

By: Uresti

S.B. No. 1264

A BILL TO BE ENTITLED

AN ACT

relating to the practice of podiatry.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 202.001(a)(4), Occupations Code, is amended to read as follows:

(4) "Podiatry" means the treatment of or offer to treat any disease, disorder, physical injury, deformity, or ailment of the human foot and ankle by any system or method. The term includes podiatric medicine.

SECTION 2. Section 202.253(a), Occupations Code, is amended to read as follows:

(a) The board may refuse to admit a person to an examination, and may refuse to issue a license to practice podiatry to a person, for:

(1) presenting to the board a license, certificate, or diploma that was illegally or fraudulently obtained or engaging in fraud or deception in passing the examination;

(2) being convicted of:

(A) a felony;

(B) a crime that involves moral turpitude; or

(C) an offense under Section 202.606;

(3) engaging in habits of intemperance or drug addiction that in the board's opinion would endanger the health, well-being, or welfare of patients;

1 (4) engaging in grossly unprofessional or
2 dishonorable conduct of a character that in the board's opinion is
3 likely to deceive or defraud the public;

4 (5) directly or indirectly violating or attempting to
5 violate this chapter or a rule adopted under this chapter as a
6 principal, accessory, or accomplice;

7 (6) using any advertising statement of a character
8 tending to mislead or deceive the public;

9 (7) advertising professional superiority or the
10 performance of professional service in a superior manner;

11 (8) purchasing, selling, bartering, or using or
12 offering to purchase, sell, barter, or use a podiatry degree,
13 license, certificate, diploma, or a transcript of a license,
14 certificate, or diploma, in or incident to an application to the
15 board for a license to practice podiatry;

16 (9) altering, with fraudulent intent, a podiatry
17 license, certificate, diploma, or a transcript of a podiatry
18 license, certificate, or diploma;

19 (10) using a podiatry license, certificate, or
20 diploma, or a transcript of a podiatry license, certificate, or
21 diploma, that has been fraudulently purchased, issued,
22 counterfeited, or materially altered;

23 (11) impersonating, or acting as proxy for, another
24 person in a podiatry license examination;

25 (12) impersonating a license holder, or permitting
26 another person to use the license holder's license to practice
27 podiatry in this state, to treat or offer to treat, by any method,

conditions and ailments of human feet and ankles;

(13) directly or indirectly employing a person whose license to practice podiatry has been suspended or associating in the practice of podiatry with a person whose license to practice podiatry has been suspended or who has been convicted of the unlawful practice of podiatry in this state or elsewhere;

(14) wilfully making in the application for a license to practice podiatry a material misrepresentation or material untrue statement;

(15) being unable to practice podiatry with reasonable skill and safety to a patient because of age, illness, drunkenness, or excessive use of drugs, narcotics, chemicals, or other substances or as a result of a mental or physical condition;

(16) failing to practice podiatry in an acceptable manner consistent with public health and welfare;

(17) being removed, suspended, or disciplined in another manner by the podiatrist's peers in a professional podiatry association or society, whether local, regional, state, or national in scope, or being disciplined by a licensed hospital or the medical staff of a hospital, including removal, suspension, limitation of hospital privileges, or other disciplinary action, if the board determines that the action was:

(A) based on unprofessional conduct or professional incompetence likely to harm the public; and

(B) appropriate and reasonably supported by evidence submitted to the association, society, hospital, or medical staff; or

1 (18) having repeated or recurring meritorious health
2 care liability claims filed against the podiatrist that in the
3 board's opinion are evidence of professional incompetence likely to
4 injure the public.

5 SECTION 3. Section 202.254(d), Occupations Code, is amended
6 to read as follows:

7 (d) The examination must cover the subjects of anatomy,
8 chemistry, dermatology, diagnosis, pharmacology, pathology,
9 physiology, microbiology, orthopedics, and podiatry, as related to
10 ailments of the human foot and ankle.

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2011.