

CHAPTER 153

PODIATRY

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153.01 DEFINITIONS. Subdivision 1. **Words, terms, and phrases.** Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases, for the purposes of this chapter, shall be given the meanings subjoined to them.

Subd. 2. **Podiatry.** The word "podiatry" is held to be the diagnosis or medical, mechanical, or surgical treatment of the ailments of the human hand or foot. It shall include the fitting or recommending of appliances, devices, or shoes for the correction or relief of minor foot ailments, except the amputation of the foot, hand, toes, or fingers, or the use of anaesthetics other than local. It shall include the prescribing or administering of any drugs or medications necessary or helpful to the practice of podiatry as defined by this subdivision, provided, however, that licensed podiatrists shall be restricted in their prescribing or administering of any drugs or medications by the limitations imposed on the scope of practice of podiatry as defined in this chapter.

Subd. 3. **Board.** The word "board" means the board of registration in podiatry of the state of Minnesota.

Subd. 4. **Podiatry.** The word "podiatry" for the purpose of sections 153.01 to 153.15 shall be synonymous in meaning to the word chiropody.

[1917 c 382 s 2, 16; 1935 c 266 s 1; 1957 c 192 s 1; 1959 c 70 s 1; 1961 c 369 s 2; 1973 c 693 s 19] (5769, 5783)

153.02 GOVERNOR TO APPOINT MEMBERS. The governor shall appoint a state board of podiatry examiners and registration consisting of two public members as defined for purposes of Laws 1973, Chapter 638 and five resident podiatrists of good standing in their profession; each member shall serve five years and until his successor is appointed and has qualified, provided that the initial two public members shall serve four and five year terms respectively.

[1917 c 382 s 3; 1961 c 369 s 1; 1973 c 638 s 31] (5770)

153.03 APPLICATION FOR REGISTRATION; FEES. Application for registration shall be made upon blanks furnished by the board and signed and sworn to by the applicant.

All fees received by the board shall once a month be paid by its secretary into the state treasury and credited to the general fund together with any unexpended balance in the special fund of the board as of July 1, 1973. The expenses of administering sections 153.01 to 153.15 shall be paid from the appropriations made to the state board of podiatry.

[1917 c 382 s 4; Ex1933 c 27 s 1; 1935 c 266 s 2; 1939 c 160 s 1; 1973 c 638 s 32] (5771)

153.04 REGISTRATION BY EXAMINATION. Any person entitled to registration, who shall furnish the state board of podiatry examiners and registration with satisfactory proof that he is 18 years of age or over and of good moral character, provide documentary evidence of preliminary education received prior to entering the study of podiatry equal to that required for completion of four years work in a first grade high school course, and one year in a college of liberal arts, and present a diploma or certificate from a school of podiatry recognized by the board having a minimum requirement of at least four years course of at least eight months each shall, upon payment of a fee of \$50, be examined; and, if found qualified, registered and receive in testimony thereof a certificate signed by the chairman and secretary of the board.

An applicant who fails to pass an examination satisfactory to the board and is therefore refused registration shall be entitled, within one year after such refusal, to a reexamination at a meeting of the board called for the examination of applicants, upon payment of an additional fee of \$20 for each such reexamination, but two such reexaminations shall exhaust his privilege under his original application.

Any person to whom a certificate of registration is granted under the provisions of this chapter shall designate himself as a doctor of surgical podiatry.

Before the first of June each year, every registered podiatrist shall pay to the board a license renewal fee of \$15, and in default of such payment the board may, upon hearing and notice, revoke the registration of the podiatrist in default, but the payment of such fee on or before the time of hearing, together with a penalty of \$5, shall excuse the default. Such fee may also be collected by the board in a civil action.

[1917 c 382 s 5; 1921 c 385 s 1; 1939 c 160 s 2; 1957 c 192 s 2; 1961 c 369 s 2; 1963 c 178 s 1; 1973 c 725 s 21] (5772)

153.05 EXAMINATIONS. Examinations shall be in the English language and shall be written, oral or clinical, or a combination of two or more of these methods, as the board may determine.

The examinations shall embrace the subjects of anatomy, physiology, chemistry, bacteriology, pathology, diagnosis and treatment, materia medica, therapeutics and clinical podiatry, but these examinations shall be so limited in their scope as to cover only the minimum requirements for podiatry education, as herein provided.

The minimum requirement for applications under sections 153.04 and 153.05 shall be based on a general average of 75 percent of the subjects involved and not less than 60 percent in any one subject.

The board, at its discretion, may accept the certificate of the national board of podiatry examiners in lieu of its own examination. Every applicant for license upon the basis of such certificate shall upon making application, showing the necessary qualifications as set forth in section 153.04, be required to pay the same fee required by applicants to take the examination before the board.

[1917 c 382 s 6; 1957 c 192 s 3; 1961 c 369 s 2]

153.06 EVIDENCE OF PRACTICING. It shall be deemed prima facie evidence of the practice of podiatry, or of holding oneself out as a practitioner of podiatry within the meaning of this chapter, for any person to diagnose or treat in any manner the human hand or foot by medical, mechanical or surgical methods, or to use the title podiatrist or registered podiatrist, or any other words or letters which designate, or tend to designate, to the public that the person so treating, or holding himself out to treat, is a podiatrist, or who in any manner shall publicly profess to practice or assume the duties incident to the practice of podiatry.

[1917 c 382 s 8; 1935 c 266 s 5; 1961 c 369 s 2] (5775)

153.07 CANCELANON OF REGISTRATION. The board after hearing may by majority vote revoke any certificate issued by it and cancel the registration of any podiatrist who has been convicted of violation of the provisions of section 153.08. The board may after hearing by majority vote revoke the certificate and cancel the registration of any person when the court records of any state or territory within the United States, or the federal court records, or the record of any court of jurisdiction in any foreign country, show that such person has been found guilty of a criminal offense. The board may after hearing by majority vote revoke the certificate and cancel the registration of any person whose registration was granted upon mistake of material fact. The board may subsequently, but not earlier than one year thereafter, by unanimous vote, reissue any certificate and register anew any podiatrist whose certificate was revoked and whose registration was canceled by the board.

[1917 c 382 s 9; 1949 c 279 s 1; 1961 c 369 s 2] (5776)

153.08 UNPROFESSIONAL CONDUCT. The board may after hearing refuse to issue a certificate to any person, or may revoke the certificate and cancel the registration of any person registered under the provisions of this chapter, who after investigation shall be found by a majority vote of the board guilty of grossly unprofessional and dishonest conduct. The words "unprofessional and dishonest conduct" shall be held to mean, within the provisions of this chapter:

(1) The willing betrayal of a professional secret;

(2) Having professional connection with, or lending the use of one's name to, an unregistered podiatrist, or having professional connection with anyone who has been convicted in court of any criminal offense;

(3) Being guilty of offenses involving moral turpitude, habitual intemperance, or being habitually addicted to the use of morphine, opium, cocaine or other drugs having a similar effect, or for using, selling, or giving away any substance or compound containing alcohol or drugs for other than legal and legitimate purposes;

(4) Practice of podiatry with any type of business establishment other than an approved hospital or medical clinic or accredited college or university, or private office or association with another podiatrist or medical practitioner; provided that any podiatrist may practice with any existing business establishment where podiatry is presently being practiced;

(5) Violation of any of the provisions of this chapter.

[1917 c 382 s 10; 1939 c 160 s 5; 1957 c 192 s 4; 1957 c 925 s 1; 1961 c 369 s 2] (5777)

153.09 SUSPENSION OF REGISTRATION. The board may revoke or suspend for an indefinite period, but not less than six months, the certificate of registration of any person found guilty under the provisions of section 153.08.

[1917 c. 382 s. 11; 1921 c. 385 s. 3] (5778)

153.10 INVESTIGATION AND PROSECUTION. The board shall investigate all complaints of violations of sections 153.08 and 153.15 and report all violations of section 153.15 to the proper prosecuting officers.

[1917 c. 382 s. 12; 1921 c. 385 s. 4] (5779)

153.11 REGISTRATION OF CERTIFICATE BY CLERK OF DISTRICT COURT. Every person to whom a certificate of registration has been issued under this chapter shall within one month from the date of receipt of the certificate of registration submit the same to the clerk of the district court of the county in which the person has then legal residence or usual place of business and make oath that he is the person designated therein. Upon the payment of a fee of \$1, it shall be the duty of the clerk of the district court to whom such certificate is presented to register the name and address of the person designated in the certificate, together with the date and number inscribed thereon; which record shall be open to the inspection of the public; and it shall be the further duty of the clerk of the district court to whom the certificate is presented to file with the board within one week of such registration a duplicate copy of the record made.

[1917 c. 382 s. 13; 1921 c. 385 s. 5] (5780)

153.12 COMPENSATION AND EXPENSES. Each member of the board shall receive \$35 for every day actually spent in the performance of his duties in connection with the provisions of this chapter and the ordinary and necessary expenses in the same amount and manner as state employees. Such compensation and expenses and any incidental expenses necessarily incurred by the board or any members thereof shall, if approved by the board, be paid from appropriated funds.

[1917 c 382 s 14; 1935 c 266 s 6; 1957 c 192 s 5; 1963 c 178 s 2; 1973 c 638 s 33] (5781)

153.13 RECIPROCITY. The board may accept the certificate of license of the board of registration and examination of any other state or territory or any foreign country whose standards of qualifications and requirements for practice are equivalent to those of this state, on payment of the required fee of \$200, with the endorsement of the chairman and secretary of the state board of podiatry examiners.

[1917 c 382 s 15; 1935 c 266 s 7; 1939 c 160 s 4; 1957 c 192 s 6; 1961 c 369 s 2] (5782)

153.14 EXEMPTION OF PHYSICIANS. This chapter shall not apply to the commissioned surgical officers of the United States army, navy, or marine hospital service when in the actual performance of their official duties, nor to any physicians duly registered under the general laws of the state, nor to any legally registered podiatrist of another state taking charge of the practice of a legally registered podiatrist of this state temporarily during the latter's absence therefrom, upon the written request to the board of the registered podiatrist of this state.

[1917 c 382 s 17; 1961 c 369 s 2] (5784)

153.15 OFFENSES; PENALTIES. Any person who shall unlawfully obtain registration under this chapter, whether by false or untrue statements contained

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in his application to the board or by presenting to the board a fraudulent diploma, certificate, or license, or one fraudulently obtained, shall be deemed guilty of a misdemeanor; and, upon conviction thereof, punished by a fine of not less than \$25 nor more than \$100 or by imprisonment for not less than 30 nor more than 90 days; and any person not being lawfully authorized to practice podiatry in this state and registered as aforesaid, who shall advertise as a podiatrist in any form, or hold himself out to the public as a podiatrist, or who shall attempt to mislead any person or the public into assuming that he or she is licensed, or who, not being duly licensed to practice medicine, osteopathy, or chiropractic in this state, shall offer to diagnose or treat the ailments of the human foot, or who shall diagnose or treat the ailments of the human foot by medicinal, mechanical, or surgical means, shall be guilty of a misdemeanor; and, upon conviction thereof, for each offense, punished by a fine of not less than \$25 nor more than \$100 or by imprisonment for not less than 30 nor more than 90 days; provided, that the simple sale of shoes, appliances or similar devices including arch supports and the adjustment thereof, or the sale of heel pads, cushions or other devices shall not be considered the practice of podiatry; however the adjusting of, or the addition of corrective wedging of said shoes, appliances or similar devices for correction of feet ailments except as provided above shall be by prescription of a licensed practitioner under the terms of this chapter. Provided, however, that no appliance prescribed by a podiatrist for the prevention, correction or relief of foot ailments or troubles shall be in any manner altered, adjusted or readjusted by any person other than licensed practitioner of podiatry.

It shall be unlawful for any person, firm, or corporation to publish directly or indirectly or circulate any fraudulent, false, or misleading statements as to the skill or method of practice of any person or operator in the practice of podiatry, or in any way to advertise podiatry as to be practiced without pain, or to advertise in any manner with a view to deceiving the public, or to claim superiority over other podiatrists, or to publish reports of cases or certificates of same in any advertising media, or to advertise as using any anaesthetic, drug, formula, material, medicine, method, or system, or to advertise free podiatry services or examinations, or to advertise any amount as a price or fee for the service of any person engaged in the practice of podiatry. Any licensed and registered podiatrist may announce by way of a professional card containing only the name, title, degree, office location, office hours, telephone number, and residence address and telephone number, if desired, and if he limits his practice to a specialty he may announce it, but such card shall not be greater in size than eight column inches, and such information may be inserted in public print when not more than two columns in width and four inches in depth; outdoor or similar signs shall not exceed 12 by 18 inches and the text limited to the above qualifications. It shall not be considered unprofessional or unlawful to conduct an educational campaign to give information as to the practice of podiatry, providing such campaign is first approved by the Minnesota state board of podiatry examiners. Any person violating any of the provisions of this section as it relates to advertising shall be guilty of a misdemeanor.

[1917 c 382 s 7; 1921 c 385 s 2; 1927 c 371; 1935 c 266 s 4; 1939 c 160 s 3; 1957 c 192 s 7; 1957 c 925 s 2; 1961 c 369 s 2] (5774)