

MEDICAL BOARD LAWS

AS OF THE 2019 LEGISLATIVE SESSION

TITLE 37, CHAPTER 6

PODIATRY

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CHAPTER 6

PODIATRY

Chapter Compiler's Comments

Rules to Remain in Effect: Section 8, Ch. 470, L. 1981 (which chapter transferred the functions of the Board of Podiatry Examiners to the Board of Medical Examiners), provided that "Existing rules of the board of podiatry examiners shall remain in effect unless amended or repealed by the board of medical examiners." Effective July 16, 1982, all rules of the former Board of Podiatry Examiners were either repealed or transferred to the Board of Medical Examiners.

Chapter Cross-References

Professional service corporations, Title 35, ch. 4.

General provisions relating to health care practitioners, Title 37, ch. 2.

Podiatrists to report child abuse, 41-3-201.

Health care information, Title 50, ch. 16.

Duty of podiatrist to report violation of Montana Elder and Persons With Developmental Disabilities Abuse Prevention Act, 52-3-811.

Chapter Administrative Rules

Title 24, chapter 156, subchapter 10, ARM Podiatry.

Part 1

General

37-6-101. Definitions. Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "Board" means the board of medical examiners provided for in 2-15-1731.

(2) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.

(3) "Podiatrist" means a physician or surgeon of the foot and ankle, licensed to diagnose and treat ailments of the human functional foot and ankle.

(4) "Podiatry" means the diagnosis and treatment of ailments of the human functional foot and ankle as provided in 37-6-102.

History: En. Sec. 1, Ch. 2, L. 1923; re-en. Sec. 3154.1, R.C.M. 1935; amd. Sec. 1, Ch. 218, L. 1939; amd. Sec. 55, Ch. 350, L. 1974; R.C.M. 1947, 66-601; amd. Sec. 3, Ch. 274, L. 1981; amd. Sec. 2, Ch. 470, L. 1981; amd. Sec. 1, Ch. 288, L. 1987; amd. Sec. 1, Ch. 484, L. 1989; amd. Sec. 1, Ch. 402, L. 1995; amd. Sec. 115, Ch. 483, L. 2001.

Compiler's Comments

2001 Amendment: Chapter 483 in definition of department substituted reference to department of labor and industry for reference to department of commerce and substituted "part 17" for "part 18". Amendment effective July 1, 2001.

1995 Amendment: Chapter 402 in definition of podiatrist, in two places, and in one place in definition of podiatry inserted "and ankle".

1989 Amendment: Substituted definition of podiatry for former definition that read: "the diagnosis, medical, surgical, mechanical, manipulative, and electrical treatment of ailments of the human foot"; and in definition of podiatrist inserted "diagnose and" and "human functional".

1987 Amendment: In (1) deleted reference to chiropody; and in (2) substituted "a physician or surgeon of the foot, licensed to treat ailments of the foot" for "one practicing podiatry".

1981 Amendments: Chapter 274 substituted "department of commerce" for "department of professional and occupational licensing" in (4); changed internal references to the department and the board.

Chapter 470, in (3), substituted reference to the board of medical examiners for reference to the board of podiatry examiners.

Preamble: The preamble to SB 392 (Ch. 470, L. 1981) read: "WHEREAS, the sunset law, sections 2-8-103 [repealed in 1983] and 2-8-112, terminates the Board of Podiatry Examiners and requires a performance evaluation by the Legislative Audit Committee; and

WHEREAS, as a result of the performance evaluation, the Legislative Audit Committee recommends that the Board of Podiatry Examiners be terminated, and that regulation of podiatrists be transferred to the Board of Medical Examiners."

Attorney General's Opinions

Chiropodists (Now Podiatrists) — Prescription of Drugs: Chiropodists (now podiatrists) licensed under the laws of this state legally may prescribe drugs as a part of their professional treatment. However, their right to administer or prescribe drugs is limited to the direct treatment of an ailment of the human foot. (See 1995 amendment.) 29 A.G. Op. 33 (1961). (See 37-6-105.)

37-6-102. Scope of practice. (1) A podiatrist may diagnose and treat ailments of the human functional foot and ankle by all systems and means. The functional foot is the anatomical foot and any muscle, tendon, ligament, or other soft tissue structure that is directly attached to the anatomical foot and that impacts on or affects the foot or foot function. The ankle is the articulation between the talus, tibia, and fibula and their related soft tissue structures.

(2) A podiatrist may not administer any anesthetic other than a local anesthetic.

History: En. Sec. 2, Ch. 2, L. 1923; re-en. Sec. 3154.2, R.C.M. 1935; amd. Sec. 2, Ch. 218, L. 1939; amd. Sec. 56, Ch. 350, L. 1974; R.C.M. 1947, 66-602(part); amd. Sec. 2, Ch. 288, L. 1987; amd. Sec. 2, Ch. 484, L. 1989; amd. Sec. 2, Ch. 402, L. 1995.

Compiler's Comments

1995 Amendment: Chapter 402 in (1), in first sentence after "foot", inserted "and ankle" and inserted third sentence defining the ankle.

1989 Amendment: In (1), in first sentence, substituted "A podiatrist may diagnose and treat ailments of the human functional foot by all systems and means" for "A podiatrist may treat ailments of the human foot or toe but may not amputate the human foot or toe or" and inserted second sentence describing functional foot; and made minor changes in form and phraseology.

1987 Amendment: Substituted language limiting practice to treatment of ailments of the foot or toe for "A podiatrist may not amputate the human foot or toe or administer an anesthetic other than local".

37-6-103. Application of chapter. This chapter does not apply to any physician licensed to practice the profession in this state or to surgeons of the United States army, navy, or public health service when in actual performance of their duties.

History: En. Sec. 10, Ch. 2, L. 1923; re-en. Sec. 3154.10, R.C.M. 1935; amd. Sec. 7, Ch. 218, L. 1939; R.C.M. 1947, 66-610; amd. Sec. 1366, Ch. 56, L. 2009.

Compiler's Comments

2009 Amendment: Chapter 56 made section gender neutral; and made minor changes in style. Amendment effective October 1, 2009.

Cross-References

Exemptions from physician's licensing requirements, 37-3-103.

37-6-104. Construction of chapter. Nothing in this chapter shall be construed as prohibiting the fitting, recommending, advertising, adjusting, or sale of corrective shoes, arch supports, or similar mechanical appliances, or foot remedies by retail dealers or manufacturers.

History: En. Sec. 8, Ch. 218, L. 1939; R.C.M. 1947, 66-611.

37-6-105. Administration of drugs. A licensed podiatrist may administer and prescribe drugs in accordance with 37-2-101 as a "medical practitioner".

History: En. Sec. 3, Ch. 470, L. 1981.

Cross-References

Dispensing of drugs, Title 37, ch. 2, part 1.
Regulation of prescriptions, Title 37, ch. 7, part 4.
Drug product selection, Title 37, ch. 7, part 5.
Dangerous drugs, Title 45, ch. 9.
Controlled substances, Title 50, ch. 32.

37-6-106. Rulemaking authority. The board may adopt rules to carry out the provisions of this chapter. Rules adopted by the board must be fair, impartial, and nondiscriminatory.

History: En. Sec. 6, Ch. 540, L. 1991.

Compiler's Comments

1991 *Statement of Intent*: The statement of intent attached to Ch. 540, L. 1991, provided: "A statement of intent is required for this bill because rulemaking authority is provided to the board of medical examiners to administer several licensing functions. It is the intent of the legislature that the board of medical examiners adopt rules to set: a date for annual renewal of licenses to practice podiatry or acupuncture; a date for annual renewal of the certificate issued to a physician assistant-certified; and the amount of the utilization plan approval fee. It is further the intent of the legislature that the board of medical examiners adopt rules to implement the provisions of Title 37, chapter 6, parts 1 and 3."

Administrative Rules

Title 24, chapter 156, subchapter 10, ARM Podiatry.

37-6-107. Certification required for ankle surgery — places of performance of surgery. (1)

Notwithstanding any other provisions in this title, a podiatrist may not perform surgical treatments of the ankle unless certified to do so by the board. The board shall certify a podiatrist whom it considers qualified by education, training, and experience or who is certified by the American board of podiatric surgery.

(2) A surgical treatment of the ankle performed in accordance with subsection (1) must be performed in a hospital or outpatient center for surgical services licensed under Title 50.

History: En. Secs. 3, 4, Ch. 402, L. 1995; amd. Sec. 3, Ch. 98, L. 1999.

Compiler's Comments

1999 Amendment: Chapter 98 in (2) substituted "outpatient center for surgical services" for "ambulatory surgical center". Amendment effective October 1, 1999.

Saving Clause: Section 6, Ch. 98, L. 1999, was a saving clause.

Applicability: Section 7, Ch. 98, L. 1999, provided: "[This act] applies to health care facility licenses or certificates of need issued pursuant to Title 50, chapter 5, after October 1, 1999."

Administrative Rules

ARM 24.156.1003 Ankle surgery certification.

Part 2

Board of Podiatry Examiners

(Repealed)

37-6-201. Repealed. Sec. 10, Ch. 470, L. 1981.

History: En. Sec. 8, Ch. 2, L. 1923; re-en. Sec. 3154.8, R.C.M. 1935; amd. Sec. 132, Ch. 147, L. 1963; amd. Sec. 62, Ch. 350, L. 1974; amd. Sec. 27, Ch. 439, L. 1975; amd. Sec. 3, Ch. 176, L. 1977; R.C.M. 1947, 66-608; amd. Sec. 11, Ch. 474, L. 1981.

Part 3

Licensing

Part Compiler's Comments

Applicability: Section 12, Ch. 288, L. 1987, provided: "This act applies to applications for a license to practice podiatry received by the board of medical examiners after September 30, 1987."

Part Cross-References

Licensing to follow contested case procedure, 2-4-631.
Recognition of out-of-state licenses during disaster or emergency, 10-3-204.
Duty of Department to administer and grade examinations, 37-1-101.
Reporting disciplinary actions against licensees, 37-1-105.
Duty of Board to adopt and enforce licensing and certification rules, 37-1-131.
Licensing boards to establish fees commensurate with costs, 37-1-134.
Licensing investigation and review — record access, 37-1-135.
Grounds for disciplinary action as grounds for license denial — conditions to new licenses, 37-1-137.
Licensure of criminal offenders, Title 37, ch. 1, part 2.
Nondiscrimination in licensing, 49-3-204.

37-6-301. License required for practice. Except as otherwise provided in this chapter, it is unlawful for a person to profess to be a podiatrist, to practice or assume the duties incident to podiatry, or to advertise in any form or hold out to the public that the person is a podiatrist or in a sign or advertisement to use the word "podiatrist" or "foot correctionist" or any other term, terms, or letters indicating to the public that the person is holding out to the public that the person is a podiatrist or foot correctionist in any manner without first obtaining from the board a license authorizing the practice of podiatry in this state.

History: En. Sec. 2, Ch. 2, L. 1923; re-en. Sec. 3154.2, R.C.M. 1935; amd. Sec. 2, Ch. 218, L. 1939; amd. Sec. 56, Ch. 350, L. 1974; R.C.M. 1947, 66-602(part); amd. Sec. 3, Ch. 288, L. 1987; amd. Sec. 1367, Ch. 56, L. 2009.

Compiler's Comments

2009 Amendment: Chapter 56 made section gender neutral; and made minor changes in style. Amendment effective October 1, 2009.

1987 Amendment: Deleted "chiropodist or" before "podiatrist, or in a sign" and before "podiatrist, foot correctionist".

Administrative Rules

ARM 24.156.603 Applications for licensure.

37-6-302. Qualifications for licensure. (1) A person who wishes to begin the practice of podiatry in this state shall make application, on a form authorized by the board and furnished by the department, for a license to practice podiatry.

(2) A person may not be granted a license to practice podiatry in this state unless the person:

- (a) is of good moral character as determined by the board;
- (b) is a graduate of a school of podiatry approved by the board;
- (c) has completed at least 1 year of postgraduate training or has had equivalent experience or training approved by the board;
- (d) has made a personal appearance before the board; and
- (e) has passed an examination administered by the national board of podiatry examiners and is a diplomate of the national board of podiatry examiners.

(3) The board may waive the requirements described in subsection (2)(d).

History: En. Sec. 3, Ch. 2, L. 1923; re-en. Sec. 3154.3, R.C.M. 1935; amd. Sec. 3, Ch. 218, L. 1939; amd. Sec. 131, Ch. 147, L. 1963; amd. Sec. 1, Ch. 168, L. 1971; amd. Sec. 1, Ch. 288, L. 1973; amd. Sec. 57, Ch. 350, L. 1974; amd. Sec. 1, Ch. 96, L. 1975; amd. Sec. 1, Ch. 176, L. 1977; R.C.M. 1947, 66-603; amd. Sec. 12, Ch. 345, L. 1981; amd. Sec. 4, Ch. 470, L. 1981; amd. Sec. 4, Ch. 288, L. 1987; amd. Sec. 32, Ch. 429, L. 1995; amd. Sec. 7, Ch. 100, L. 2011.

Compiler's Comments

2011 Amendment: Chapter 100 deleted former (2)(f) that read: "(f) has obtained a score of at least 75% on an examination administered by the board"; in (3) after "(2)(d)" deleted "and (2)(f)"; and made minor changes in style. Amendment effective October 1, 2011.

1995 Amendment: Chapter 429 deleted (4) through (6) that read: "(4) A license without written examination may be granted to podiatrists of other states maintaining equal statutory requirements for the practice of podiatry and extending the same reciprocal privilege to this state if they have had a valid license and practiced for at least 2 preceding years in that state prior to filing for reciprocal privilege and by payment of a fee prescribed by the board to the department.

(5) The board may authorize the department to issue a temporary license to practice podiatry in appropriate cases, but no person may be granted a temporary license unless he:

- (a) is of good moral character as determined by the board;
- (b) is a graduate of a school of podiatry approved by the board;
- (c) has completed at least 1 year of postgraduate training or has had equivalent experience or training approved by the board; and
- (d) has made a personal appearance before at least one member of the board.

(6) The board may authorize the department to issue a temporary or permanent license subject to probation or other conditions or limitations imposed by the board or may refuse to issue a license if the applicant has engaged in unprofessional conduct or is otherwise unqualified"; and made minor changes in style.

Severability: Section 131, Ch. 429, L. 1995, was a severability clause.

Saving Clause: Section 132, Ch. 429, L. 1995, was a saving clause.

Applicability: Section 133, Ch. 429, L. 1995, provided: "[This act] applies to licenses applied for, complaints submitted, and proceedings begun after [the effective date of this section]." Effective October 1, 1995.

1987 Amendment: In (1) deleted former first sentence that read: "Examinations shall be held at places and times the board directs" and former last sentence pertaining to proof of moral character, education, and passage of the examination; inserted (2) providing general qualifications for licensure; inserted (3) allowing Board to waive the licensure requirements that an applicant make a personal appearance before the Board and obtain a score of at least 75% on an examination administered by the Board; deleted former (3) allowing licensure by the Board upon passage of a national examination and personal interview; inserted (5) allowing for issuance of a temporary license to an applicant who meets stated requirements; and inserted (6) allowing for issuance of a license subject to probation or other conditions or limitations and for refusal of a license.

1981 Amendments: Chapter 345 substituted "by payment of a fee prescribed by the board" for "by payment of \$50" near the end of (2); and substituted "upon payment of a fee prescribed by the board" for "upon payment of \$50" in (3).

Chapter 470 substituted "board" for "state board of podiatry examiners" in the second sentence of (1).

Fees Prescribed by Board — Statement of Intent and Preamble: Chapter 345, L. 1981 (SB 412), which amended this section relating to the Board prescribing fees, contained a statement of intent and a preamble. For the texts see compiler's comments at 37-1-134.

Administrative Rules

ARM 24.156.1002 Fees.

37-6-303. Repealed. Sec. 127, Ch. 467, L. 2005.

History: En. Sec. 4, Ch. 2, L. 1923; re-en. Sec. 3154.4, R.C.M. 1935; amd. Sec. 4, Ch. 218, L. 1939; amd. Sec. 58, Ch. 350, L. 1974; R.C.M. 1947, 66-604; amd. Sec. 13, Ch. 345, L. 1981; amd. Sec. 5, Ch. 470, L. 1981; amd. Sec. 5, Ch. 288, L. 1987; amd. Sec. 33, Ch. 429, L. 1995.

37-6-304. Repealed. Sec. 18, Ch. 154, L. 2015.

History: En. Sec. 5, Ch. 2, L. 1923; re-en. Sec. 3154.5, R.C.M. 1935; amd. Sec. 5, Ch. 218, L. 1939; amd. Sec. 59, Ch. 350, L. 1974; amd. Sec. 3, Ch. 533, L. 1977; R.C.M. 1947, 66-605; amd. Sec. 2, Ch. 66, L. 1981; amd. Sec. 14, Ch. 345, L. 1981; amd. Sec. 6, Ch. 288, L. 1987; amd. Sec. 2, Ch. 540, L. 1991; amd. Sec. 34, Ch. 429, L. 1995; amd. Sec. 9, Ch. 492, L. 1997; amd. Sec. 16, Ch. 224, L. 2003; amd. Sec. 12, Ch. 271, L. 2003; amd. Sec. 36, Ch. 467, L. 2005.

37-6-305. Deposit of moneys collected. All fees shall be collected by the department and deposited in the state special revenue fund for the use of the board, subject to 37-1-101(6).

History: En. Sec. 7, Ch. 2, L. 1923; re-en. Sec. 3154.7, R.C.M. 1935; amd. Sec. 130, Ch. 147, L. 1963; amd. Sec. 61, Ch. 350, L. 1974; amd. Sec. 1, Ch. 101, L. 1977; amd. Sec. 2, Ch. 176, L. 1977; R.C.M. 1947, 66-607; amd. Sec. 1, Ch. 277, L. 1983; amd. Sec. 8, Ch. 288, L. 1987.

Compiler's Comments

1987 Amendment: Substituted "board" for "state board of podiatry examiners".

1983 Amendment: Substituted reference to state special revenue fund for reference to earmarked revenue fund.

37-6-306 through 37-6-309 reserved.

37-6-310. Repealed. Sec. 128, Ch. 429, L. 1995.

History: En. Sec. 9, Ch. 288, L. 1987; amd. Sec. 12, Ch. 619, L. 1993.

37-6-311. Refusal or revocation of license — investigation. (1) After notice and opportunity for a hearing, the board may deny, revoke, or refuse to renew a license to practice podiatry if the consensus of the board is that an applicant is not of good moral character or has engaged in unprofessional conduct.

(2) The department may investigate whenever it is brought to its attention that a licensed podiatrist:

- (a) is mentally or physically unable to engage safely in the practice of podiatry;
- (b) has procured the license by fraud, misrepresentation, or through error;
- (c) has been declared incompetent by a court of competent jurisdiction and has not later been lawfully declared competent;
- (d) has a condition that impairs the licensee's intellect or judgment to the extent that it incapacitates the licensee in the safe performance of professional duties;
- (e) has been found guilty of unprofessional conduct;
- (f) has practiced podiatry while the license was suspended or revoked;
- (g) has had the license suspended or revoked by any licensing authority for reasons other than nonpayment of fees; or
- (h) while under probation has violated its terms.

(3) The investigation must be for the purpose of determining the probability that the alleged conditions exist or that the alleged offenses were committed. Upon order of the board, the investigation may include requiring the person to submit to a physical examination or a mental examination, or both, by a physician or physicians selected by the board if it appears to be in the best interest of the public that this evaluation be secured. The board may examine the hospital records and reports of a licensee as part of the examination, and copies must be released to the board on written request.

(4) If a person holding a license to practice podiatry under this chapter is by a final order or adjudication of a court of competent jurisdiction determined to be mentally incompetent, to be addicted to the use of narcotics, or to have been committed pursuant to 53-21-127, the license may be suspended by the board. The suspension continues until the licensee is found by the court to be restored to reason or cured or until the licensee is discharged as restored to reason or cured and the licensee's professional competence has been proved to the satisfaction of the board.

History: En. Sec. 6, Ch. 2, L. 1923; re-en. Sec. 3154.6, R.C.M. 1935; amd. Sec. 6, Ch. 218, L. 1939; amd. Sec. 60, Ch. 350, L. 1974; R.C.M. 1947, 66-606; amd. Sec. 6, Ch. 22, L. 1979; amd. Sec. 7, Ch. 288, L. 1987; amd. Sec. 45, Ch. 83, L. 1989; amd. Sec. 3, Ch. 540, L. 1991; amd. Sec. 35, Ch. 429, L. 1995; amd. Sec. 8, Ch. 490, L. 1997.

Compiler's Comments

1997 Amendment: Chapter 490 in (4), in first sentence after "incompetent", deleted "seriously mentally ill, or" and after "narcotics" inserted "or to have been committed pursuant to 53-21-127"; and made minor changes in style. Amendment effective July 1, 1997.

Saving Clause: Section 40, Ch. 490, L. 1997, was a saving clause.

1995 Amendment: Chapter 429 deleted second and third sentences in (1) that read: "The department shall notify the applicant of the board's intent to deny, revoke, or refuse to renew a license by mailing a letter to the applicant's last-known address stating the board's intent and setting a time and

place for a hearing. If the applicant fails without cause to appear at the hearing or if the board determines that the applicant is not entitled to a license, the board shall deny, revoke, or refuse to renew the applicant's license"; in (2) substituted "department" for "board"; at beginning of second sentence in (3) inserted "Upon order of the board" and deleted fourth and fifth sentences that read: "If the board has reasonable cause to believe that the alleged conditions exist or that the alleged offenses were committed, the department shall mail to the person at his last-known address a specification of the charges against him, together with a written notice of the time and place of the hearing on such charges, advising him that he may be present in person and by counsel if he so desires to offer evidence and be heard in his defense. The time fixed for the hearing may not be less than 30 days from the date of mailing the notice"; deleted (4) through (7) that read: "(4) A person, including a member of the board, may file a written complaint with the department against a person having a license to practice podiatry in this state charging him with the commission of any of the offenses set forth in 37-6-310 or with any of the offenses or conditions set forth in subsection (1) or (2) of this section. The complaint shall set forth a specification of the charges. When the complaint is filed, the department shall mail a copy to the person complained against, at his last-known address, together with a written citation of the time and place of the hearing on the complaint.

(5) At the hearing the board shall adopt a resolution finding the person complained against guilty or not guilty of the matters charged. If the board finds that the offenses or conditions referred to in 37-6-310 or subsection (1) or (2) of this section do not exist with respect to the person complained against or if he is found not guilty, the board shall dismiss the charges or complaint. If the board finds that the offenses or conditions referred to in 37-6-310 or in subsection (1) or (2) of this section do exist or the person is found guilty, the board shall:

- (a) revoke his license;
- (b) suspend his right to practice for a period not exceeding 1 year;
- (c) suspend its judgment of revocation on the terms and conditions to be determined by the board;
- (d) place him on probation; or
- (e) take any other action in relation to disciplining him as the board in its discretion considers proper.

(6) In a case of revocation, suspension, or probation, the department shall enter in its records the facts of the action and of subsequent measures taken by the board with respect to that action.

(7) On the expiration of the term of suspension, the licensee shall be reinstated by the board if he furnishes the board with evidence that he is then of good moral character and conduct or restored to good health and that he has not practiced podiatry in this state during the term of suspension. If the evidence fails to establish to the satisfaction of the board that the holder is then of good moral character and conduct or restored to good health or if the evidence shows he has practiced podiatry in this state during the term of suspension, the board shall revoke the license at a hearing held in accordance with the notice and procedure provided in subsection (1). The revocation is final"; and made minor changes in style.

Severability: Section 131, Ch. 429, L. 1995, was a severability clause.

Saving Clause: Section 132, Ch. 429, L. 1995, was a saving clause.

Applicability: Section 133, Ch. 429, L. 1995, provided: "[This act] applies to licenses applied for, complaints submitted, and proceedings begun after [the effective date of this section]." Effective October 1, 1995.

1991 Amendment: In (4), near beginning of first sentence before "complaint", substituted "written" for "sworn".

1989 Amendment: In (4) and (5) deleted brackets around "37-6-310".

1987 Amendment: Substituted language (see 1987 Session Law) for former text that read: "(1) After notice and opportunity for a hearing, the board may deny, revoke, or refuse to renew a license for any of the following causes:

- (a) fraudulent representation in obtaining the license;
- (b) incompetency in practice;
- (c) use of untruthful or improbable statements to patients or in advertisements;
- (d) habitual intoxication;
- (e) unprofessional and immoral conduct; or
- (f) selling or giving away alcohol or drugs for an illegal purpose.

(2) However, the board may authorize the department to grant or reissue such license after 6 months if in its judgment the act, acts, or conditions of disqualification have been remedied."

Code Commissioner Correction — Bracketed References: As enacted in Ch. 288, L. 1987, erroneous references were made to "[section 8]" once in (4) and two times in (5). Section 8, Ch. 288, amended 37-6-305 to correct a reference to the "board". Section 9, Ch. 288, seems to have been intended as the reference; section 9 is codified as 37-6-310. Each reference has been bracketed to indicate an error.

Cross-References

Application of contested case procedure to denial of license, 2-4-631.
Unfair trade practices and consumer protection, Title 30, ch. 14.
Duty of Department to investigate unprofessional conduct, 37-1-101.
Reporting disciplinary actions against licensees, 37-1-105.
Duties of Director in investigation of unethical conduct, 37-1-121.
Duty of Board to adopt rules on conduct, 37-1-131.
Licensing investigation and review — record access, 37-1-135.
Disciplinary authority of boards — injunctions, 37-1-136.

Administrative Rules

ARM 24.156.604 Refusal of license.
ARM 24.156.626 Revocation or suspension proceedings.

Attorney General's Opinions

Chiropodists (now Podiatrists) — Prescription of Drugs: Chiropodists (now podiatrists) licensed under the laws of this state legally may prescribe drugs as a part of their professional treatment. However, their right to administer or prescribe drugs is limited to the direct treatment of an ailment of the human foot. 29 A.G. Op. 33 (1961). (See 1995 amendment to 37-6-102.)

37-6-312. Penalty. Any person who shall knowingly violate any of the provisions of this chapter is guilty of a misdemeanor and on conviction shall be fined not less than \$250 or more than \$1,000 or imprisoned in the county jail for not less than 90 days or more than 1 year, or both fined and imprisoned.

History: En. Sec. 9, Ch. 2, L. 1923; re-en. Sec. 3154.9, R.C.M. 1935; R.C.M. 1947, 66-609; amd. Sec. 6, Ch. 470, L. 1981.

Compiler's Comments

1981 Amendment: Substituted the penalty language after "this chapter" for "... and upon conviction thereof, shall be fined the sum not exceeding \$1,000 or be imprisoned in the county jail not to exceed 2 years, or both".