

2021

STATE OF NEBRASKA

**STATUTES RELATING TO
PODIATRY PRACTICE ACT**

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES

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STATUTES PERTAINING TO THE PODIATRY PRACTICE ACT

38-3001. Act, how cited.

Sections 38-3001 to 38-3014 shall be known and may be cited as the Podiatry Practice Act.

Source: Laws 2007, LB463, § 1023; Laws 2020, LB755, § 18.

38-3002. Definitions, where found.

For purposes of the Podiatry Practice Act and elsewhere in the Uniform Credentialing Act, unless the context otherwise requires, the definitions found in sections 38-3003 to 38-3005.02 apply.

Source: Laws 2007, LB463, § 1024; Laws 2020, LB755, § 19.

38-3003. Board, defined.

Board means the Board of Podiatry.

Source: Laws 2007, LB463, § 1025.

38-3004. Podiatrist, defined.

Podiatrist means a physician of the foot, ankle, and related governing structures.

Source: Laws 2007, LB463, § 1026.

38-3005. Practice of podiatry, defined.

Practice of podiatry means the diagnosis or medical, physical, or surgical treatment of the ailments of the human foot, ankle, and related governing structures except (1) the amputation of the forefoot, (2) the general medical treatment of any systemic disease causing manifestations in the foot, and (3) the administration of anesthetics other than local.

Source: Laws 2007, LB463, § 1027.

38-3005.01. Supervising podiatrist, defined.

Supervising podiatrist means a licensed podiatrist who supervises a physician assistant under a collaborative agreement.

Source: Laws 2020, LB755, § 20.

38-3005.02. Supervision, defined.

Supervision means the ready availability of the supervising podiatrist for consultation and collaboration on the activities of the physician assistant.

Source: Laws 2020, LB755, § 21.

38-3006. Practice of podiatry.

The following persons shall be deemed to be practicing podiatry: Persons who publicly profess to be podiatrists or who publicly profess to assume the duties incident to the practice of podiatry.

Source: Laws 1927, c. 167, § 72, p. 473; C.S.1929, § 71-1001; R.S.1943, § 71-173; Laws 1947, c. 228, § 1, p. 723; Laws 1961, c. 337, § 9, p. 1055; Laws 1974, LB 778, § 1; Laws 1976, LB 25, § 1; Laws 1983, LB 541, § 1; Laws 2001, LB 25, § 2; R.S.1943, (2003), § 71-173; Laws 2007, LB463, § 1028.

38-3007. Podiatry; practice; persons excepted.

The Podiatry Practice Act shall not be construed to include (1) licensed physicians and surgeons or licensed osteopathic physicians, (2) physicians and surgeons who serve in the armed forces of the United States or the United States Public Health Service or who are employed by the United States Department of Veterans Affairs or other federal agencies, if their practice is limited to that service or employment, (3) students who have not graduated from a school of podiatry and are enrolled in an approved and accredited school of podiatry when the services performed are a part of the course of study and are under the direct supervision of a licensed podiatrist, or (4) graduates of a school of podiatry currently enrolled in a postgraduate residency program approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association.

Source: Laws 1927, c. 167, § 73, p. 473; C.S.1929, § 71-1002; R.S.1943, § 71-174; Laws 1989, LB 342, § 13; Laws 1990, LB 1064, § 10; Laws 1995, LB 173, § 1; R.S.1943, (2003), § 71-174; Laws 2007, LB463, § 1029.

38-3008. Podiatry; license; qualifications.

Every applicant for an initial license to practice podiatry shall (1) present proof of graduation from a school of chiropody or podiatry approved by the board, (2) present proof of completion of a minimum one-year postgraduate residency program approved by the Council on Podiatric Medical Education of the American

Podiatric Medical Association, (3) pass a written examination which consists of (a) parts I and II of the examination given by the National Board of Podiatric Medical Examiners and (b) the written examination approved by the Board of Podiatry, and (4) present proof satisfactory to the board that he or she, within two years immediately preceding the application for licensure, (a) has been in the active practice of the profession of podiatry under a license in another state or territory of the United States or the District of Columbia for a period of one year, (b) has completed at least one year of a postgraduate residency program approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association, or (c) has completed continuing competency in podiatry approved by the board.

Source: Laws 1927, c. 167, § 74, p. 473; C.S.1929, § 71-1003; R.S.1943, § 71-175; Laws 1961, c. 337, § 10, p. 1055; Laws 1967, c. 438, § 5, p. 1351; Laws 1988, LB 1100, § 28; Laws 1990, LB 1064, § 11; Laws 1995, LB 173, § 2; Laws 1999, LB 828, § 61; Laws 2003, LB 242, § 33; R.S.1943, (2003), § 71-175; Laws 2007, LB463, § 1030.

Cross References

- **Credentialing**, general requirements and issuance procedures, see section 38-121 et seq.

38-3009. Fees.

The department shall establish and collect fees for credentialing under the Podiatry Practice Act as provided in sections 38-151 to 38-157.

Source: Laws 2007, LB463, § 1031.

38-3010. Schools of podiatry; approval; requirements.

No school of podiatry shall be approved by the board unless the school is accredited by the Council on Podiatric Medical Education of the American Podiatric Medical Association.

Source: Laws 1927, c. 167, § 75, p. 474; C.S.1929, § 71-1004; R.S.1943, § 71-176; Laws 1947, c. 228, § 2, p. 724; Laws 1961, c. 337, § 11, p. 1056; Laws 1967, c. 438, § 6, p. 1352; Laws 1973, LB 52, § 1; Laws 1995, LB 173, § 3; R.S.1943, (2003), § 71-176; Laws 2007, LB463, § 1032.

38-3011. Podiatry; surgery; restrictions.

A podiatrist shall not perform surgery on the ankle other than in a licensed hospital or ambulatory surgical center, and a podiatrist who performs surgery on the ankle in a licensed hospital or ambulatory surgical center shall have successfully completed an advanced postdoctoral surgical residency program of at least one year's duration which is recognized as suitable for that purpose by the board.

No podiatrist initially licensed in this state on or after September 1, 2001, shall perform surgery on the ankle unless such person has successfully completed an advanced postdoctoral surgical residency program of at least two years' duration which is recognized as suitable for that purpose by the board.

Source: Laws 2001, LB 25, § 3; R.S.1943, (2003), § 71-174.02; Laws 2007, LB463, § 1033.

38-3012. Employee of licensed podiatrist; radiography practices; requirements.

(1) A person employed exclusively in the office or clinic of a licensed podiatrist shall not perform any of the functions described in section 38-1916 as a part of such employment unless the person is (a) licensed as a limited radiographer under the Medical Radiography Practice Act or (b) certified as provided in this section.

(2) The department, with the recommendation of the board, may certify a person to perform medical radiography on the anatomical regions of the ankle and foot if such person (a) has completed a fifteen-hour course of instruction, approved by the board, on radiation hygiene and podiatric radiological practices, including radiation health and safety, lower extremity anatomy, physics, concepts, physiology, techniques, positioning, equipment maintenance, and minimization of radiation exposure, and (b) passed a competency examination approved by the board. A person who has not passed the competency examination after three attempts shall successfully complete a remedial course of instruction in medical radiography, approved by the board, prior to any further attempts to pass the competency examination.

Source: Laws 1995, LB 406, § 39; Laws 1999, LB 828, § 63; Laws 2003, LB 245, § 12; R.S.1943, (2003), § 71-176.01; Laws 2007, LB463, § 1034.

Cross References

- **Medical Radiography Practice Act**, see section 38-1901.

38-3013. Physician assistants; services performed; collaborative agreement; supervision; requirements.

Under a collaborative agreement with a supervising podiatrist, a physician assistant may perform services that (1) are delegated by and provided under the supervision of a licensed podiatrist who meets the requirements of section 38-3014, (2) are appropriate to the level of education, experience, and training of the physician assistant, (3) form a component of the supervising podiatrist's scope of practice, (4) are medical services for which the physician assistant has been prepared by education, experience, and training and that the physician assistant is

competent to perform within the scope of practice of the supervising podiatrist, and (5) are not otherwise prohibited by law. A physician assistant shall have at least one supervising podiatrist for each employer.
Source: Laws 2020, LB755, § 22.

38-3014. Physician assistants; supervision; supervising podiatrist; requirements; collaborative agreement.

- (1) To supervise a physician assistant, a podiatrist shall:
 - (a) Be licensed to practice podiatry under the Podiatry Practice Act;
 - (b) Have no restriction imposed by the board on such podiatrist's ability to supervise a physician assistant; and
 - (c) Maintain a collaborative agreement with the physician assistant.
- (2) The podiatrist shall keep the collaborative agreement on file at the podiatrist's primary practice site, shall keep a copy of the collaborative agreement on file at each practice site where the physician assistant provides podiatry services, and shall make the collaborative agreement available to the board and the department upon request.
- (3) Supervision of a physician assistant by a supervising podiatrist shall be continuous but shall not require the physical presence of the supervising podiatrist at the time and place that the services are rendered. A physician assistant may render services in a setting that is geographically remote from the supervising podiatrist.
- (4) A supervising podiatrist may supervise no more than four physician assistants at any one time. The board may consider an application for waiver of this limit and may waive the limit upon a showing that the supervising podiatrist meets the minimum requirements for the waiver. The department may adopt and promulgate rules and regulations establishing minimum requirements for such waivers.

Source: Laws 2020, LB755, § 23.

STATUTES RELATING TO MEDICINE AND SURGERY PRACTICE ACT

38-2047. Physician assistants; services performed; supervision requirements.

- (1) A physician assistant may perform medical services that (a) are delegated by and provided under the supervision of a licensed physician who meets the requirements of section 38-2050, (b) are appropriate to the level of education, experience, and training of the physician assistant, (c)(i) form a component of the supervising physician's scope of practice or (ii) form a component of the scope of practice of a physician who meets the requirements of section 38-2050 working in the same physician group as the physician assistant if delegated by and provided under the supervision of and collaboration with such physician, (d) are medical services for which the physician assistant has been prepared by education, experience, and training and that the physician assistant is competent to perform, and (e) are not otherwise prohibited by law.
- (2) A physician assistant shall have at least one supervising physician for each employer. If the employer is a multispecialty practice, the physician assistant shall have a supervising physician for each specialty practice area in which the physician assistant performs medical services.
- (3) Each physician assistant and his or her supervising physician shall be responsible to ensure that (a) the scope of practice of the physician assistant is identified, (b) the delegation of medical tasks is appropriate to the level of education, experience, and training of the physician assistant, (c) the relationship of and access to the supervising physician is defined, and (d) a process for evaluation of the performance of the physician assistant is established.
- (4) A physician assistant may pronounce death and may complete and sign death certificates and any other forms if such acts are within the scope of practice of the physician assistant.
- (5) A physician assistant may practice under the supervision of a podiatrist as provided in section 38-3013.

Source: Laws 1973, LB 101, § 3; R.S.Supp.,1973, § 85-179.06; Laws 1985, LB 132, § 3; Laws 1993, LB 316, § 2; Laws 1996, LB 1108, § 9; R.S.1943, (2003), § 71-1,107.17; Laws 2007, LB463, § 705; Laws 2009, LB195, § 43; Laws 2020, LB755, § 12.

Cross References

Liability limitations:

Malpractice, Nebraska Hospital-Medical Liability Act, see section 44-2801 et seq.
Rendering emergency aid, see section 25-21,186.