

## NOTICE OF EMERGENCY RULE

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE TITLE:

RULE NO.:

Continuing Education

64B18ER20-19

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR

WELFARE: The Board of Podiatric Medicine (hereinafter the “Board”) is statutorily mandated to adopt rules establishing a procedure for the biennial renewal of licenses. The Board is also authorized to condition such renewal upon the completion of continuing education courses. Pursuant to this authority, the Board has promulgated rules setting forth the requirements for continuing education as a predicate for licensure renewal and outlining the standards for said continuing education credits.

Pursuant to Rule 64B18-17.001(2), Florida Administrative Code, all licensees who seek to renew the active status of their licensure must demonstrate that they have completed, during the previous two years, at least forty (40) hours of continuing education. Pursuant to Rule 64B18-17.001(4), F.A.C., a licensed podiatric physician may receive only up to 8 hours credit for home study continuing education programs taken during the biennium. The biennium for licensure renewal for all of Florida’s licensed podiatric physicians ends on March 31, 2020.

On March 1, 2020, Florida Governor Ron DeSantis issued Executive Order Number 20-51 which directed the State Health Officer and Surgeon General, Dr. Scott Rivkees, to declare a public health emergency pursuant to the spread of the Coronavirus Disease 2019 (COVID-19). On March 9, 2020, Governor DeSantis issued Executive Order Number 20-52 (Emergency Management - COVID-19 Public Health Emergency) and officially declared that a state of emergency exists in the State of Florida. COVID-19 is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza. As of March 11, 2020, there are 21 positive cases of COVID-19 in the State of Florida. The Center for Disease Control (“CDC”) recommends mitigation measures to combat the spread of COVID-19 such as staying home when sick, keeping away from others who are sick, and staying home when a household member is sick with respiratory disease symptoms. The CDC also recommends those who are at a higher risk, such as older adults and those who have serious chronic medical conditions, should avoid non-essential air travel and avoid crowds as much as possible.

Westside Regional Medical Center was scheduled to provide a Podiatric Symposium (“Symposium”) on

Saturday March 7, 2020, in Broward County, Florida, and 52 of Florida's licensed podiatric physicians were scheduled to attend the Symposium. The Symposium was pre-approved for 5 hours of continuing education credits for podiatric physicians. However, on March 6, 2020, the organizer of the Symposium advised all scheduled attendees that the symposium was being cancelled due to the threat of COVID-19. Specifically, the organizers were concerned with the potential transmission of COVID-19 associated with compiling large groups of health care workers in a confined space for nonessential medical work.

Upon notification of the cancelled Symposium several licensed podiatric physicians contacted the Board office with concerns centered on not being able to renew their license absent the hours they had anticipated receiving from attendance at the Symposium. Further, given the March 31, 2020 deadline for licensure renewal the licensees were unable to locate an appropriate non home study course prior to the deadline.

Ensuring that Florida's podiatric physicians are not unnecessarily put at risk is essential during this healthcare emergency. Healthcare providers such as podiatric physicians have an increased likelihood of being exposed to COVID-19 due to the number of patients they come in close contact with during a given day. Considering the spread of COVID-19, forcing large numbers of healthcare workers into a confined space for the purpose of performing nonessential medical work unnecessarily increases the risk of exposure of the medical providers and their future patients to COVID-19. Further, given the current situation involving COVID-19, allowing podiatric physicians to complete the remaining continuing education requirements through home study is consistent with the intent of the continuing education requirements as outlined in Rule 64B18-17.001(1), F.A.C.

Accordingly, the Board, by emergency rule, hereby waives the restriction regarding the number of hours of home study continuing education credits that can be counted toward the biennial licensure renewal of podiatric physicians. The Board finds that these actions are a measured regulatory approach that helps to protect the patients of podiatric physicians and the physicians themselves from exposure to COVID-19. The podiatric physicians are still required to obtain the same number of continuing education credits but are allowed to do so in a format that mitigates the threat of exposure to COVID-19 for them and their patients.

#### REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:

The procedure used for the promulgation of this emergency rule is fair under the circumstances. The Symposium was not cancelled until March 6, 2020. The Board was contacted by multiple licensed podiatric physicians with concerns about not being able to obtain the necessary continuing education hours for license

renewal by March 31, 2020, shortly thereafter. The Board published notice of this meeting on its website on March 10, 2020, eight (8) days prior to the date of the meeting. The Board also published notice of the meeting in the Florida Administrative Review seven (7) days prior to the date of the meeting. The meeting is also being held telephonically which facilitates participation by any interested parties. Accordingly, all notice requirements contained in Rule 28-102.001, F.A.C., were properly complied with and interested parties were given ample opportunity to participate in this rulemaking process.

SUMMARY: The proposed emergency rule waives the restriction on the number of home study continuing education hours that a podiatric physician may count towards licensure renewal.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Janet E. Hartman, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin # C-08, Tallahassee, Florida 32399-1708.

THE FULL TEXT OF THE EMERGENCY RULE IS:

64B18ER20-19 (64B18-17.001) Continuing Education Required for License Renewal.

(1) through (3) No change.

~~(4) Except for the home study authorized by subsection 64B18-17.002(1), F.A.C., a licensed podiatric physician may receive only up to 8 hours credit for home study continuing education programs taken during the biennium.~~

(5) through (10) renumbered as (4) through (9) no change.

Rulemaking Authority 456.013(6), 456.033, 456.0301(2), 461.005, 461.007(3) FS. Law Implemented 456.013(6), (7), 456.033, 456.0301(1), 461.007 FS. History—New 11-24-80, Formerly 21T-17.01, Amended 10-14-86, 2-21-88, 5-16-89, Formerly 21T-17.001, Amended 7-6-94, Formerly 61F12-17.001, Amended 1-1-96, 1-2-97, 6-1-97, Formerly 59Z-17.001, Amended 4-25-00, 9-27-01, 11-27-05, 1-29-07, 11-19-12, 8-6-18.

THIS RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.