TEXAS STATE BOARD OF PODIATRIC MEDICAL EXAMINERS

Issue 1

Key Elements of the Texas State Board of Podiatric Medical Examiners’ Licensing and Regulatory Functions Do Not Conform to Common Licensing Standards.

Change in Statute

Rec. 1.1, Adopted  Require the agency to conduct fingerprint-based criminal background checks of all licensure applicants and licensees.

Rec. 1.2, Adopted  Remove a subjective qualification required of applicants for licensure.

Rec. 1.3, Adopted  Remove the notarization requirement for individuals applying for licensure.

Rec. 1.4, Adopted  Authorize the agency to provide biennial license renewal.

Rec. 1.5, Adopted  Remove the statutory limitation currently restricting the agency’s authority to set fees.

Rec. 1.6, Adopted  Require the agency to establish written policies to guide the prioritization of complaints.

Rec. 1.7, Adopted  Require the agency to develop and adopt in rule penalty amounts for the categories in its penalty schedule.

Rec. 1.8, Adopted  Clarify statute and provide direction for the agency to monitor podiatrists’ prescribing of controlled substances.

Management Action

Rec. 1.9, Adopted  Direct the agency to accept all license and registration applications, renewals, and fee payments online.

Rec. 1.10, Adopted  Direct the agency to administer the Texas podiatric jurisprudence exam online.

Rec. 1.11, Adopted  Direct the board to eliminate the rule allowing the use of notarized complaints.
Rec. 1.12, Modified  Direct the agency to maintain complainants’ confidentiality when possible. In addition, the commission voted to make the following statutory changes:

Repeal the board’s statutory authority to provide a copy of the complaint to the license holder and replace it with a requirement that the board notify a licensee who is the subject of a complaint that a complaint has been filed and the nature of the complaint, unless the notice would jeopardize an investigation. Require the board to protect the identity of the complainant to the extent possible.

Prohibit the board from accepting anonymous complaints.

Require complaints filed with the board by an insurance agent, insurer, pharmaceutical company, or third-party administrator against a licensee to include the name and address of the insurance agent, insurer, pharmaceutical company, or third-party administrator filing the complaint.

Require the board to notify, within 15 days of the complaint being filed, the licensee who is the subject of the complaint of the name and address of the insurance agent, insurer, pharmaceutical company, or third-party administrator who filed the complaint, unless the notice would jeopardize an investigation.

Rec. 1.13, Adopted  Direct the agency to establish a schedule for conducting each phase of the complaint resolution process.

Rec. 1.14, Adopted  Eliminate the use of Texas Podiatric Medical Association’s peer review process for resolving minor jurisdictional complaints.

Rec. 1.15, Adopted  Direct the agency to prohibit a board member who investigates a complaint from participating in any resulting disciplinary proceeding, including an informal settlement conference.

Rec. 1.16, Adopted  Direct the agency to incorporate the State Office of Administrative Hearings into its complaint resolution process.
Issue 2

*Texas Should Continue Regulating Podiatrists, but Decisions on the Structure of the Texas State Board of Podiatric Medical Examiners Await Further Review.*

**Change in Statute**

**Rec. 2.1, Adopted**

Continue the state’s regulation of podiatrists, but postpone the decision on continuation of the Texas State Board of Podiatric Medical Examiners until completion of the Sunset reviews of other health licensing agencies.

**Rec. 2.2, Adopted**

Update the standard across-the-board requirement related to board member training.

**Adopted New Issue**

*Prescription Monitoring Program*

Beginning September 1, 2018, require podiatrists to search the Prescription Monitoring Program database and review a patient’s prescription history before prescribing opioids, benzodiazepines, barbiturates, or carisoprodol. A podiatrist who does not check the database before prescribing these drugs would be subject to disciplinary action by the Podiatry Board.