (1) member who is licensed to practice osteopathic~~  
47 ~~medicine in this state. The physician assistant member shall be~~

1 licensed to practice medicine in this state. Whenever a term of a mem-  
 2 ber of the board who is licensed to practice medicine or osteopathic  
 3 medicine expires or becomes vacant, the governor shall consider rec-  
 4 ommendations provided by professional organizations of physicians and  
 5 physician assistants and by any individual residing in this state for  
 6 appointment.

7 ~~(c) All public members shall be appointed by the governor for three (3)-~~  
 8 ~~year terms. Public members must reside in the state and be persons of~~  
 9 ~~integrity and good reputation who have lived in this state for at least~~  
 10 ~~five (5) years immediately preceding their appointment, who have never~~  
 11 ~~been authorized to practice a healing art, and who have never had a sub-~~  
 12 ~~stantial personal, business, professional, or pecuniary connection~~  
 13 ~~with a healing art or with a medical education or health care facility,~~  
 14 ~~except as patients or potential patients.~~

15 (2) (a) Six (6) members shall be physicians who are licensed and engaged  
 16 in the active practice of medicine in this state, one (1) member shall  
 17 be licensed and engaged in the active practice of osteopathic medicine  
 18 in this state, one (1) member shall be licensed and engaged in the active  
 19 practice of podiatric medicine in this state, one (1) member shall be a  
 20 physician assistant who is licensed and engaged in the active practice  
 21 of medicine in this state, and two (2) members shall be public members.

22 (b) All members of the board shall be residents of this state.

23 (c) All members of the board shall be appointed by the governor for five  
 24 (5) year terms and shall serve at the pleasure of the governor.

25 (d) Public members must be persons of integrity and good reputation who  
 26 have lived in this state for at least five (5) years immediately pre-  
 27 ceding their appointment, who have never been authorized to practice a  
 28 healing art, and who have never had a substantial personal, business,  
 29 professional, or pecuniary connection with a healing art or with a med-  
 30 ical education or health care facility, except as patients or potential  
 31 patients.

32 (3) Appointments to fill vacancies occurring from some other reason  
 33 than expiration of a term for which a member was appointed shall be made in  
 34 the same manner as hereinabove set forth for the unexpired term. All board  
 35 members shall serve at the pleasure of the governor.

36 (4) The board shall elect a chairman from its membership. The members  
 37 of the board, except for state employees, shall be compensated as provided  
 38 by section 59-509(p), Idaho Code. Six (6) members of the board shall consti-  
 39 tute a quorum, and the board may act by virtue of a majority vote of members  
 40 present at a meeting.

41 SECTION 4. That Section 39-1395, Idaho Code, be, and the same is hereby  
 42 amended to read as follows:

43 39-1395. PRACTICE OF PODIATRY -- MEDICAL STAFF MEMBERSHIP. Except as  
 44 otherwise provided in this section, no provision or provisions of this sec-  
 45 tion shall in any way change or modify the authority or power of the governing  
 46 body of any hospital to make such rules, standards or qualifications for med-  
 47 ical staff membership as they, in their discretion, may deem necessary or ad-  
 48 visable, or to grant or refuse membership on a medical staff.

1 An applicant for medical staff membership may not be denied membership  
 2 solely on the ground that the applicant holds a license to practice podiatry  
 3 issued by the Idaho state board of podiatry medicine. The criteria utilized  
 4 for granting medical staff membership shall be reasonable and shall not dis-  
 5 criminate against podiatry.

6 The process for considering applications for medical staff membership  
 7 and privileges shall afford each applicant due process.

8 All applications for medical staff membership shall be acted ~~upon~~ on  
 9 within one hundred twenty (120) days from the date the required information  
 10 is submitted.

11 The accordane and delineation of clinical privileges for podiatrists  
 12 shall be determined on an individual basis and commensurate with the appli-  
 13 cant's education, training, experience and demonstrated competence. In im-  
 14 plementing these procedures, each hospital shall formulate and apply rea-  
 15 sonable standards that do not discriminate in the evaluation of an appli-  
 16 cant's credentials.

17 A member of the medical staff licensed pursuant to chapter 18, title 54,  
 18 Idaho Code, shall have responsibility for the overall medical care of the pa-  
 19 tient while in the hospital. Arrangements for the services of a member of the  
 20 medical staff licensed pursuant to chapter 18, title 54, Idaho Code, for the  
 21 purposes of this section shall be the sole responsibility of the admitting  
 22 podiatrist and not that of the hospital or any other member of the medical  
 23 staff.

24 SECTION 5. That Section 54-4401, Idaho Code, be, and the same is hereby  
 25 amended to read as follows:

26 54-4401. DEFINITIONS. As used in this chapter:

27 (1) "Board" means:

28 ~~(a) The state board of podiatry as established in chapter 6, title 54,~~  
 29 ~~Idaho Code;~~

30 ~~(b) (a) The state board of chiropractic physicians as established in~~  
 31 ~~chapter 7, title 54, Idaho Code;~~

32 ~~(c) (b) The state board of dentistry as established in chapter 9, title~~  
 33 ~~54, Idaho Code;~~

34 ~~(d) (c) The state board of nursing as established in chapter 14, title~~  
 35 ~~54, Idaho Code;~~

36 ~~(e) (d) The state board of optometry as established in chapter 15, title~~  
 37 ~~54, Idaho Code;~~

38 ~~(f) (e) The state board of pharmacy as established in chapter 17, title~~  
 39 ~~54, Idaho Code;~~

40 ~~(g) (f) The state board of medicine as established in chapter 18, title~~  
 41 ~~54, Idaho Code;~~

42 ~~(h) (g) The board of veterinary medicine as established in chapter 21,~~  
 43 ~~title 54, Idaho Code;~~

44 ~~(i) (h) The Idaho state board of psychologist examiners as established~~  
 45 ~~in chapter 23, title 54, Idaho Code;~~

46 ~~(j) (i) The state board of social work examiners as established in chap-~~  
 47 ~~ter 32, title 54, Idaho Code;~~

48 ~~(k) (j) The Idaho state counselor licensing board as established in~~  
 49 ~~chapter 34, title 54, Idaho Code; and~~

1       ~~(1)~~ (k) Any health care related board granted licensing authority by  
2       the legislature after July 1, 1993.

3       (2) "Peer assistance entity" means an organization, a program, a com-  
4       mittee or a professional association ~~which~~ that is designed to address any  
5       or all of the following issues affecting practitioners of the health care  
6       professions: chemical dependency and/or impairment; psychological impair-  
7       ment; and mental or physical impairment.

8       SECTION 6. An emergency existing therefor, which emergency is hereby  
9       declared to exist, this act shall be in full force and effect on and after  
10      July 1, 2026.