

PROSPECTIVE ANALYSIS
IDAHO BOARD OF PODIATRY
IDAPA 24.11.01

Proposed 200 Series:

200. PRACTICE STANDARDS

01. Ethical Practice. A licensee must comply with the applicable standard of care when practicing podiatry, taking into account the licensee’s education, training, and experience.

Current Rules: Same essential elements as proposed rule.

Legal Authority: Idaho Code §§ 54-605 & 606 – discretionary.

Define the specific problem the proposed rule is attempting to solve. Can it be solved through non-regulatory means?

To provide standards for the ethical practice of podiatry in Idaho.

What evidence is there that the rule, as proposed, will solve the problem?

...

Federal Law Comparison (where applicable)

Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
N/A	N/A

State Law Comparison

State	Summary of Law (include direct link)	How is the proposed Idaho rule
-------	--------------------------------------	--------------------------------

		more stringent? (if applicable)
Alaska	<p>AK governs podiatry through the State Medical Board. Its definition of the “practice of podiatry” includes both “medical, mechanical, and surgical treatment of ailments of the foot, the muscles and tendons of the leg governing functions of the foot, <i>and superficial lesions of the hand</i>. The practice act requires the reporting of certain injuries (burns, gunshot wounds) and conditions of other medical professionals (alcoholism, addiction).</p> <p>https://www.commerce.alaska.gov/web/portals/5/pub/MedicalStatutes.pdf</p>	The proposed rule is no more restrictive.
Montana	<p>MT has uniform regulation procedures for all health professions. These define unprofessional conduct as conduct that does not meet the generally accepted standards of practice. Also committing a crime in the course of a licensee’s practice, or one that involves violence, the sale of drugs, or fraud. Fraudulent advertising is prohibited as is misappropriation of funds, revealing confidential information, and failing to report malpractice claims.</p> <p>https://leg.mt.gov/bills/mca/title_0370/chapter_0010/part_0030/section_0160/0370-0010-0030-0160.html</p>	The proposed rule is no more restrictive.
Nevada	<p>NV allows podiatrists to administer electricity to the foot or leg; use his hands to manipulate the foot or leg; apply mechanical appliances to treat diseases, deformities, or ailments, administer local anesthetics, and (after receiving additional training), prescribe and dispense controlled substance. It has adopted the Code of Ethics established by the American Podiatric Medical Association. Violations of this code of ethics or departures from the prevailing standards of acceptable medical practice, whether in medical procedures or medication prescriptions, are considered unprofessional conduct. Podiatrists are also required to consult with other physicians when consultation will improve the quality of care or is requested by a patient. Certain limitations are placed on advertising and licenses must be conspicuously displayed.</p> <p>https://www.leg.state.nv.us/nrs/nrs-635.html https://www.leg.state.nv.us/NAC/NAC-635.html</p>	The proposed rule is no more restrictive.

<p>Oregon</p>	<p>OR limits podiatrists to “treating ailments of the human foot, ankle, and tendons directly attached to and governing the function of the foot and ankle.” Before they can perform ankle surgery, podiatrists are required to complete an approved surgical residency.</p> <p>https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=3899</p>	<p>The proposed rule is no more restrictive.</p>
<p>South Dakota</p>	<p>SD addresses Standards of Practice in statute. Podiatry is defined as “that profession of the health sciences concerned with the diagnosis and treatment of conditions affecting the human foot and their governing and related structures, and the soft tissues inserting into the foot. Licenses must be displayed. It is unprofessional conduct in SD to guarantee treatments, use secret remedial agents, practice podiatry under any title other than podiatrist, or to employ solicitors to obtain business.</p> <p>https://sdlegislature.gov/Statutes/Codified_Laws/2059661</p>	<p>The proposed rule is no more restrictive.</p>
<p>Utah</p>	<p>UT governs the scope of podiatric practice in statute. Podiatrists may perform ankle fusions, massive ankle reconstruction, a reduction of a trimalleolar ankle fracture, or other surgical procedures <i>only</i> after completing an accredited three-year surgical or medicine and surgery residency. Otherwise, they are limited to treating tibial fractures if the fracture line enters the ankle joint; treating foot and ankle conditions, including with hardware; or placing hardware in the soft tissues “no more proximal than the distal 10 centimeters of the tibia.” Gross incompetence in the practice of podiatry is considered unprofessional conduct.</p> <p>https://le.utah.gov/xcode/Title58/Chapter5A/58-5a-S102.html https://le.utah.gov/xcode/Title58/Chapter5A/58-5a-S103.html</p>	<p>The proposed rule is no more restrictive.</p>
<p>Washington</p>	<p>WA defines podiatric medicine and surgery as “the diagnosis and the medical, surgical, mechanical, manipulative, and electrical treatments of the human foot.” All diagnoses and treatments of the human foot, including the ankle joint, are encompassed within the scope of practice, though if a general anesthetic is required to perform treatment, those can only be administered by physicians or CRNAs. Podiatrists are prohibited from amputating the foot.</p>	<p>The proposed rule is no more restrictive.</p>

	<p>WA professional and ethic standards require podiatrists to stay abreast of new developments in the field to ensure a reasonable degree of skill and quality of care toward patients. Podiatrists must not be deceptive in their advertising nor divide fees for patient referrals.</p> <p>https://app.leg.wa.gov/rcw/default.aspx?cite=18.22&full=true&pdf=true https://app.leg.wa.gov/wac/default.aspx?cite=246-922&full=true&pdf=true</p>	
Wyoming	<p>WY governs standards of practice by Rule. The standards include practicing podiatry in a manner that does not endanger public health, safety, or welfare; that is not beyond the licensee’s training and competence; protect patient privacy; and not advertise in misleading or fraudulent ways.</p> <p>https://rules.wyo.gov/Search.aspx?Agency=028&Program=0001</p>	The proposed rule is no more restrictive.

If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

N/A

Anticipated impact of the proposed rule on various stakeholders:

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	N/A.
Impact to Idaho businesses, with special consideration for small businesses	The rule does not negatively impact Idaho businesses.
Impact to any local government in Idaho	The rule does not negatively impact local governments in Idaho.

Cumulative regulatory volume this proposed rule adds:

Category	Potential Impact
Net change in word count	

Net change in restrictive word count	
--------------------------------------	--