



1 GENERAL GOVERNMENT BOARDS & COMMISSIONS

2 BOARD OF PODIATRY

3 (Amendment)

4 201 KAR 25:080. HIV/HBV infection control for podiatrists, infection control compliance
5 standards.

6 RELATES TO: KRS 311.410(4)

7 STATUTORY AUTHORITY: KRS 311.410(4), 311.495(2)

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.410(4) empowers the Kentucky
9 State Board of Podiatry to promulgate administrative regulations as necessary to implement and
10 enforce the provisions of KRS 311.380 to 311.500~~[311.390 to 311.510]~~. The purpose of this
11 administrative regulation is to encourage and promote infection control among all Kentucky
12 podiatrists relating to the prevention of the transmission of the human immunodeficiency virus and
13 the hepatitis B virus during exposure-prone invasive procedures, including requirements for
14 Centers for Disease Control and Prevention compliance, board inspections for reliable reports of
15 noncompliance, and procedures relating to corrections.

16 Section 1. Definitions.

17 (1) "HIV" means the human immunodeficiency virus.

18 (2) "HBV" means the hepatitis B virus.

19 (3) "Universal precautions" means the appropriate use of hand and skin washing, protective
20 barriers, care in the use of and disposal of needles and other sharp instruments, and those other
21 techniques recommended in U.S. Centers for Disease Control Morbidity and Mortality Weekly

Report.~~[, June 24, 1988, Volume 37, Number 24, hereby incorporated by reference. A copy may be inspected or copied at the board's office during business hours.]~~

Section 2. HIV or HBV Serostatus Determination. A podiatrist who is HIV or HBV seropositive and "e" antigen positive, and who performs patient care procedures which pose a significant risk of transmission of HIV or HBV to patients, may seek counsel from the Kentucky State Board of Podiatry.

Section 3. Review and Monitoring of HIV or HBV Positive Podiatrists.

(1) The Kentucky State Board of Podiatry may convene a review panel to:

(a) Monitor the adherence of a HIV or HBV positive podiatrist to:

1. Universal precautions;

2. Clinical competency; and

3. Practice limitations or restrictions established by the review panel to monitor compliance with universal precautions; and

(b) Periodically evaluate the effects of the disease on the competency of the HIV or HBV positive podiatrist.

(2) The review panel shall include the:

(a) Primary care physician of the HIV or HBV positive podiatrist;

(b) A clinical infectious disease specialist;

(c) An epidemiologist representing the Kentucky Department of Health Services; and

(d) One (1) or more licensed podiatrists.

Section 4. Infection Prevention Control Compliance.

(1) Each licensed podiatrist in the Commonwealth of Kentucky shall:

1 (a) Adhere to the standard precautions outlined in the Guide to Infection Prevention for
2 Outpatient Podiatry Settings published by the Centers for Disease Control and Prevention;
3 and

4 (b) Ensure that any person under the direction, control, supervision, or employment of a
5 licensee whose activities involve contact with patients, lower extremities, blood, body fluids,
6 instruments, equipment, appliances, or other devices adheres with those same standard
7 precautions.

8 (2) The board or its designee shall perform an infection control inspection of a podiatry practice
9 or office utilizing the CDC Infection Prevention Checklist for Outpatient Podiatry Settings, if the
10 board and its staff become aware of a violation or a reliable allegation of a violation, of the Guide
11 to Infection Prevention for Outpatient Podiatry Settings which may pose imminent public risk.

12 (3)

13 (a) Any podiatrist who is found deficient upon an initial infection control inspection shall
14 have thirty (30) days to be in compliance with the guidelines and submit a written plan of
15 correction to the board.

16 (b) The podiatrist may receive a second inspection after the thirty (30) days have passed
17 and may be required to pay reasonable expenses to the board or its designee to conduct the
18 inspection, not to exceed the amount of the fine required for failure of a second inspection
19 pursuant to this chapter.

20 Section 5. Disciplinary Action. Any podiatrist who does not comply with universal
21 precautions, infection control compliance standards, the requirements of this administrative
22 regulation or the limitations and restrictions established by the review panel, pursuant to

administrative regulation, shall be subject to disciplinary action by the Kentucky State Board of Podiatry as set forth in KRS 311.480.

Section 6. [Section 5.] Confidentiality. Information obtained by the Kentucky State Board of Podiatry pursuant to Section 3 of this administrative regulation is personal in nature as set forth in KRS 61.878(1)(a) and is excluded from the application of KRS 61.870 to 61.884.

Section 7. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "U.S. Centers for Disease Control Morbidity and Mortality Weekly Report", June 24, 1988, Volume 37, Number 24";

(b) "Guide to Infection Prevention for Outpatient Podiatry Settings", October 2018, or the latest version issued by the Centers for Disease Control on Infection and Prevention; and

(c) "Infection Prevention Checklist for Outpatient Podiatry Settings" issued as Appendix B to the "Guide to Infection Prevention for Outpatient Podiatry Settings", October 2018, or the latest version issued by the Centers for Disease Control on Infection and Prevention.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Podiatry, 500 Mero Street, Frankfort, Kentucky 40601, from 8:00 a.m. to 4:30 p.m., Monday through Friday. This material is also available on the board's Web site at bop.ky.gov.

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APPROVED BY AGENCY:

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