SOUTH DAKOTA DEPARTMENT OF HEALTH

South Dakota Board of Podiatry

Mailing Address:
810 North Main Street, Suite 298
Spearfish, SD 57783

Phone: (605) 642-1600
E-Mail: office@sdlicensing.com

Draft-Video Conference
BOARD MEETING AGENDA

TO: **All Board Members**

FROM: Brooke Tellinghuisen Geddes

MEETING DATE: **November 7, 2025**

MEETING TIME: **11:00AM MST / 12:00PM CST**

LOCATION: **Video Conference**

The public is invited to attend the meeting via Microsoft Teams at the following link:
https://teams.microsoft.com/l/meetup-join/19%3ameeting_NDIyNDRjZmUtNjlkYi00OWE5LTkwNmItZTdmYTEzYWQzNzBh%40thread.v2/0?context=%7b%22Tid%22%3a%22e69efb98-56ef-4797-a76b-e1ec658a639c%22%2c%22Oid%22%3a%22ee0a24e7-6d2c-4495-ade5-4377098865d2%22%7d

Or by calling: 1-469-770-0416, Passcode: 41447549#
If members of the public would like to be sent the Microsoft Teams invitation to the meeting instead of using the above link, please contact the Board office prior to the meeting at office@sdlicensing.com. If you are having trouble with the link, please call the Board office at 605-642-1600.

Note: Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Board office at office@sdlicensing.com or 605-642-1600 in advance of the meeting to make any necessary arrangements.

Agenda Item Number

1. Call to Order- Torness
2. Roll Call

3. Approval of the Agenda
4. Public Comment Period
5. Approval of the Minutes from May 9, 2025
6. FY Financial Update
7. Renewal Update
8. Interstate Podiatric Medical Licensure Compact (IPMLC)- Discussion
9. Annual Review of Open Meeting Laws (SDCL 1-25-13)
10. Schedule Next Meeting(s)
11. Any other Business
12. Executive Session pursuant to SDCL 1-25-2
13. Adjourn

Board of Podiatry Examiners

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Home Page: podiatry.sd.gov

OFFICIAL BOARD MINUTES FOR MAY 9, 2025
VIDEO CONFERENCE

Members Present: Scott Torness, DPM, President
Adam Nichols, DPM, Member
Rylan Johnson, DPM, Member
Jeanie Blair, Lay Member

Members Absent: James Johnston, DPM, Secretary-Treasurer

Others Present: Brooke Tellinghuisen Geddes, Executive Secretary
Katie Funke, Executive Assistant
Megan Borchert, General Counsel

Call to Order/Welcome and Introductions: Torness called the meeting to order at 11:01 a.m. MDT.

Roll Call: Tellinghuisen Geddes called the roll. Tornes, yes; Johnston, absent; Nichols, yes; Johnson, yes; Blair, yes. A quorum was present.

Approval of the agenda: Johnson made a motion to approve the agenda. Blair seconded the motion. **MOTION PASSED** by unanimous voice vote.

Public Comment: None.

Approval of the Minutes from September 20, 2024: Blair made a motion to approve the minutes from September 20, 2024. Nichols seconded the motion. **MOTION PASSED** by unanimous voice vote.

FY Financial Update: Tellinghuisen Geddes reported fiscal year-to-date figures as of March 31, 2025: revenue of $5,140.61; expenditures of $17,218.19 and cash balance of $14,418.15. Tellinghuisen Geddes advised that the current fiscal year revenue has just started coming in with the renewal period and was not reflected in this financial report.

Election of Officers: Nichols made a motion to keep the current slate of officers with Torness as President and Johnston as Secretary-Treasurer. Johnson seconded the motion. **MOTION PASSED** by unanimous voice vote.

Legislative Updates: Borchert mentioned SB 60, 61 and 62 which are a series of bills that address improper government conduct and crime. Additionally, SB 74 was discussed, which will require licensure boards to annually review open meeting laws of the state during an official meeting, which includes notating in the minutes that it was completed. She also mentioned HB 1059, which clarifies the meaning of teleconference for purposes of open meeting requirements and explained that it does not include communication for the sole purpose of scheduling a meeting or confirming availability for future meetings.

Application Ratification Process: The board discussed and ratified the application and approval process for applicants. The process includes board staff approving applications that do not have issues while applicants with issues would go to the board president and possibly the full board if needed, at the discretion of the Board President. Nichols made a motion to allow board staff to issue licenses for applications within the parameters and applications with issues to be brought to the board president and/or board, at the discretion of the Board President. Johnson seconded the motion. **MOTION PASSED** by unanimous voice vote.

Schedule Next Meeting: The next meeting is scheduled for November 7, 2025, at 11:00 a.m. MDT/12:00 p.m. CDT via Microsoft Teams.

Any other Business: None.

Executive Session pursuant to SDCL 1-25-2: The board did not have a need to enter Executive Session.

Executive Secretary Contract Renewal: Nichols made a motion to renew the Executive Secretary Contract for FY26 with Professional Licensing at the same rate as FY25. Blair seconded the motion. **MOTION PASSED** by unanimous voice vote.

Nichols made a motion to adjourn the meeting at 11:14 a.m. MDT. Blair seconded the motion. **MOTION PASSED** by unanimous voice vote.

Respectfully submitted,

Brooke Tellinghuisen Geddes

Brooke Tellinghuisen Geddes
Executive Secretary

1-27-1.17. Draft minutes of public meeting to be available--Exceptions--Violation as misdemeanor. The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.

STATE OF SOUTH DAKOTA
REVENUE SUMMARY BY BUDGET UNIT
FOR PERIOD ENDING: 06/30/2025

AGENCY 09 HEALTH
BUDGET UNIT 09210 BOARD OF PODIATRY EXAMINERS - INFO

CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE	
COMPANY NO	6503					
COMPANY NAME	PROFESSIONAL & LICENSING BOARDS					
092100061821	6503	4293959	PODIATRY EXAM LIC FEE	11,500.00	34,430.00	
ACCT: 4293		BUSINESS & OCCUP LICENSING (NON-GOVERNMENTAL)		11,500.00	34,430.00	*
ACCT: 42		LICENSES, PERMITS & FEES		11,500.00	34,430.00	**
092100061821	6503	4920045	NONOPERATING REVENUES	.00	740.61	
ACCT: 4920		NONOPERATING REVENUE		.00	740.61	*
ACCT: 49		OTHER REVENUE		.00	740.61	**
CNTR: 092100061821				11,500.00	35,170.61	***
CNTR: 092100061				11,500.00	35,170.61	****
CNTR: 0921000				11,500.00	35,170.61	*****
COMP: 6503				11,500.00	35,170.61	******
B UNIT: 09210				11,500.00	35,170.61	*******

STATE OF SOUTH DAKOTA
MONTHLY OBJECT/SUB-OBJECT REPORT BY BUDGET UNIT
FOR PERIOD ENDING: 06/30/2025

AGENCY 09 HEALTH
BUDGET UNIT 09210 BOARD OF PODIATRY EXAMINERS - INFO
CENTER-5 09210 BOARD OF PODIATRY EXAMINERS - INFO

CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE	
COMPANY NO	6503					
COMPANY NAME	PROFESSIONAL & LICENSING BOARDS					
092100061821	6503	510103000000000000	BOARD & COMM MBRS FEES	.00	830.00	
ACCT: 5101		EMPLOYEE SALARIES		.00	830.00	*
092100061821	6503	510201000000000000	OASI-EMPLOYER'S SHARE	.00	63.50	
ACCT: 5102		EMPLOYEE BENEFITS		.00	63.50	*
ACCT: 51		PERSONAL SERVICES		.00	893.50	**
092100061821	6503	520402000000000000	DUES & MEMBERSHIP FEES	.00	103.00	
092100061821	6503	520405000000000000	COMPUTER CONSULTANT	35.00	555.00	
092100061821	6503	520408000000000000	LEGAL CONSULTANT	92.00	724.50	
092100061821	6503	520409000000000000	MANAGEMENT CONSULTANT	.00	15,555.65	
092100061821	6503	520418100000000000	BIT DEVELOPMENT COSTS	.00	140.05	
092100061821	6503	520420000000000000	CENTRAL SERVICES	.00	1,526.47	
092100061821	6503	520420400000000000	RECORDS MGMT SERVICES	.00	189.05	
092100061821	6503	520420700000000000	HUMAN RESOURCES SERVICES	.00	212.75	
092100061821	6503	520443000000000000	PUBLISHING	.00	336.35	
092100061821	6503	520451000000000000	RENTS-OTHER	.00	36.00	
092100061821	6503	520459000000000000	INS PREMIUMS & SURETY BDS	.00	860.00	
092100061821	6503	520496000000000000	OTHER CONTRACTUAL SERVICE	173.50	481.47	
ACCT: 5204		CONTRACTUAL SERVICES		300.50	20,720.29	*
092100061821	6503	520531000000000000	PRINTING-STATE	.00	143.45	
092100061821	6503	520535000000000000	POSTAGE	.00	13.73	
ACCT: 5205		SUPPLIES & MATERIALS		.00	157.18	*
ACCT: 52		OPERATING EXPENSES		300.50	20,877.47	**
COMP:	6503 PROFESSIONAL & LICENSING BOARDS			300.50	21,770.97	***
CENTER: 092100061821				300.50	21,770.97	****
B UNIT: 09210				300.50	21,770.97	*****

STATE OF SOUTH DAKOTA
CASH CENTER BALANCES
AS OF: 06/30/2025

AGENCY: 09 HEALTH
BUDGET UNIT: 09210 BOARD OF PODIATRY EXAMINERS - INFO

COMPANY	CENTER	ACCOUNT	BALANCE	DR/CR	CENTER DESCRIPTION
6503	092100061821	1140000	39,895.37	DR	BOARD OF PODIATRY EXAMINERS
COMPANY/SOURCE TOTAL 6503 618			39,895.37	DR *	
6503	092100066701	1140000	1,145,976.91	DR	PHYSICAL THERAPY BOARD
COMPANY/SOURCE TOTAL 6503 667			1,145,976.91	DR *	
COMP/BUDG UNIT TOTAL 6503 09210			1,185,872.28	DR **	
BUDGET UNIT TOTAL 09210			1,185,872.28	DR ***	

1-25-7. REFERRAL TO OMC. Upon receiving a referral from a state's attorney or the attorney general, the South Dakota Open Meetings Commission shall examine the complaint and investigatory file submitted by the state's attorney or the attorney general and shall also consider signed written submissions by the persons or entities that are directly involved. Based on the investigatory file submitted by the state's attorney or the attorney general and any written responses, the commission shall issue a written determination on whether the conduct violates this chapter, including a statement of the reasons therefor and findings of fact on each issue and conclusions of law necessary for the proposed decision. The final decision shall be made by a majority of the commission members, with each member's vote set forth in the written decision. The final decision shall be filed with the attorney general and shall be provided to the public entity and or public officer involved, the state's attorney, and any person that has made a written request for such determinations. If the commission finds a violation of this chapter, the commission shall issue a public reprimand to the offending official or governmental entity. However, no violation found by the commission may be subsequently prosecuted by the state's attorney or the attorney general. All findings and public censures of the commission shall be public records pursuant to § 1-27-1. Sections 1-25-6 to 1-25-9, inclusive, are not subject to the provisions of chapter 1-26.

1-25-8. OMC MEMBERS. The South Dakota Open Meeting Commission shall be comprised of five state's attorneys appointed by the attorney general. Each commissioner shall serve at the pleasure of the attorney general. A chair of the commission shall be chosen annually from the membership of the commission by a majority of its members.

1-25-12. DEFINITIONS. Terms used in this chapter mean:

(1) "Political subdivision," any association, authority, board, commission, committee, council, task force, school district, county, city, town, township, or other local government entity that is created or appointed by statute, ordinance, or resolution and is vested with the authority to exercise any sovereign power derived from state law;

(2) "Public body," any political subdivision and the state;

(3) "Official meeting," any meeting of a quorum of a public body at which official business or public policy of that public body is discussed or decided by the public body, whether in person or by means of teleconference;

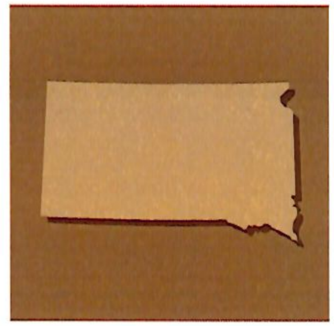
(4) "Teleconference," information exchanged by any audio, video, or electronic medium, including the internet;

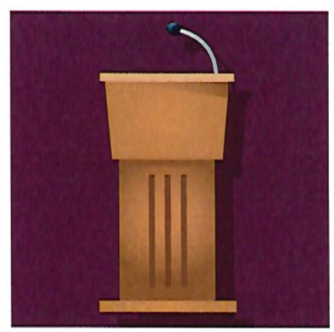
(5) "State," each board, commission, department, or agency of the State of South Dakota. The term, state, does not include the Legislature.

1-27-1.16. MEETING PACKETS AND MATERIALS. If a meeting is required to be open to the public pursuant to § 1-25-1 and if any printed material relating to an agenda item of the meeting is prepared or distributed by or at the direction of the governing body or any of its employees and the printed material is distributed before the meeting to all members of the governing body, the material shall either be posted on the governing body's website or made available at the official business office of the governing body at least twenty-four hours prior to the meeting or at the time the material is distributed to the governing body, whichever is later. If the material is not posted to the governing body's website, at least one copy of the printed material shall be available in the meeting room for inspection by any person while the governing body is considering the printed material. However, the provisions of this section do not apply to any printed material or record that is specifically exempt from disclosure under the provisions of this chapter or to any printed material or record regarding the agenda item of an executive or closed meeting held in accordance with § 1-25-2. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to printed material, records, or exhibits involving contested case proceedings held in accordance with the provisions of chapter 1-26.

1-27-1.17. DRAFT MINUTES. The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.

1-27-1.18. WORKING GROUP REPORTS. Any final recommendations, findings, or reports that result from a meeting of a committee, subcommittee, task force, or other working group which does not meet the definition of a political subdivision or public body pursuant to § 1-25-1, but was appointed by the governing body, shall be reported in open meeting to the governing body which appointed the committee, subcommittee, task force, or other working group. The governing body shall delay taking any official action on the recommendations, findings, or reports until the next meeting of the governing body.





Conducting the Public's Business in Public

A guide to South Dakota's Open Meetings Laws *(Revised 2023)*

Prepared by:
S.D. Attorney General's Office
in partnership with the
S.D. NewsMedia Association

Published by:
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Q: WHAT ARE SOUTH DAKOTA'S OPEN MEETINGS LAWS?

A: South Dakota's open meetings laws embody the principle that the public is entitled to the greatest possible information about public affairs and are intended to encourage public participation in government. SDCL Ch. 1-25 requires that official meetings of public bodies must be public and advance notice is to be given of such meetings. The statutes define an "official meeting" as one where a quorum of the public body is present and at which official business or public policy of the body is discussed or decided. Openness in government is encouraged.

Q: WHO DOES THE OPEN MEETINGS LAWS APPLY TO?

A: The open meetings laws apply to all public bodies "of the state and its political subdivisions." SDCL 1-25-1. This includes cities, counties, school boards and other public bodies created by ordinance or resolution, such as appointed boards, task forces, and committees, so long as they have authority to exercise sovereign power. SDCL 1-25-12(1). Although no court decisions have been issued on the subject, this probably does not include bodies that serve only in an advisory capacity. The State Constitution allows the Legislature and the Unified Judicial System to create rules regarding their own separate functions.

Q: ARE TELECONFERENCES CONSIDERED PUBLIC MEETINGS?

A: Yes. The open meetings laws allow meetings, including executive or closed meetings, to be conducted by teleconference – defined as an exchange of information by audio, video, or electronic means (including the internet) – if a place is provided for the public to participate. In addition, for teleconferences where less than a quorum of the public body is present at the location open to the public, arrangements must also be made for the public to listen by telephone or internet (except for portions of meetings properly closed for executive sessions). The media and public must be notified of teleconference meetings under the same notice requirements as any other meeting.

Q: HOW ARE THE PUBLIC AND MEDIA NOTIFIED WHEN PUBLIC BUSINESS IS BEING DISCUSSED?

A: SDCL 1-25-1.1 requires that all political subdivisions (except the state and its boards, commissions, or departments as provided in § 1-25-1.3) prominently post a notice and copy of the proposed agenda at the political subdivision's principal office. At a minimum, the proposed agenda must include the date, time, and location of the meeting and must be visible, readable, and accessible to the public for 24 continuous hours immediately preceding the meeting. Also, if the political subdivision has its own website, the notice must be posted on the website upon dissemination of the notice. For special or rescheduled meetings, political subdivisions must comply with the regular meeting notice requirements as much as circumstances permit. The notice must be delivered in person, by mail, by email, or by telephone to all local news media who have asked to be notified. It is good practice for local media to renew requests for notification of special or rescheduled meetings at least annually.

SDCL 1-25-1.3 varies slightly from SDCL 1-25-1.1 and requires the State and its boards, commissions, or departments to give notice by posting a proposed agenda at least 72 continuous hours before a meeting is scheduled to start (this does not include any weekend or legal holiday). The State is also required to give notice of a public meeting by posting its proposed agenda on http://boardsandcommissions.sd.gov.

The requirement to provide one or more places for the public to listen to the teleconference does not apply to official meetings closed to the public pursuant to specific law.

1-25-2. EXECUTIVE SESSION. Executive or closed meetings may be held for the sole purposes of:

(1) Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term, employee, does not include any independent contractor;

(2) Discussing the expulsion, suspension, discipline, assignment of or the educational program of a student or the eligibility of a student to participate in interscholastic activities provided by the South Dakota High School Activities Association;

(3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters;

(4) Preparing for contract negotiations or negotiating with employees or employee representatives;

(5) Discussing marketing or pricing strategies by a board or commission of a business owned by the state or any of its political subdivisions, when public discussion may be harmful to the competitive position of the business; or

(6) Discussing information pertaining to the protection of public or private property and any person on or within public or private property specific to:

(a) Any vulnerability assessment or response plan intended to prevent or mitigate criminal acts;

(b) Emergency management or response;

(c) Public safety information that would create a substantial likelihood of endangering public safety or property, if disclosed;

(d) Cyber security plans, computer, communications network schema, passwords, or user identification names;

(e) Guard schedules;

(f) Lock combinations;

(g) Any blueprint, building plan, or infrastructure record regarding any building or facility that would expose or create vulnerability through disclosure of the location, configuration, or security of critical systems of the building or facility; and

(h) Any emergency or disaster response plans or protocols, safety or security audits or reviews, or lists of emergency or disaster response personnel or material; any location or listing of weapons or ammunition; nuclear, chemical, or biological agents; or other military or law enforcement equipment or personnel.

However, any official action concerning the matters pursuant to this section shall be made at an open official meeting. An executive or closed meeting must be held only upon a majority vote of the members of the public body present and voting, and discussion during the closed meeting is restricted to the purpose specified in the closure motion. Nothing in § 1-25-1 or this section prevents an executive or closed meeting if the federal or state Constitution or the federal or state statutes require or permit it. A violation of this section is a class 2 misdemeanor.

9-34-19. EXECUTIVE SESSIONS (MUNICIPAL AND COUNTIES). Any documentary material or data compiled or received by a municipal corporation, county, or an economic development corporation receiving municipal or county funds, for the purpose of furnishing assistance to a business, to the extent that such material or data consists of trade secrets or commercial or financial information regarding the operation of such business, is not a public record. Any discussion or consideration of such trade secrets or commercial or financial information by a municipal corporation or county may be done in executive session closed to the public.

1-25-6. DUTY OF STATE'S ATTORNEY. If a complaint alleging a violation of chapter 1-25 is made pursuant to § 23A-2-1, the state's attorney shall take one of the following actions:

(1) Prosecute the case pursuant to Title 23A;

(2) Determine that there is no merit to prosecuting the case. Upon doing so, the state's attorney shall send a copy of the complaint and any investigation file to the attorney general. The attorney general shall use the information for statistical purposes and may publish abstracts of such information, including the name of the government body involved for purposes of public education; or

(3) Send the complaint and any investigation file to the South Dakota Open Meetings Commission for further action.

1-25-6.1. DUTY OF STATE'S ATTORNEY (COUNTY COMMISSION ISSUES). If a complaint alleges a violation of this chapter by a board of county commissioners, the state's attorney shall take one of the following actions:

(1) Prosecute the case pursuant to Title 23A;

(2) Determine that there is no merit to prosecuting the case. The attorney general shall use the information for statistical purposes and may publish abstracts of the information as provided by § 1-25-6;

(3) Send the complaint and any investigation file to the South Dakota Open Meetings Commission for further action; or

(4) Refer the complaint to another state's attorney or to the attorney general for action pursuant to § 1-25-6.

PERTINENT S.D. OPEN MEETINGS STATUTES
(other specific provisions may apply depending on the public body involved)

1-25-1. OPEN MEETINGS. The official meetings of the state and its political subdivisions are open to the public unless a specific law is cited by the state or the political subdivision to close the official meeting to the public.

It is not an official meeting of one public body if its members provide information or attend the official meeting of another public body for which the notice requirements of § 1-25-1.1 or 1-25-1.3 have been met. It is not an official meeting of a public body if its members attend a press conference called by a representative of the public body.

For any event hosted by a nongovernmental entity to which a quorum of the public body is invited and public policy may be discussed, but the public body does not control the agenda, the political subdivision may post a public notice of a quorum, in lieu of an agenda. The notice of a quorum shall meet the posting requirements of § 1-25-1.1 or 1-25-1.3 and shall contain, at a minimum, the date, time, and location of the event.

The public body shall reserve at every official meeting a period for public comment, limited at the public body's discretion as to the time allowed for each topic and the total time allowed for public comment but not so limited as to provide for no public comment.

Public comment is not required at official meetings held solely for the purpose of meeting in executive session, an inauguration, swearing in of newly elected officials, or presentation of an annual report to the governing body regardless of whether or not such activity takes place at the time and place usually reserved for a regularly scheduled meeting.

If a quorum of township supervisors, road district trustees, or trustees for a municipality of the third class meet solely for purposes of implementing previously publicly adopted policy; carrying out ministerial functions of that township, district, or municipality; or undertaking a factual investigation of conditions related to public safety; the meeting is not subject to the provisions of this chapter.

A violation of this section is a Class 2 misdemeanor.

1-25-1.1. PUBLIC NOTICE OF POLITICAL SUBDIVISIONS. Each political subdivision shall provide public notice, with proposed agenda, that is visible, readable, and accessible for at least an entire, continuous twenty-four hours immediately preceding any official meeting, by posting a copy of the notice, visible to the public, at the principal office of the political subdivision holding the meeting. The proposed agenda shall include the date, time, and location of the meeting. The notice shall also be posted on the political subdivision's website upon dissemination of the notice, if a website exists. For any special or rescheduled meeting, the information in the notice shall be delivered in person, by mail, by email, or by telephone, to members of the local news media who have requested notice. For any special or rescheduled meeting, each political subdivision shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit. A violation of this section is a Class 2 misdemeanor.

1-25-1.3. PUBLIC NOTICE OF STATE. The state shall provide public notice of a meeting by posting a copy of the proposed agenda at the principal office of the board, commission, or department holding the meeting. The proposed agenda shall include the date, time, and location of the meeting, and be visible, readable, and accessible to the public. The agenda shall be posted at least seventy-two hours before the meeting is scheduled to start according to the agenda. The seventy-two hours does not include Saturday, Sunday, or legal holidays. The notice shall also be posted on a state website, designated by the commissioner of the Bureau of Finance and Management. For any special or rescheduled meeting, the information in the notice shall be delivered in person, by mail, by email, or by telephone, to members of the local news media who have requested notice. For any special or rescheduled meeting, the state shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit. A violation of this section is a Class 2 misdemeanor.

1-25-1.5. TELECONFERENCE MEETING. Any official meeting may be conducted by teleconference. A teleconference may be used to conduct a hearing or take final disposition regarding an administrative rule pursuant to § 1-26-4. A member is deemed present if the member answers present to the roll call conducted by teleconference for the purpose of determining a quorum. Each vote at an official meeting held by teleconference may be taken by voice vote. If any member votes in the negative, the vote shall proceed to a roll call vote.

1-25-1.6. TELECONFERENCE PARTICIPATION. At any official meeting conducted by teleconference, there shall be provided one or more places at which the public may listen to and participate in the teleconference meeting. For any official meeting held by teleconference, that has less than a quorum of the members of the public body participating in the meeting who are present at the location open to the public, arrangements shall be provided for the public to listen to the meeting via telephone or internet.

Q: WHO ARE LOCAL NEWS MEDIA?

A: There is no definition of "local news media" in SDCL ch. 1-25. "News media" is defined in SDCL 13-1-57 generally as those personnel of a newspaper, periodical, news service, radio station, or television station regardless of the medium through which their content is delivered. The Attorney General is of the opinion that "local news media" is all news media – broadcast and print – that regularly carry news to the community.

Q: IS A PUBLIC COMMENT PERIOD REQUIRED AT PUBLIC MEETINGS?

A: Yes. Public bodies are required to provide at every official meeting a period of time on their agenda for public comment. Each public body has the discretion to limit public comment as to the time allowed for each topic commented on, and as to the total time allowed for public comment. A public comment period is not required for meetings held solely for the purpose of executive session.

Q: CAN PUBLIC MEETINGS BE RECORDED?

A: Yes, SDCL 1-25-11 requires public bodies to allow recording (audio or video) of their meetings if the recording is reasonable, obvious, and not disruptive. This requirement does not apply to those portions of a meeting confidential or closed to the public.

Q: WHEN CAN A MEETING BE CLOSED TO THE PUBLIC AND MEDIA?

A: SDCL 1-25-2 allows a public body to close a meeting for the following purposes: 1) to discuss personnel issues pertaining to officers or employees; 2) consideration of the performance or discipline of a student, or the student's participation in interscholastic activities; 3) consulting with legal counsel, or reviewing communications from legal counsel about proposed or pending litigation or contractual matters; 4) employee contract negotiations; 5) to discuss marketing or pricing strategies of a publicly-owned competitive business; or 6) to discuss information related to the protection of public or private property such as emergency management response plans or other public safety information. The statute also recognizes that executive session may be appropriate to comport with other laws that require confidentiality or permit executive or closed meetings. Federal law pertaining to students and medical records will also cause school districts and other entities to conduct executive sessions or conduct meetings to refrain from releasing confidential information. Meetings may also be closed by cities and counties for certain economic development matters. SDCL 9-34-19.

Note that SDCL 1-25-2 and SDCL 9-34-19 do not require meetings be closed in any of these circumstances.

Any official action based on discussions in executive session must, however, be made at an open meeting.

Q: WHAT IS THE PROPER PROCEDURE FOR EXECUTIVE SESSIONS?

A: Motions for executive sessions must refer to the specific state or federal law allowing for the executive session i.e. "pursuant to SDCL 1-25-2(3)." Also, best practice to avoid public confusion would be that public bodies explain the reason for going into executive session. For example, the motion might state "motion to go into executive session pursuant to SDCL 1-25-2(1) for the purposes of discussing a personnel matter," or "motion to go into executive session pursuant to SDCL 1-25-2(3) for the purposes of consulting with legal counsel."

Discussion in the executive session must be strictly limited to the announced subject. No official votes may be taken on any matter during an executive session. The public body must return to open session before any official action can be taken.

Board members could be held personally liable for the results of an official vote taken illegally during an executive session. For example, a contract approved only during an executive session could be found void and the board members could be required to repay any public funds spent under the contract.

Q: WHAT HAPPENS IF THE MEDIA OR PUBLIC IS IMPROPERLY EXCLUDED FROM A MEETING OR OTHER VIOLATIONS OF THE OPEN MEETING LAWS OCCUR?

A: Excluding the media or public from a meeting that has not been properly closed subjects the public body or the members involved to: (a) prosecution as a Class 2 misdemeanor punishable by a maximum sentence of 30 days in jail, a $500 fine or both; or (b) a reprimand by the Open Meeting Commission ("OMC"). The same penalties apply if the agenda for the meeting is not properly posted, or other open meeting violations occur.

Also, action taken during any meeting that is not open or has not been properly noticed could, if challenged, be declared null and void. It could even result in personal liability for members of the governing body involved, depending upon the action taken.

Q: HOW ARE ISSUES REFERRED TO THE OPEN MEETINGS COMMISSION ("OMC")?

A: Persons alleging violations of the open meetings laws must make their complaints with law enforcement officials in the county where the offense occurred. After a signed and notarized complaint is made under oath, and any necessary investigation is conducted, the State's Attorney may: (a) prosecute the case as a misdemeanor; (b) find that the matter has no merits and file a report with the Attorney General for statistical purposes; or (c) forward the complaint to the OMC for a determination. The OMC is comprised of five State's Attorneys appointed by the Attorney General.

The OMC examines whether a violation has occurred and makes written public findings explaining its reasons. If you have questions on the procedures or status of a pending case, you may contact the Attorney General's Office at 605-773-3215 to talk to an assistant for the OMC. Procedures for the OMC are posted on the website for the Office of Attorney General. http://atg.sd.gov/.

Q: WHAT DOES THE TERM "SOVEREIGN POWER" MEAN?

A: The open meetings laws do not define this term, but it generally means the power to levy taxes, impose penalties, make special assessments, create ordinances, abate nuisances, regulate the conduct of others, or perform other traditional government functions. The term may include the exercise of many other governmental functions. If an entity is unclear whether it is exercising "sovereign power" it should consult with legal counsel.

Q: MAY AGENDA ITEMS BE CONSIDERED IF THEY ARE ADDED LESS THAN 24 HOURS BEFORE A MEETING?

A: Proposed agendas for public meetings must be posted at least 24 hours in advance of the meeting. The purpose of providing advance notice of the topics to be discussed at a meeting is to provide information to interested members of the public concerning the governing body's anticipated business. Typically, the public body adopts the final agenda upon convening the meeting.

At the time the final agenda is adopted, the governing body may add or delete agenda items and may also change the order of business. See In re Yankton County Commission, Open Meetings Commission Decision # 20-03, December 31, 2020. New items cannot be added after the agenda has been adopted by the governing body.

Public bodies are strongly encouraged to provide at least 24 hours' notice of all agenda items so as to be fair to the public and to avoid dispute.

For special or rescheduled meetings, public bodies are to comply to the extent circumstances permit. In other words, posting less than 24 hours in advance may be permissible in emergencies.

Q: ARE EMAIL DISCUSSIONS "MEETINGS" FOR PURPOSES OF THE OPEN MEETINGS LAWS?

A: The definition of an "official meeting" in SDCL 1-25-12(3) references teleconferences. The definition of a "teleconference" in SDCL 1-25-12(4) includes the exchange of information via the internet or any other electronic medium. The analysis of these two definitions leads to the conclusion that email discussions that include a quorum of a public body and which discuss the official business of that body could be considered "meetings" for purposes of the open meetings laws. Email participation in scheduling or similar activity would not, under this analysis, constitute a public meeting.

Q: WHAT RECORDS MUST BE AVAILABLE TO THE PUBLIC IN CONJUNCTION WITH PUBLIC MEETINGS?

A: SDCL 1-25-1.4 requires state boards, commissions, or departments to make public meeting materials available on http://boardsandcommissions.sd.gov. SDCL 1-27-1.16 requires that any other public body must post meeting materials on the public body's website or make those materials available to the public at least twenty-four hours prior to the hearing or when made available to the members of the public body, whichever is later.

Finally, SDCL 1-27-1.17 requires that draft minutes of public meetings must be made available to the public at the principal place of business for the public body within 10 business days after the meeting (or made available on the website for the public body within five business days).

These laws are in addition to any specific requirements for public bodies (i.e., publication requirements in state laws pertaining to cities, counties, or school districts). Enforcement of public records laws contained in SDCL Ch. 1-27 are handled by separate procedures found in SDCL 1-27-35, et. seq. rather than the open meeting procedures described above. Violations of SDCL 1-27-1.16 and 1-27-1.17 are also Class 2 misdemeanors.

Q: WHAT REQUIREMENTS APPLY TO TASK FORCES, COMMITTEES AND WORKING GROUPS?

A: Task forces and committees that exercise "sovereign power," and are created by statute, ordinance, or proclamation are required to comply with the open meetings laws. SDCL 1-25-12(1). Task forces, committees, and working groups that are not created by statute, ordinance, or proclamation, or are advisory only, may not be subject to the open meetings laws, but are encouraged to comply to the extent possible when public matters are discussed. Ultimately, if such advisory task forces, committees and working groups present any reports or recommendations to public bodies, the public bodies must wait until the next meeting (or later) before taking final action on the recommendations. SDCL 1-27-1.18.

Brooke Tellinghuisen Geddes

From:	Federation of Podiatric Medical Boards <fpmb@fpmb.org>
Sent:	Friday, April 11, 2025 6:11 AM
To:	FPMB FPMB
Subject:	FPMB - [DUE FRI, APRIL 25] IPMLC Model Law Survey
Attachments:	IPMLC - Compact Law - 2025-03-26 (podiatric physician).pdf

NOTE: This email is being sent to the primary contact and "request for information" contact(s) for your agency.

Dear Member Podiatric Medical Board,

As you may be aware, the Federation of Podiatric Medical Boards (FPMB) is involved in establishing the Interstate Podiatric Medical Licensure Compact (IPMLC). While doing so, it developed a draft model law with a Task Force composed of Board Members and staff of Member Boards that volunteered for the effort. Upon consensus on a final draft, FPMB distributed the model law to all member podiatric medical boards and held webinars for review and discussion. Attached is the IPMLC Model Law for your reference.

FPMB was awarded an HRSA grant to facilitate the development of the IPMLC. A pivotal component of this grant is the fulfillment of essential performance measures, including the evaluation of support from Member Boards for the model law. Your feedback is instrumental in assisting FPMB in meeting these requirements and advancing the implementation of the compact. Responses will be maintained in strict confidentiality with FPMB.

Please take a few moments to complete this survey by **Friday April 25th:** https://docs.google.com/forms/d/e/1FAIpQLSfTpbBKYm9DZnJ2AwX4PUYW9p4GgOLKkp2UZYu3yUS4wQEG-Q/viewform?usp=header. Your response will help us track our metrics and provide informative feedback. Should any questions arise, we would be pleased to arrange a meeting to address them.

Thank you for your time and participation.

Best,
Jess

Jessica Halstead
Executive Assistant

Federation of Podiatric Medical Boards
12116 Flag Harbor Drive | Germantown, MD 20874-1979
202-810-3762 direct | 202-318-0091 fax
jhalstead@fpmb.org | www.fpmb.org

How am I doing? Send comments to feedback@fpmb.org

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Interstate Podiatric Medical Licensure Compact Model Language (March 26, 2025)

INTERSTATE PODIATRIC MEDICAL LICENSURE COMPACT

SECTION 1. PURPOSE

In order to strengthen access to healthcare, and in recognition of the advances in the delivery in health care, the member states of the Interstate Podiatric Medical Licensure Compact have allied in common purpose to develop a comprehensive process that complements the existing licensing and regulatory authority of state podiatric medical boards, provides a streamlined process that allows podiatric physicians to become licensed in multiple states, thereby enhancing the portability of a podiatric medical license and ensuring the safety of the patient. The Compact creates another pathway for licensure and does not otherwise change a state's existing Podiatric Medical Practice Act. The Compact also adopts the prevailing standard for licensure and affirms that the practice of podiatric medicine occurs where the patient is located at the time of the podiatric physician- patient encounter, and therefore, requires the podiatric physician to be under the jurisdiction of the state podiatric medical board where the patient is located. State podiatric medical boards that participate in the Compact retain the jurisdiction to impose an adverse action against a license to practice podiatric medicine in that state issued to a podiatric physician through the procedures in the Compact.

SECTION 2. DEFINITIONS

In this Compact:

(a) "Bylaws" means those bylaws established by the Interstate Commission pursuant to Section 11.

(b) "Commissioner" means the voting representative appointed by each member board pursuant to Section 11.

(c) "Conviction" means a finding by a court that an individual is guilty of a criminal offense through adjudication, or entry of a plea of guilt or no contest of the charge by the offender. Evidence of an entry of conviction of a criminal offense by the court shall be considered final for purposes of disciplinary action by a member board.

(d) "Expedited License" means a full unrestricted podiatric medical license granted by a member state to an eligible podiatric physician through the process set forth in the Compact.

(e) "Criminal background check" means that the member board is authorized to obtain a Federal Bureau of Investigations biometric based Federal Criminal Records Check Information report from the authorized state agency for the exclusive purpose of determining eligibility for certification of qualification that would allow for an expedited license.

(f) "Federal Criminal Records Check Information" means any information obtained by a member board from the Federal Bureau of Investigations relating to a federal criminal records check performed by a member board under Public Law 92-544.

(g) "Interstate Commission" means the interstate commission created pursuant to Section 11.

(h) "License" means authorization by a member state for a podiatric physician to engage in the practice of podiatric medicine, which would be unlawful without authorization.

(i) "Podiatric Medical Practice Act" means laws and regulations governing the practice of podiatric medicine within a member state.

(j) "Member Board" means a state agency in a member state that acts in the sovereign interest of the state by protecting the public through licensure, regulation, and education of podiatric physicians as directed by the state government.

(k) “Member State” means a state which has enacted the Compact.

(l) “Practice of Podiatric medicine” means that clinical prevention, diagnosis, or treatment of human disease, injury, or condition requiring a podiatric physician to obtain and maintain a license in compliance with the Podiatric Medical Practice Act of a member state.

(m)“Podiatric physician” means any person who:

1) Is a graduate of a podiatric medical school accredited by the Council of Podiatric Medical Education;
2) Passed Parts I, II, and III (PMLexis) of the National Board of Podiatric Medical Examiners’ (NBPME) / American Podiatric Medical Licensing Examination (APMLE), or their NBPME/APMLE recognized replacement examinations;
3) Successfully complete a podiatric residency program approved by the Council on Podiatric Medical Education;
4) Holds specialty certification from a specialty board recognized by the Council on Podiatric Medical Education;
5) Possesses a full and unrestricted license to engage in the practice of podiatric medicine issued by a member board;
6) Has never been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;
7) Has never held a license authorizing the practice of podiatric medicine

subjected to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to the non-payment of fees related to a license;

8) Has never had a controlled substance license or permit suspended or revoked by a state or the United States Drug Enforcement Administration or voluntarily surrendered such license after notification of investigation;

9) Is not under active investigation by a licensing agency or law enforcement authority in any state, federal or foreign jurisdiction.

(n) "Offense" means a felony; gross misdemeanor which is the result of intentional, willful, reckless misconduct and which occurred less than ten (10) years ago; or a misdemeanor related to the practice of podiatry.

(o) "Rule" means a written statement by the Interstate Commission promulgated pursuant to Section 12 of the Compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.

(p) "State" means any state, commonwealth, district, or territory of the United States.

(q) "State of Principal License" means a member state where a podiatric physician holds a license to practice podiatric medicine and which has been designated by such a podiatric physician for purposes of registration and participation in the Compact.

SECTION 3. ELIGIBLITY

(a) A podiatric physician must meet the eligibility requirements as defined in Section

2(l) to receive an expedited licensure under the terms and provisions of the Compact.

(b) A podiatric physician who does not meet the requirements of Section 2(l) may obtain a license to practice podiatric medicine in a member state if the individual complies with all laws and requirements, other than the Compact, relating to the issuance of a license to practice podiatric medicine in that state.

SECTION 4. DESIGNATION OF STATE OF PRINCIPAL LICENSE

(a) A podiatric physician shall designate a member state as the state of principal license for purposes of registration for expedited licensure through the Compact if the podiatric physician possesses a full and unrestricted license to practice podiatric medicine in that state, and the state is:

1) The state of principal residence for the podiatric physician, or
2) The state where at least 25% of the practice of podiatric medicine occurs, or
3) The location of the podiatric physician's employer, or
4) If no state qualifies under subsection (1), subsection (2), or subsection (3), the state designated as state of residence for purpose of federal income tax.

(b) A podiatric physician may redesignate a member state as state of principal license at any time, as long as the state meetings the requirements of subsection (a).

(c) The Interstate Commission is authorized to develop rules to facilitate redesignation of another member state as the state of principal license.

SECTION 5. APPLICATION AN ISSUANCE OF EXPEDITED LICENSURE

(a) A podiatric physician seeking licensure through the Compact shall file an application for an expedited license with the member board of the state selected by the podiatric physician as the state of principal license.

(b) Upon receipt of an application for an expedited license, the member board within the state selected as the state of principal license shall evaluate whether the podiatric physician is eligible for expedited licensure and issue a letter of qualification, verifying or denying the podiatric physician's eligibility to, and in the manner established through rule by, the Interstate Commission.

1) Static qualification, which include verification of podiatric medical education, podiatric graduate medical education, results of any podiatric medical licensing examination, and other qualifications as determined by the Interstate Commission through rule, shall not be subject to additional primary source verification where already primary source verified by the state of principal license.

2) The member board within the state selected as the state of principal license shall, in the course of verifying eligibility, perform a criminal background check of an applicant, including the use of results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation with the exception of federal employees who have suitability determination in accordance with 5 C.F.R. § 731.202.

i. Communication between a member board and the Interstate Commission and communication between member boards regarding the verification of eligibility in Section (3) through the Compact shall not include any information received from the Federal Bureau of Investigations relating to a federal criminal records check performed by a member board under Public Law 92-544, including Federal Criminal Records Check Information.

ii. Federal Bureau of Investigation information obtained by a member board shall not be shared with the Interstate Commission.

3) Appeal of the determination of eligibility shall be made to the member state where the application was filed and shall be subject to the law of that state.

(c) Upon verification in subsection (b), podiatric physician's eligibility for an expedited license shall complete the registration process established by the Interstate Commission to receive a license in a member state selected pursuant to subsection (a), including the payment of any applicable fees.

(d) After receiving versification of eligibility under subsection (b) and any fees under subsection (c), a member board shall issue an expedited license to the podiatric physician. This license shall authorize the podiatric physician to practice podiatric medicine in the issuing state consistent with the Podiatric Medical Practice Act and all appliable laws and regulations of the issuing member board and member state.

(e) An expedited license shall be valid for a period consistent with the licensure period in the member state and in the same manner as required for other podiatric physicians holding a full and unrestricted license within the member state.

(f) An expediated license obtained through the Compact shall be terminated if a podiatric physician fails to maintain a license in the state of principal licensure for a non-disciplinary reason, without redesignation of a new state of principal licensure.

(g) The Interstate Commission is authorized to develop rules regarding the application process, including payment of any applicable fees, and the reporting of the issuance of an expediated license by a member board to the Interstate Commission.

SECTION 6. FEES FOR EXPEDIATED LICENSURE

(a) A member state issuing an expedited license authorizing the practice of podiatric medicine in that state may impose a fee for a license issued or renewed through the Compact.

(b) The Interstate Commission is authorized to develop rules regarding fees for expedited licenses.

SECTION 7. RENEWAL AND CONTINUED PARTICIPATION

(a) A podiatric physician seeking to renew an expedited license granted in a member state shall complete a renewal process with the Interstate Commission if the podiatric physician:

1) Maintains a full and unrestricted license in a state of principal license;

2) Has not been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;

3) Has not had a license authorizing the practice of podiatric medicine subject to discipline by a licensing agency in any state, federal, or foreign jurisdiction, or voluntarily surrendered such license in lieu of discipline, excluding any action related to non-payment of fees related to a license; and

4) Has not had a controlled substance license or permit suspended or revoke by a state or the United States Drug Enforcement Administration or

voluntarily surrendered such license or permit after notification of investigation.

(b) Podiatric physicians shall comply with all continuing professional development or continuing medical education requirements for renewal of a license issued by a member state.

(c) The Interstate Commission shall collect any renewal fees charged for the renewal of a license and distribute the fees to the applicable member board.

(d) Upon receipt of any renewal fees collected in subsection (c), a member board shall renew the podiatric physician's license.

(e) Podiatric physician information collected by the Interstate Commission during the renewal process will be distributed to all member boards.

(f) The Interstate Commission is authorized to develop rules to address renewal of licenses obtained through the Compact.

SECTION 8. COORDINATED INFORMATION SYSTEM

(a) The Interstate Commission shall establish a database of all podiatric physicians licensed, or who have applied for licensure, under Section 5.

(b) Notwithstanding any other provision of law, member boards shall report to the Interstate Commission any public action or public complaints against a licensed podiatric physician who has applied or received an expedited license through the Compact.

(c) Member boards shall report disciplinary or investigatory information determined as necessary and proper by rule of the Interstate Commission.

(d) Member boards may report any non-public complain, disciplinary, or investigatory information not required by subsection (c) to the Interstate Commission.

(e) Member board shall share complaint or disciplinary information about a podiatric physician upon request of another member board.

(f) All information provided to the Interstate Commission or distributed by member boards shall be confidential, filed under seal, and used only for investigatory or disciplinary matters.

(g) The Interstate Commission is authorized to develop rules for mandated or discretionary sharing of information by member boards.

SECTION 9. JOINT INVESTIGATIONS

(a) Licensure and disciplinary records of podiatric physicians are deemed investigative.

(b) In addition to the authority granted to a member board by its respective Podiatric Medical Practice Act or other applicable state law, a member board may participate with other member boards in joint investigations of podiatric physicians license by the member boards.

(c) A subpoena issued by a member state as part of a joint investigation shall be enforceable in other member states.

(d) Member boards may share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

(e) Any member state may investigate actual or alleged violation of the statutes authorizing the practice of podiatric medicine in any other member state in which a podiatric physician holds a license to practice podiatric medicine.

SECTION 10. DISCIPLINARY ACTIONS

(a) Any disciplinary action taken by any member board against a podiatric physician licensed through the Compact shall be deemed unprofessional conduct which may be subject to discipline by other member boards, in addition to any violation of the Podiatric Medical Practice Act or regulations in that state.

(b) If a license granted to a podiatric physician by a member board in the state of principal license is revoked, surrendered or relinquished in lieu of discipline, or suspended, then all licenses issued to the podiatric physician by member boards shall automatically be placed, without further action necessary by any member board, on the same status. If the member board is the state of principal license subsequently reinstates the podiatric physician's license, a license issued to the podiatric physician by any other member board shall remain encumbered until that respective member board takes action to reinstate the license in a manner consistent with the Podiatric Medical Practice Act of that state.

(c) If disciplinary action is taken against a podiatric physician by a member board not in a state of principal license, any other member board may deem the action conclusive as to matter of law and fact decided, and:

1) Impose the same or lesser sanction(s) against the podiatric physician so long as such sanctions are consistent with the Podiatric Medical Practice Act of that state; or
2) Pursue separate disciplinary action against the podiatric physician under its respective Podiatric Medical Practice Act, regardless of the action taken in other member states.

(d) If a license granted to a podiatric physician by a member board is revoked, surrendered or relinquished in lieu of discipline, or suspended, then any license(s) issued to a podiatric physician by any other member board(s) shall be suspended, automatically and immediately without further action necessary by the other member board(s), for ninety (90) days upon entry of the order by the disciplining board, to permit the member board(s) to investigate the basis for the action under the Podiatric Medical Practice Act of that state.

(e) A member board may terminate the automatic suspension under subsection (b) or (d) of a license it issued, in a manner consistent with the Podiatric Medical Practice Act of that state.

SECTION 11. INTERSTATE PODIATRIC MEDICAL LICENSURE COMPACT COMMISSION

(a) The member states hereby create the "Interstate Podiatric Medical Licensure Compact Commission".

(b) The purpose of the Interstate Commission is the administration of the Interstate Podiatric Medical Licensure Compact, which is a discretionary state function.

(c) The Interstate Commission shall be a body corporate and joint agency of the member states and shall have all the responsibilities, powers, and duties set forth in the Compact, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of the Compact.

(d) The Interstate Commission shall consist of one voting representative appointed by each member state who shall serve as a Commissioner. A Commissioner shall be a(n):

1) Podiatric physician appointed to a member board;
2) Executive director, executive secretary, or similar executive of a member board; or
3) Member of the public appointed to a member board.

(e) The Interstate Commission shall meet at least once each calendar year. A portion of this meeting shall be a business meeting to address such matters as may properly come before the Commission, including the election of officers. The chairperson may call additional meetings and shall call for a meeting upon the request of a majority of the member states.

(f) The bylaws may provide for meetings of the Interstate Commission to be conducted, in whole or in part, via teleconference, video conference, or other electronic means by which all participants can hear each other simultaneously and participate effectively. Attendance by such electronic means shall constitute presence in person at the meeting.

(g) Each Commissioner participating at a meeting of the Interstate Commission is entitled to one vote. A majority of Commissioners shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission. A Commissioner shall not delegate a vote to another Commissioner. In the absence of its Commissioner, a member state may delegate voting authority for a specified meeting to another person from that state who shall meet the requirements of subsection (d).

(h) The Interstate Commission shall provide public notice of all meeting and all meetings shall be open to the public. The Interstate Commission may close a meeting, in full or in portion, where it determines by a two-thirds vote of the Commissioners present that any open meeting would be likely to:

1) Relate solely to the internal personnel practice and procedures of the Interstate Commission;
2) Discuss matters specifically exempted from disclosure by federal statute;
3) Discuss trade secrets, commercial, or financial information that is privileged or confidential;
4) Involve accusing a person of a crime, or formally censuring a person;
5) Discuss information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

6) Discuss investigative records compiled for law enforcement purposes;

7) Specifically relate to the participation in a civil action or other legal proceeding.

(i) The Interstate Commission shall keep minutes which shall fully describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, including record of any roll call votes.

(j) The Interstate Commission shall make its information and official records, to the extent not otherwise designated in the Compact or by its rules, available to the public for inspection.

(k) The Interstate Commission shall establish an executive committee, which shall include officers, members, and others as determined by the bylaws. The executive committee shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session. When acting on behalf of the Interstate Commission, the executive committee shall oversee the administration of the Compact including enforcement and compliance with the provisions of the Compact, its bylaws and rules, and other such duties as necessary.

(l) The Interstate Commission shall establish other committees for governance and administration of the Compact.

SECTION 12. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

(a) Oversee and maintain the administration of the Compact;

(b) Promulgate rules which shall be binding to the extent and in the manner provided for in the Compact;

(c) Issue, upon the request of a member state or member board, advisory opinions concerning the meeting or interpretation of the Compact, its bylaws, rules, and actions;

(d) Enforce compliance with Compact provisions, the rules promulgated by the Interstate Commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process;

(e) Establish and appoint committees including, but not limited to, an executive committee as required by Section 11, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties;

(f) Pay, or provide for the payment of the expenses related to the establishment, organization, and ongoing activities of the Interstate Commission;

(g) Establish and maintain one or more offices;

(h) Borrow, accept, hire, or contract for services of personnel;

(i) Purchase and maintain insurance and bonds;

(j) Employ an executive director who shall have the power to employ, select or appoint employees, agents, consultants, and to determine their qualifications, define their duties, and fix their compensation;

(k) Establish personnel policies and programs relating to conflicts of interest, rates of compensation, and qualification of personnel;

(l) Accept donations and grants of money, equipment, supplies, materials, and services to receive, utilize, and dispose of it in a manner consistent with the conflict of interest policies established by the Interstate Commission;

(m) Lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use, any property, real, personal, or mixed;

(n) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

(o) Establish a budget and make expenditures;

(p) Adopt a seal and bylaws governing the management and operation of the Interstate Commission;

(q) Report annually to the legislatures and governors of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include reports of financial audits, and financial statements, and any recommendations that may have been adopted by the Interstate Commission;

(r) Coordinate education, training, and public awareness regarding the Compact, its implementation, and its operation;

(s) Maintain records in accordance with the bylaws;

(t) Seek and obtain trademarks, copyrights, and patents; and

(u) Perform such functions as may be necessary or appropriate to achieve the purpose of the Compact.

SECTION 13. FINANCE POWERS

(a) The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff. The total assessment must be sufficient to cover the annual budget approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated upon a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states.

(b) The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same.

(c) The Interstate Commission shall not pledge the credit or any of the member states, except by, and with the authority of, the member state.

(d) The Interstate Commission shall maintain financial records in accordance with the bylaws,including profit and loss statements and balance sheet reports which shall be included in the annual report of the Interstate Commission.

SECTION 14. ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

(a) The Interstate Commission shall, by a majority of Commissioners present and voting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the Compact within twelve (12) months of the first Interstate Commission meeting.

(b) The Interstate Commission shall elect or appoint annually from among its Commissioners, a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson, or in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate Commission.

(c) Officers selected in subsection (b) shall serve without remuneration for the Interstate Commission.

(d) The officers and employees of the Interstate Commission shall be immune from suite and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of, or relating to, an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of the Interstate Commission employment, duties, or responsibilities; provided that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

(e) The liability of the executive director and employees of the Interstate Commission or representatives of the Interstate Commission, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state, may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees, and agents. The Interstate Commission is considered to be an instrumentality of the states for the purpose of such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

(f) The Interstate Commission shall defend the executive director, its employees, and subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by the Interstate Commission representative, shall defend such Interstate Commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of the Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

(g) To the extent not covered by the state involved, member state, or the Interstate Commission, the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgement, including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of the Interstate

Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

SECTION 15. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

(a) The Interstate Commission shall promulgate rules in order to effectively and efficiently achieve the purpose of the Compact. Notwithstanding the foregoing, in the event the Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the Compact, or the powers granted hereunder, then such an action by the Interstate Commission shall be invalid and have no force or effect.

(b) Rules deemed appropriate for the operations of the Interstate Commission shall be made pursuant to the rulemaking process that substantially conforms to the "Model State Administrative Procedure Act" of 2010, and subsequent amendments thereto.

(c) Not later than thirty (30) days after a rule is promulgated, any person may file a petition for judicial review of the rule in the United States District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices, provided that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Interstate Commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the authority granted to the Interstate Commission.

SECTION 16. OVERSIGHT OF INTERSTATE COMPACT

(a) The executive, legislative, and judicial branches of state government in each member state shall enforce the Compact and shall take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of the Compact and the rules promulgated hereunder shall have standing as statutory law but shall not override existing state authority to regulate the practice of podiatric medicine.

(b) All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of the Compact which may affect the powers, responsibilities or actions of the Interstate Commission.

(c) The Interstate Commission shall be entitled to receive all services of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the Interstate Commission shall render judgement or order void as to the Interstate Commission, the Compact, or promulgated rules.

SECTION 17. ENFORCEMENT OF INTERSTATE COMPACT

(a) The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of the Compact.

(b) The Interstate Commission may, by majority vote of the Commissioners present and voting, initiate legal action in the United States Court for the District of Columbia, or, at the discretion of the Interstate Commission, in federal district where the Interstate Commission has its principal offices, to enforce compliance with the provisions of the Compact, and its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

(c) The remedies herein shall not be the exclusive remedies of the Interstate Commission. The Interstate Commission may avail itself of any other remedies available under state law or regulation of a profession.

SECTION 18. DEFAULT PROCEDURES

(a) The grounds for default include, but are not limited to, failure of a member board to perform such obligations or responsibilities imposed upon it by the Compact, or the rules and bylaws of the Interstate Commission promulgated under the Compact.

(b) If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under the Compact, or the bylaws or promulgated rules, the Interstate Commission shall:

1) Provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default, and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default; and

2) Provide remedial training and specific technical assistance regarding the default.

(c) If the defaulting state fails to cure the default, the defaulting state shall be terminated from the Compact upon an affirmative vote of the majority of the Commissioners present and voting, and all rights, privileges, and benefits conferred by the Compact shall terminate on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(d) Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to terminate shall be given by the Interstate Commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

(e) The Interstate Commission shall establish rules and procedures to address licenses and podiatric physicians that are materially impacted by the termination of a member state, or the withdrawal of a member state.

(f) The member state which has been terminated is responsible for all dues, obligations, and liabilities incurred through the effective date of termination including obligations, the performance of which extends beyond the effective date of termination.

(g) The Interstate Commission shall not bear any costs relating to any state that has been found to be in default or which has been terminated from the Compact, unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.

(h) The defaulting state may appeal the action of the Interstate Commission by petitioning the United States District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices. The prevailing party shall be awarded all costs of litigation including reasonable attorney's fees.

SECTION 19. DISPUTE RESOLUTION

(a) The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the Compact and which arise among member states or member boards.

(b) The Interstate Commission shall promulgate rules providing for both mediation and binding dispute resolution as appropriate.

SECTION 20. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

(a) Any state is eligible to become a member of the Compact.

(b) The Compact shall become effective and binding upon legislative enactment of the Compact into law by no less than four (4) states. Thereafter, it shall become effective and binding on a state upon enactment of the Compact into law by that state.

(c) The governors of non-member states, or their designees, shall be welcome to participate in the activities of the Interstate Commission on a non-voting basis prior to adoption of the Compact by all states.

(d) The Interstate Commission may propose amendments to the Compact for enactment by the member states. No amendment shall become effective and binding upon the Interstate Commission and other member states unless and until it is enacted into law by unanimous consent of the member states.

SECTION 21. WITHDRAWAL

(a) Once effective, the Compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the Compact by specifically repealing the statute which enacted the Compact into law.

(b) Withdrawal from the Compact shall be by the enactment of a statute repealing the same, but shall not take effect until one (1) year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other member state.

(c) The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing the Compact in the withdrawing state.

(d) The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty (60) days of its receipt of notice provided under subsection (c).

(e) The withdrawing state is responsible for all dues, obligations and liabilities incurred throughout the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.

(f) Reinstatement following withdrawal of a member state shall occur upon the withdrawing date reenacting the Compact or upon such later date as determined by the Interstate Commission.

(g) The Interstate Commission is authorized to develop rules to address the impact of the withdrawal of a member state on licenses granted in other member states to podiatric physicians who designated the withdrawing member state as the state of principal license.

SECTION 22. DISSOLUTION

(a) The Compact shall be dissolved effective upon the date of the withdrawal or default of the member state which reduces the membership of the Compact to one (1) member state.

(b) Upon the dissolution of the Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded, and surplus funds shall be distributed in accordance with the bylaws.

SECTION 23. SEVERABILITY AND CONSTRUCTION

(a) The provisions of the Compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the Compact shall be enforceable.

(b) The provisions of the Compact shall be liberally construed to effectuate its purposes.

(c) Nothing in the Compact shall be construed to prohibit the applicability of other interstate compacts to which the member states are members.

SECTION 24. BINDING EFFECT OF COMPACT AND OTHER LAWS

(a) Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the Compact.

(b) All laws in a member state in conflict with the Compact are superseded to the extent of the conflict.

(c) All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Commission, are binding upon all member states.

(d) All agreements between the Interstate Commission and the member states are binding in accordance with their terms.

(e) In the event of any provision of the Compact that exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.