



PODIATRY AFFILIATED CREDENTIALING BOARD
Room 121A, 1400 East Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
June 28, 2016

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.

AGENDA

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

A) Adoption of Agenda (1-3)

B) Approval of Minutes of February 9, 2016 (4-8)

C) Administrative Updates

- 1) Department and Staff Updates
- 2) Board Members – Term Expiration Dates
 - a) Jeffery Giesking – 07/01/2016
 - b) Thomas Komp – 07/01/2017
 - c) William Weis – 07/01/2015
- 3) Appointments/Reappointments/Confirmations

D) Legislative/Administrative Rule Matters (9-27)

- 1) Update on 2016 Wisconsin Act 269 Relating to the Board's Authority to Issue Guidelines Regarding Best Practices in Prescribing Controlled Substances and Proposals for Podiatry Board Guidelines
 - a) National Transportation Safety Board (NTSB) Safety Recommendations for Prescribing Controlled Substances – Discussion and Consideration
- 2) Adoption Order for CR 15-076 Relating to Overtreatment of Patients
- 3) Adoption Order for CR 15-076 Relating to the Duty to Obtain Informed Consent
- 4) Proposals for Chs. Pod 1 and 4
- 5) Update on Pending Legislation and Pending and Possible Rulemaking Projects

E) Speaking Engagement(s), Travel, or Public Relation Request(s)

F) Informational Items

G) Items Added After Preparation of Agenda:

- 1) Introductions, Announcements and Recognition
- 2) Election of Board Officers
- 3) Appointment of Board Liaison(s)

- 4) Administrative Updates
- 5) Nominations, Elections, and Appointments
- 6) Education and Examination Matters
- 7) Credentialing Matters
- 8) Practice Matters
- 9) Legislation/Administrative Rule Matters
- 10) Liaison Reports
- 11) Informational Items
- 12) Disciplinary Matters
- 13) Presentations of Petitions for Summary Suspension
- 14) Petitions for Designation of Hearing Examiner
- 15) Presentation of Proposed Stipulations, Final Decisions and Orders
- 16) Presentation of Proposed Final Decisions and Orders
- 17) Presentation of Interim Orders
- 18) Petitions for Re-Hearing
- 19) Petitions for Assessments
- 20) Petitions to Vacate Orders
- 21) Requests for Disciplinary Proceeding Presentations
- 22) Motions
- 23) Petitions
- 24) Appearances from Requests Received or Renewed
- 25) Speaking Engagement(s), Travel, or Public Relation Request(s)

H) Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (§ 19.85 (1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 448.02(8), Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.).

I) **Full Board Review**

- 1) Elenora Williams, D.P.M. **(28-72)**

J) **Deliberation on Division of Legal Services and Compliance (DLSC) Matters**

1) **Administrative Warnings**

- a) 14 POD 005 – M.J.N. **(73-75)**
- b) 16 POD 010 – A.A.R. **(76-77)**

2) **Proposed Stipulations, Final Decisions and Orders**

- a) 15 POD 001 – Keith A. Beck, D.P.M. **(78-84)**
- b) 15 POD 008 – Robert R. Jacobs, D.P.M. **(85-89)**
- c) 16 POD 001 – Richard A. Arbetter, D.P.M. **(90-94)**
- d) 16 POD 009 – Patricia A. Pietz, D.P.M. **(95-100)**

3) **Case Closings**

- a) 14 POD 005 **(101-114)**

K) Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters

- 3) Disciplinary Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Orders
- 9) Administrative Warnings
- 10) Review of Administrative Warnings
- 11) Proposed Final Decisions and Orders
- 12) Matters Relating to Costs/Orders Fixing Costs
- 13) Case Closings
- 14) Proposed Interim Orders
- 15) Petitions for Assessments and Evaluations
- 16) Petitions to Vacate Orders
- 17) Remedial Education Cases
- 18) Motions
- 19) Petitions for Re-Hearing
- 20) Appearances from Requests Received or Renewed

L) Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

M) Open Session Items Noticed Above not Completed in the Initial Open Session

N) Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

O) Ratification of Licenses and Certificates

P) Board Member Training Presentation

ADJOURNMENT

NEXT MEETING DATE OCTOBER 20, 2016

**PODIATRY AFFILIATED CREDENTIALING BOARD
VIRTUAL/TELECONFERENCE MEETING MINUTES
February 9, 2016**

PRESENT: Jeffery Giesking, DPM; Thomas Komp, DPM; William Weis, DPM

STAFF: Tom Ryan - Executive Director; Nifty Lynn Dio - Bureau Assistant; and other Department staff

CALL TO ORDER

William Weis, Chair called the meeting to order at 9:00 a.m. A quorum of three (3) members was confirmed.

ADOPTION OF AGENDA

Amendments to the Agenda:

- *Late Add Item I.1 (Page 55) moved to G.3*
- *G.5 correct Statutes to Statutes*

MOTION: Jeffrey Giesking moved, seconded by Thomas Komp, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JUNE 5, 2015

MOTION: Thomas Komp moved, seconded by Jeffrey Giesking, to approve the minutes of June 5, 2015 as published. Motion carried unanimously.

ADMINISTRATIVE UPDATES

ELECTION OF OFFICERS

BOARD CHAIR

NOMINATION: Thomas Komp nominated William Weis for the Office of Board Chair.

Tom Ryan called for nominations three (3) times.

William Weis was elected as Chair by unanimous consent.

VICE CHAIR

NOMINATION: Jeffrey Giesking nominated Thomas Komp for the Office of Vice Chair.

Tom Ryan called for nominations three (3) times.

Thomas Komp was elected as Vice Chair by unanimous consent.

SECRETARY

NOMINATION: Thomas Komp nominated Jeffrey Giesking for the Office of Secretary.

Tom Ryan called for nominations three (3) times.

Jeffrey Giesking was elected as Secretary by unanimous consent.

2016 ELECTION RESULTS	
Board Chair	William Weis
Vice Chair	Thomas Komp
Secretary	Jeffrey Giesking

LIAISON APPOINTMENTS

2016 LIAISON APPOINTMENTS	
Credentialing Liaison	William Weis <i>Alternate: Thomas Komp</i>
Monitoring Liaison	Thomas Komp <i>Alternate: Jeffery Giesking</i>
Education and Exams Liaison	Jeffery Giesking <i>Alternate: Thomas Komp</i>
Legislative Liaison	William Weis <i>Alternate: Jeffery Giesking</i>
Travel Liaison	Jeffery Giesking <i>Alternate: Thomas Komp</i>
Rules Liaison	William Weis <i>Alternate: Thomas Komp</i>
Professional Assistance Procedure Liaison	Jeffery Giesking <i>Alternate: William Weis</i>
Screening Panel	Thomas Komp, William Weis, Jeffrey Giesking

MOTION: Thomas Komp moved, seconded by Jeffrey Giesking, to affirm the Chair’s appointment of liaisons for 2016. Motion carried unanimously.

DELEGATION MOTIONS

Delegated Authority for Urgent Matters

MOTION: Thomas Komp moved, seconded by Jeffrey Giesking, that, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department to act in urgent matters, make appointments to vacant liaison, panel and committee positions, and to act when knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Jeffrey Giesking moved, seconded by Thomas Komp, that the Board counsel or another department attorney is formally authorized to serve as the Board’s

designee for purposes of Wis. Admin Code § SPS 1.08(1). Motion carried unanimously.

Document Signature Delegation

MOTION: Thomas Komp moved, seconded by Jeffrey Giesking, to delegate authority to the Chair or chief presiding officer, or longest serving member of the Board, by order of succession, to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair, chief presiding officer, or longest serving member of the Board, has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair, chief presiding officer, or longest serving member of the Board delegates the authority to Executive Director or designee to sign the name of any Board member on documents as necessary and appropriate. Motion carried unanimously.

Credentialing Authority Delegations

MOTION: Jeffrey Giesking moved, seconded by Thomas Komp, to delegate authority to the Credentialing Liaisons to address all issues related to credentialing matters except potential denial decisions should be referred to the full Board for final determination. Motion carried unanimously.

MOTION: Thomas Komp moved, seconded by Jeffrey Giesking, to delegate credentialing authority to DSPS for those submitted applications that meet the criteria of Rule and Statute and thereby would not need further Board or Board liaison review. Motion carried unanimously.

Monitoring Delegations

MOTION: Jeffrey Giesking moved, seconded by Thomas Komp, to affirm the Chair's appointment of Thomas Komp as the Monitoring Liaison, and Jeffrey Giesking as the alternate, to adopt the 'Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor; document as presented. Motion carried unanimously.

Travel Delegation

MOTION: Thomas Komp moved, seconded by Jeffrey Giesking, to authorize the travel liaison to approve all Board travel. Motion carried unanimously.

PUBLIC HEARING: CR15-075 - POD 2 RELATING TO THE OVERTREATMENT OF PATIENTS

MOTION: Jeffrey Giesking moved, seconded by Thomas Komp, to authorize The Chair to approve the Legislative Report and Draft for Clearinghouse Rule CR15-075 relating to the overtreatment of patients for submission to the Governor's Office and Legislature. Motion carried unanimously.

PUBLIC HEARING: CR15-076 – POD 1, 4, AND 8 RELATING TO THE DUTY TO OBTAIN INFORMED CONSENT

MOTION: Thomas Komp moved, seconded by Jeffrey Giesking, to reject Clearinghouse comments 2.b, 2.d, 5.b, 5.c, and 5.e, and to accept all remaining Clearinghouse comments for CR15-076 relating to the duty to obtain informed consent. Motion carried unanimously.

MOTION: Jeffrey Giesking moved, seconded by Thomas Komp, to authorize The Chair to approve the Legislative Report and Draft for Clearinghouse Rule CR15-076 relating to the duty to obtain informed consent for submission to the Governor's Office and Legislature. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

Pod 4 – Biennial Registration of Podiatrists

MOTION: Thomas Komp moved, seconded by Jeffrey Giesking, to approve the Adoption Order for Clearinghouse Rule 14-065 relating to biennial registration of podiatrists. Motion carried unanimously.

Pod 1 – Relating to Examination Requirements – Review of Preliminary Rule Draft

MOTION: Thomas Komp moved, seconded by Jeffrey Giesking, to request DSPS staff draft a revised Scope Statement for Pod 1 relating to licensure requirements and to authorize the Chair to approve the Scope for submission to the Governor's Office and publication and authorize the Chair to approve the scope for implementation no less than 10 days after publication. Motion carried unanimously.

Update on Pending and Possible Legislation and Rulemaking Projects

MOTION: Thomas Komp moved, seconded by Jeffrey Giesking, to request DSPS staff draft a Scope Statement revising Pod 4 and to authorize the Chair to approve the Scope for submission to the Governor's Office and publication and authorize the Chair to approve the scope for implementation no less than 10 days after publication. Motion carried unanimously.

Senate Bill 568 and Assembly Bill 726 – Board Review

MOTION: William Weis moved, seconded by Jeffrey Giesking, to record the Board's opposition to Senate Bill 568 and Assembly Bill 726, which eliminate the Podiatry Affiliated Credentialing Board, as Wisconsin citizens and podiatrists are better served by a dedicated Board of podiatrists. Motion carried unanimously.

Continuing Education Audit

MOTION: Jeffrey Giesking moved, seconded by Thomas Komp, to refer non-compliant license holders to the Division of Legal Services and Compliance (DLSC). Motion carried unanimously.

CLOSED SESSION

MOTION: William Weis moved, seconded by Thomas Komp, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 448.02(8), Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). The Chair read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Jeffrey Giesking-yes; Thomas Komp-yes; and William Weis-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:34 a.m.

RECONVENE TO OPEN SESSION

MOTION: William Weis moved, seconded by Thomas Komp, to reconvene in Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 10:37 a.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

MOTION: William Weis moved, seconded by Jeffrey Giesking, to affirm all Motions made and Votes taken in Closed Session. Motion carried unanimously.

DELIBERATION ON CASE CLOSINGS

14 POD 003 – T.A.D., D.P.M.

MOTION: William Weis moved, seconded by Thomas Komp, to close case 14 POD 003 (T.A.D.) for prosecutorial discretion (P2). Motion carried unanimously.

14 POD 004 – S.W. AND R.N.

MOTION: William Weis moved, seconded by Jeffrey Giesking, to close case 14 POD 004 (S.W. and R.N.) for prosecutorial discretion (P1). Motion carried unanimously.

DELEGATION OF RATIFICATION OF EXAMINATION RESULTS AND RATIFICATION OF LICENSES AND CERTIFICATES

MOTION: William Weis moved, seconded by Thomas Komp, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Thomas Komp moved, seconded by William Weis, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:39 a.m.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dale Kleven Administrative Rules Coordinator		2) Date When Request Submitted: 6/16/16 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Podiatry Affiliated Credentialing Board			
4) Meeting Date: 6/28/16	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislation and Rule Matters – Discussion and Consideration 1. Update on 2015 Wisconsin Act 269 Relating to the Board’s Authority to Issue Guidelines Regarding Best Practices in Prescribing Controlled Substances 2. Adoption Order for CR 15-075 Relating to Overtreatment of Patients 3. Adoption Order for CR 15-076 Relating to the Duty to Obtain Informed Consent 4. Proposals for chs. Pod 1 and 4 5. Update on Pending Legislation and Pending and Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both		8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:
10) Describe the issue and action that should be addressed: 1. 2015 Wisconsin Act 269: http://docs.legis.wisconsin.gov/2015/related/acts/269.pdf 2. The Board will consider approval of an adoption order for CR 15-075 3. The Board will consider approval of an adoption order for CR 15-076			
11) Authorization			
<i>Dale Kleven</i>		<i>June 16, 2016</i>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

State of Wisconsin



2015 Assembly Bill 660

Date of enactment: **March 17, 2016**

Date of publication*: **March 18, 2016**

2015 WISCONSIN ACT 269

AN ACT *to repeal* 448.05 (6) (at); *to renumber* 440.035; *to amend* 440.035 (title), 448.05 (6) (a), 448.07 (1) (b) and 452.12 (4); and *to create* 227.01 (13) (zk) and 440.035 (2m) of the statutes; **relating to:** guidelines for prescribing controlled substances and the examination authority of the Medical Examining Board.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 227.01 (13) (zk) of the statutes is created to read:

227.01 (13) (zk) Are guidelines issued under s. 440.035 (2m).

SECTION 2. 440.035 (title) of the statutes is amended to read:

440.035 (title) General duties and powers of examining boards and affiliated credentialing boards.

SECTION 3. 440.035 of the statutes is renumbered 440.035 (1m).

SECTION 4. 440.035 (2m) of the statutes is created to read:

440.035 (2m) The medical examining board, the podiatry affiliated credentialing board, the board of nursing, the dentistry examining board, or the optometry examining board may issue guidelines regarding best practices in prescribing controlled substances, as defined in s. 961.01 (4), for persons credentialed by that board who are authorized to prescribe controlled substances.

SECTION 5. 448.05 (6) (a) of the statutes, as affected by 2013 Wisconsin Act 240, is amended to read:

448.05 (6) (a) Except as provided in pars. (am), and (ar), ~~and~~ (at), the board shall examine each applicant it

finds eligible under this section in such subject matters as the board deems applicable to the class of license or certificate which the applicant seeks to have granted. Examinations may be both written and oral. In lieu of its own examinations, in whole or in part, the board may make such use as it deems appropriate of examinations prepared, administered, and scored by national examining agencies, or by other licensing jurisdictions of the United States or Canada. The board shall specify passing grades for any and all examinations required.

SECTION 6. 448.05 (6) (at) of the statutes, as created by 2013 Wisconsin Act 240, is repealed.

SECTION 7. 448.07 (1) (b) of the statutes is amended to read:

448.07 (1) (b) The board shall maintain the register required by s. 440.035 (4) (1m) (d), which shall be divided according to the activity for which the registrant is licensed or certified. The board shall make copies available for purchase at cost.

SECTION 8. 452.12 (4) of the statutes is amended to read:

452.12 (4) REGISTER OF BROKERS AND SALESPERSONS. The board shall include in the register the board maintains under s. 440.035 (4) (1m) (d) the names of all brokers and salespersons whose licenses were revoked

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

within the past 2 years. The register shall be available for purchase at cost.



March 28, 2016

Mr. Jeffrey Marcus, Safety Recommendation Specialist
National Transportation Safety Board
correspondence@ntsb.gov

Dear Mr. Marcus:

Recently, Chairman Christopher Hart sent a letter dated November 12, 2015 to Governor Scott Walker requesting information on several recommendations made by the National Transportation Safety Board (NTSB) regarding the use of controlled substances.

Regarding recommendation I-14-1, the Wisconsin State Legislature passed a law, effective March 19, 2016, allowing the Medical Examining Board, Podiatry Affiliated Credentialing Board, Dentistry Examining Board, Board of Nursing and Optometry Examining Board to each write guidelines regarding best practices in prescribing controlled substances. The NTSB Safety Recommendations will be made available to the boards as they develop guidelines for practitioners authorized to prescribe.

Regarding recommendation I-14-2, a link will be established on the Department website so that prescribers and dispensers in Wisconsin have access to the NTSB Safety Recommendations and are reminded of the importance of routinely discussing the effects of prescribed medications.

Thank you for your interest in this matter.

Sincerely,

Greg Gasper
Administrator, Division of Policy Development

cc: Michael Berndt, Chief Legal Counsel
Tom Ryan, Executive Director
Dan Williams, Executive Director
Brittany Lewin, Executive Director



Office of the Chairman

National Transportation Safety Board

Washington, DC 20594

November 12, 2015

The Honorable Scott Walker
Governor of Wisconsin
Office of the Governor
115 East Capitol
Madison, WI 53702

Dear Governor Walker:

The National Transportation Safety Board (NTSB) is an independent federal agency charged by Congress with investigating every civil aviation accident in the United States and significant accidents in other modes of transportation—railroad, highway, marine, and pipeline. We determine the probable cause of the accidents and issue safety recommendations aimed at preventing future accidents. In addition, we conduct special studies concerning transportation safety and coordinate the resources of the federal government and other organizations to provide assistance to victims and their family members impacted by major transportation disasters.

This letter addresses NTSB Safety Recommendations I-14-1 and -2. We issued these recommendations to the state of Wisconsin on September 23, 2014, as a result of our safety study *Drug Use Trends in Aviation: Assessing the Risk of Pilot Impairment*, SS 14/01, available at <http://www.nts.gov/safety/safety-studies/Documents/SS1401.pdf>. For your convenience, the background and bases for the recommendations may be found on pages 36-38 of the report.

I-14-1

Include in all state guidelines regarding prescribing controlled substances for pain a recommendation that health care providers discuss with patients the effect their medical condition and medication use may have on their ability to safely operate a vehicle in any mode of transportation.

I-14-2

Use existing newsletters or other routine forms of communication with licensed health care providers and pharmacists to highlight the importance of routinely discussing with patients the effect their diagnosed medical conditions or recommended drugs may have on their ability to safely operate a vehicle in any mode of transportation.

We are interested in knowing whether and how our recommendations are implemented, both to ensure that the traveling public is provided the highest level of safety and to identify creative solutions that might be shared with others, and we normally expect actions to address our recommendations to be completed within 3 to 5 years. As we issued this recommendation more than a year ago and we have yet to hear from you regarding it, we would appreciate receiving a response within 90 days indicating actions you have taken or plan to take to implement it. In the meantime, the recommendation will retain its current classification of “Open—Await Response.”

Please reply at correspondence@ntsb.gov. If your response, including attachments, exceeds 10 megabytes, please e-mail us at the same address for instructions. Please do not submit both an electronic and a hard copy of the same response.

If you have any questions, please contact Mr. Jeffrey Marcus, Safety Recommendation Specialist, at marcusj@ntsb.gov.

Thank you for your assistance in this matter.

Sincerely,

cc: Mr. Thomas Ryan
Executive Director
Wisconsin Medical Examining Board
thomas.ryan@wisconsin.gov

Mr. Dan Williams
Bureau Director
Wisconsin Department of Safety and
Professional Services
dsps@wisconsin.gov

Mr. Dan Williams
Executive Director
Wisconsin Pharmacy Examining Board
dsps@wisconsin.gov

STATE OF WISCONSIN
PODIATRY AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	PODIATRY AFFILIATED
PODIATRY AFFILIATED	:	CREDENTIALING BOARD
CREDENTIALING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 15-075)

ORDER

An order of the Podiatry Affiliated Credentialing Board to create Pod 2.01 (24) relating to overtreatment of patients.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 448.695 (1) (a), Stats.

Statutory authority:

Sections 15.085 (5) (b), 227.11 (2) (a), and 448.695 (1) (a), Stats.

Explanation of agency authority:

Pursuant to ss. 15.085 (5) (b) and 227.11 (2) (a), Stats., the Podiatry Affiliated Board is generally empowered by the legislature to promulgate rules that will provide guidance within the profession and interpret the statutes it administers. Section 448.695 (1) (a), Stats., grants express rule-writing authority to the board to promulgate rules that identify acts that constitute unprofessional conduct. This rule seeks to add a provision to the unprofessional conduct rule. Therefore, the Podiatry Affiliated Credentialing Board is generally and specifically empowered to promulgate these rules.

Related statute or rule:

Section 448.675, Stats.

Plain language analysis:

An issue that is prevalent in the health care system is overtreatment and excessive diagnostic testing of patients by health care professionals. Overtreatment and excessive use of diagnostic testing and surgical procedures result in increased costs to patients as

well as exposure to increased risk of infection, diseases, and complications. The Podiatry Affiliated Credentialing Board recognized this issue and decided to address it with these proposed rules. The proposed rule seeks to add a provision to the Unprofessional Conduct chapter Wisconsin Administrative Code Chapter Pod 2.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:

Illinois: Illinois does not list excessive evaluation or treatment of a patient as conduct that would be considered grounds for disciplinary action under 225 ILCS 100/4.

Iowa: Iowa does not list excessive evaluation or treatment as conduct that would subject a podiatrist to discipline under 645 IAC 224.2.

Michigan: Michigan does not list excessive evaluation or treatment as conduct that would subject a podiatrist to discipline under MCLS § 333.16221.

Minnesota: Minnesota does not list excessive evaluation or treatment as conduct that would subject a podiatrist to discipline under Minn. Stat. § 153.19.

Summary of factual data and analytical methodologies:

The methodologies used in developing the rule included reviewing statutes and administrative rules in other states and comparing them to the current unprofessional conduct provisions for podiatrists in Wisconsin.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The rule was posted for public comment on the economic impact of the proposed rule, including how this proposed rule may affect businesses, local government units, and individuals for a period of 14 days. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

Effect on small business:

The rule does not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Jeffrey.Weigand@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone (608) 261-4472; email at Dale2.Kleven@wisconsin.gov.

TEXT OF RULE

SECTION 1. Pod 2.01 (24) is created to read:

Pod 2.01 (24) Performing deceptive, misleading, or fraudulent treatment, evaluation, or medical or surgical services.

SECTION 2. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____

Chairperson
Podiatry Affiliated Credentialing Board

STATE OF WISCONSIN
PODIATRY AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	PODIATRY AFFILIATED
	:	CREDENTIALING BOARD
PODIATRY AFFILIATED	:	ADOPTING RULES
CREDENTIALING BOARD	:	(CLEARINGHOUSE RULE 15-076)

ORDER

An order of the Podiatry Affiliated Credentialing Board to amend Pod 4.03 (2) (b) and create Pod 4.04 and Chapter 8 relating to the duty to obtain informed consent.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 448.697, Stats.

Statutory authority:

Sections 15.085 (5) (b), 227.11 (2) (a), 448.675 (4), and 448.695 (1) (b), Stats.

Explanation of agency authority:

Section 15.085 (5) (b), Stats., provides that affiliated credentialing boards, such as the Podiatry Affiliated Credentialing Board, “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .” The proposed rule will provide guidance within the profession as to how podiatrists are to inform patients about treatment options.

Section 227.11 (2) (a), Stats., provides that “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

Section 448.675 (4), Stats., states that “[t]he affiliated credentialing board may restore a license which has been voluntarily surrendered or revoked under this subchapter on such terms and conditions as it considers appropriate.”

Section 448.695 (1) (b), Stats., provides that the Podiatry Affiliated Credentialing Board shall promulgate “rules implementing s. 448.697”. Section 448.697, Stats., requires podiatrists to inform patients of their treatment options.

Related statute or rule:

Sections 448.08 and 447.40, Stats.

Plain language analysis:

The duty of certain health care professionals, other than physicians, to obtain informed consent from their patients before conducting treatment had not been codified as a statutory duty prior to the passage of 2013 Wisconsin Act 345. Act 345 sets forth the podiatrists’ duty to obtain informed consent from their patients and institutes the reasonable podiatrist standard as the standard for informing patients regarding their treatment options. The reasonable podiatrist standard requires disclosure only of the information that a reasonable podiatrist would know and disclose under the circumstances. The rule will incorporate the new standard into the current rules governing podiatric practice and make any additional changes necessary to create consistency with the newly enacted legislation. The rule will also provide clarity to the process of renewing a license after 5 years by updating provisions regarding licensure reinstatement.

Summary of, and comparison with, existing or proposed federal regulation:

Although several federal agencies require investigators to obtain informed consent of human subjects participating in investigative trials, there are no specific federal regulations regarding podiatrists obtaining informed consent from their patients or the reasonable podiatrist standard.

Comparison with rules in adjacent states:

Illinois: Illinois administrative rules are silent with regards to podiatrists’ duty to inform patients of their treatment options (68 il admin 1360). A person seeking to restore a podiatric physician license after it has been expired or placed on inactive status for more than 5 years must interview before the board and submit evidence of either (1) certification of active practice in another jurisdiction and proof of 100 hours continuing education during the 2 years prior to restoration. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the applicant was authorized to practice during the term of active practice; or (2) proof of successful completion of the PM Lexis examination within one year before applying for restoration (68 il admin 1360.60).

Iowa: Iowa administrative rules are silent with regards to podiatrists’ duty to inform patients of their treatment options (645 IAC 220, 222, 223, and 224). A person seeking to reactivate a podiatry license that has been on inactive status for more than five years, must provide the following: (1) verification of the license(s) from every jurisdiction in which the

applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office, and (2) verification of completion of 80 hours of continuing education within two years of application for reactivation (645 IAC 220.15 (3) (b)). A licensee whose license has been revoked, suspended, or voluntarily surrendered must reinstate their license in accordance with the terms and conditions of the order of revocation or suspension, unless the order of revocation provides that the license is permanently revoked. If the order of revocation or suspension did not establish terms and conditions upon which reinstatement might occur, or if the license was voluntarily surrendered, an initial application for reinstatement may not be made until one year has elapsed from the date of the order or the date of the voluntary surrender. An application for reinstatement shall allege facts which, if established, will be sufficient to enable the board to determine that the basis for the revocation or suspension of the respondent's license no longer exists and that it will be in the public interest for the license to be reinstated. If the board determines that the license can be reinstated, then the license reactivation process is followed (645 IAC 220.16, 645 IAC 11.31)

Michigan: Michigan administrative rules are silent with regards to podiatrists' duty to inform patients of their treatment options (mich admin code r 338.8101 - 338.8136). "Reinstatement" is defined as the granting of a license or registration, with or without limitations or conditions, to a person whose license or registration has been revoked. "Relicensure" or "reregistration" is defined as the granting of a registration or license to a person whose license or registration has lapsed for failure to renew within 60 days after the expiration date (Michigan Statutes 339.402). An applicant for relicensure whose license has lapsed for 3 years or more and who holds a current license as a podiatrist in another state may be relicensed by completing 150 hours of continuing podiatric medical education credit within the 3 year period immediately preceding the date of application and taking and achieving a converted score of not less than 75 on the podiatric jurisprudence examination (mich admin code r 338.8111 (1)). An applicant for relicensure whose license has lapsed for 3 years or more and who does not hold a current license as a podiatrist in another state may be relicensed by taking and achieving a score of pass on part III of the examination developed and scored by the NBPME and taking and achieving a score of not less than 75 on the podiatric jurisprudence examination (mich admin code r 338.8111 (2)).

Minnesota: Minnesota administrative rules are silent with regards to podiatrists' duty to inform patients of their treatment options (mn r 6900.0010 – 6900.0500). To reinstate a podiatrist license, the applicant must submit: (1) verification of licensure status from each state in which the podiatrist has held an active license during the five years preceding application; (2) for each year the license has been inactive, evidence of participation in one-half the number of hours of acceptable continuing education required for biennial renewal up to five years, (3) if the license has been inactive for more than five years, the continuing education must be obtained during the five years immediately before application; and (4) other evidence as the board may reasonably require. No license that has been suspended or revoked by the board will be reinstated unless the former licensee provides evidence of full rehabilitation from the cause for which the license was suspended or revoked and complies with the other reasonable conditions imposed by the board for the purpose of establishing the extent of rehabilitation. In addition, if the disciplinary action was based in part on

failure to meet continuing education requirements, the license will not be reinstated until the former licensee has successfully completed the requirements (mn r 6900.0210).

Summary of factual data and analytical methodologies:

No factual data or analytical methodologies, aside from reviewing adjacent states' requirements, were used in drafting the rule due to the majority of the rule being prompted by the passage of 2013 WI Act 345.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The rule was posted for public comment on the economic impact of the rule, including how this rule may affect businesses, local government units, and individuals, for a period of 14 days. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

Effect on small business:

These rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Jeffrey.Weigand@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-4472; email at Dale2.Kleven@wisconsin.gov.

TEXT OF RULE

SECTION 1. Pod 4.03 (2) (b) is amended to read:

Pod 4.03 (2) (b) If the licensee applies for renewal of the license more than 5 years after its expiration, the board shall make an inquiry to determine whether the applicant is competent to practice under the license in this state, and shall impose any reasonable conditions on ~~reinstatement~~ the renewal of the license, including oral examination, as the board deems appropriate. All applicants under this paragraph shall be required to pass the open book examination on statutes and rules, which is the same examination given to initial applicants. This section does not apply to licensees who have unmet disciplinary requirements or whose licenses have been surrendered or revoked.

SECTION 2. Pod 4.04 is created to read:

Pod 4.04 License reinstatement. A licensee who has unmet disciplinary requirements and failed to renew a license within 5 years of the renewal date or whose license has been surrendered or revoked may apply to have a license reinstated if the applicant provides all of the following:

(1) Evidence of completion of requirements in s. 4.03 (2) (b) if the licensee has not held an active Wisconsin license within the last 5 years.

(2) Evidence of completion of disciplinary requirements, if applicable.

(3) Evidence of rehabilitation or a change in circumstances, warranting reinstatement of the license.

SECTION 3. Chapter Pod 8 is created to read:

CHAPTER POD 8

INFORMED CONSENT

Pod 8.01 Authority and purpose. (1) **AUTHORITY.** The rules in this chapter adopted pursuant to the authority delegated in ss. 15.085 (5) (b), 227.11 (2) (a), and 448.695 (1) (b), Stats.

(2) **PURPOSE.** The purpose of the rules is to set forth the obligation of a podiatrist to communicate alternate modes of treatment to a patient.

Pod 8.02 Informed consent. Any podiatrist who treats a patient shall inform the patient about the availability of reasonable alternate modes of treatment and about the benefits and risks of these treatments. The reasonable podiatrist standard is the standard for informing a patient under this section. The reasonable podiatrist standard requires disclosure only of information that a reasonable podiatrist would know and disclose under the circumstances.

Pod 8.03 Exceptions to communication of alternate modes of treatment. The podiatrist's duty to inform the patient under this section does not require disclosure of any of the following:

(1) Detailed technical information that in all probability a patient would not understand.

(2) Risks apparent or known to the patient.

(3) Extremely remote possibilities that might falsely or detrimentally alarm the patient.

(4) Information in emergencies where failure to provide treatment would be more harmful to the patient than treatment.

(5) Information in cases where the patient is incapable of consenting.

(6) Information about alternate modes of treatment for any condition the podiatrist has not included in his or her diagnosis at the time the podiatrist informs the patient.

Pod 8.04 Recordkeeping. A podiatrist's patient record shall include documentation that alternate modes of treatment have been communicated to the patient and informed consent has been obtained from the patient as required under s. Pod 6.01.

SECTION 4. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____

Chairperson
Podiatry Affiliated Credentialing Board

Chapter Pod 1

LICENSE TO PRACTICE PODIATRIC MEDICINE AND SURGERY

Pod 1.01	Authority and purpose.
Pod 1.02	Definitions.
Pod 1.03	Application and credentials.
Pod 1.04	Translation of documents.
Pod 1.05	Application deadline and fees.
Pod 1.06	Examinations.

Pod 1.07	Failure and reexamination.
Pod 1.08	Temporary educational license.
Pod 1.09	Locum tenens license.
Pod 1.10	Temporary license.
Pod 1.11	Examination review by applicant.
Pod 1.12	Board review of examination error claim.

Pod 1.01 Authority and purpose. Chapters Pod 1 to 6 are adopted by the podiatry affiliated credentialing board under ss. 15.085 (5) (b), 227.11 (2) and 448.695, Stats., and govern the practice of podiatric medicine and surgery under subch. IV of ch. 448, Stats.

History: Cr. Register, January, 2000, No. 529, eff. 2-1-00; correction made under s. 13.92 (4) (b) 6., Stats., Register September 2012 No. 681.

Pod 1.02 Definitions. As used in chs. Pod 1 to 7:

- (1) “Board” means the podiatry affiliated credentialing board.
 (2) “Controlled substance” has the meaning under s. 961.01 (4), Stats.

(2m) “Direct supervision” means a podiatric physician has assumed responsibility for directing, supervising, and inspecting the work of the person being supervised and the supervising podiatric physician is physically present on the same premises as the person being supervised, with face-to-face contact as necessary.

(3) “License” means any license issued by the board.

(4) “Licensee” means any person validly possessing any license granted and issued to that person by the board.

(5) “Patient” means a person who receives health care services from a podiatrist.

(6) “Patient health care record” has the meaning given in s. 146.81 (4), Stats.

(6m) “Podiatric x-ray assistant” means a person who is under the direct supervision of a licensed podiatric physician and who performs only those radiographic functions that are within the scope of practice of a podiatric physician licensed under s. 448.61, Stats., and that the podiatric physician is competent to perform.

(7) “Practitioner” means a person holding a license to practice podiatric medicine and surgery.

(8) “Prescription drug” has the meaning under s. 450.01 (20), Stats.

History: Cr. Register, January, 2000, No. 529, eff. 2-1-00; CR 06-056: am. (2) Register April 2007 No. 616, eff. 5-1-07; correction in (2) made under s. 13.93 (2m) (b) 7., Stats., Register April 2007 No. 616; correction in (1) made under s. 13.92 (4) (b) 6., Stats., Register September 2012 No. 681; CR 13-110: am. (intro.), cr. (2m), (6m) Register August 2014 No. 704, eff. 9-1-14.

Pod 1.03 Application and credentials. Every person applying for a license to practice podiatric medicine and surgery shall make application on forms provided by the board and shall submit all of the following:

- (1) A completed and verified application form.
 (2) Verified documentary evidence of graduation from a school of podiatric medicine and surgery approved by the board and a verified photographic copy of the diploma conferring the degree of doctor of podiatric medicine or its equivalent as determined by the board granted to the applicant by the school. The board shall approve the podiatric medical schools recognized and approved at the time of the applicant’s graduation by the council on education of the American podiatric association.

History: Cr. Register, January, 2000, No. 529, eff. 2-1-00.

Pod 1.04 Translation of documents. If any of the documents required under this chapter are in a language other than English, the applicant shall also submit a verified English translation and the cost of translation shall be borne by the applicant.

History: Cr. Register, January, 2000, No. 529, eff. 2-1-00.

Pod 1.05 Application deadline and fees. The completed application and all required documents shall be received by the board at its offices not less than 30 days prior to the date of examination. The required fees under s. 440.05 (1), Stats., shall accompany the application.

History: Cr. Register, January, 2000, No. 529, eff. 2-1-00.

Pod 1.06 Examinations. (1) (a) An applicant shall complete the written examination under sub. (2), and an open book examination on statutes and rules governing the practice of podiatric medicine and surgery in Wisconsin. In addition, an applicant may be required to complete an oral examination if the applicant:

1. Has a medical condition which in any way impairs or limits the applicant’s ability to practice podiatric medicine and surgery with reasonable skill and safety.

2. Uses chemical substances so as to impair in any way the applicant’s ability to practice podiatric medicine and surgery with reasonable skill and safety.

3. Has been disciplined or had licensure denied by a licensing or regulatory authority in Wisconsin or another jurisdiction.

4. Has been found negligent in the practice of podiatric medicine or has been a party in a lawsuit in which it was alleged that the applicant had been negligent in the practice of podiatric medicine.

5. Has been convicted of a crime the circumstances of which substantially relate to the practice of podiatric medicine.

6. Has lost, had reduced or had suspended his or her hospital staff privileges, or has failed to continuously maintain hospital privileges during the applicant’s period of licensure following postgraduate training.

7. Has been graduated from a school of podiatric medicine not approved by the board.

8. Has been diagnosed as suffering from pedophilia, exhibitionism or voyeurism.

9. Has within the past 2 years engaged in the illegal use of controlled substances.

10. Has been subject to adverse formal action during the course of medical education, postgraduate training, hospital practice, or other medical employment.

11. Has not practiced podiatric medicine and surgery for a period of 6 months prior to application, unless the applicant has been graduated from a school of podiatric medicine within that period.

(b) An application filed under s. Pod 1.03 shall be reviewed by an application review panel of at least 2 board members designated by the chairperson of the board. The panel shall determine

whether the applicant is eligible for a license without completing an oral examination.

(c) All examinations shall be conducted in the English language. Each examination is scored separately, and the applicant shall achieve passing scores on each examination to qualify for a license.

(2) The board shall utilize as its written examinations the national board examination, part I and part II, and the PMLexis examination of the national board of podiatric examiners. The passing scores are set by the national board of podiatric medicine and represent the minimum competency required to protect public health and safety. The board may accept the recommendations of the examination provider.

(3) The board may deny release of scores or issuance of a credential if the board determines that the applicant violated rules of conduct of the examination or otherwise acted dishonestly in the examination process.

(4) An applicant who has received passing grades in written examinations for a license to practice podiatry conducted by another licensing jurisdiction of the United States, shall submit to the board documentary evidence. The board shall review the documentary evidence to determine whether the scope and passing grades of the examinations are substantially equivalent to those of this state at the time of the applicant's examination. If the board finds equivalency, the board shall accept this in lieu of requiring the applicant to achieve passing grades in the national board examination and the PMLexis examination of the national board of podiatry examiners. The burden of proof of equivalency is on the applicant.

(5) The oral examination of each applicant is conducted by members of the board and is scored as pass or fail.

(6) The board shall notify each applicant found eligible for examination of the time and place scheduled for that applicant's oral examination. Unless prior scheduling arrangements have been made with the board by the applicant, failure of an applicant to appear for examination as scheduled shall void that applicant's application and require the applicant to reapply for licensure.

(7) Any applicant who is a graduate of a school of podiatric medicine and surgery in which English is not the primary language of communication shall be examined by the board on his or her proficiency in the English language.

(8) Otherwise qualified applicants with disabilities, as defined by the Americans with disabilities act, shall be provided with reasonable accommodations.

History: Cr. Register, January, 2000, No. 529, eff. 2-1-00.

Pod 1.07 Failure and reexamination. An applicant who fails to achieve a passing grade in the examinations required under this chapter may apply for reexamination. An applicant who fails to achieve a passing grade in the examinations required under this chapter may be reexamined twice at not less than 4 month intervals. If the applicant fails to achieve a passing grade on the second reexamination, the applicant shall not be admitted to further examination until he or she reapplies for licensure and also presents to the board evidence of further professional training or education as the board may deem appropriate in each applicant's particular case.

History: Cr. Register, January, 2000, No. 529, eff. 2-1-00.

Pod 1.08 Temporary educational license. (1) An applicant who has been appointed to a postgraduate training program in a facility in this state approved by the board may apply to the board for a temporary educational license to practice podiatric medicine and surgery and shall submit to the board all of the following:

(a) A completed and verified application form provided by the board.

Note: Applications are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(b) The documentary evidence and credentials required under ss. Pod 1.04, 1.05 and 1.06.

(c) The required fees under s. 440.05 (1), Stats.

(2) An applicant shall complete an open book examination on statutes and rules governing the practice of podiatric medicine and surgery in Wisconsin.

(3) The holder of a temporary educational license to practice podiatric medicine and surgery may, under the direction of a person licensed to practice podiatric medicine and surgery in this state, perform services requisite to the training program in which that holder is serving. Acting under such direction, the holder of a temporary educational license shall also have the right to prescribe drugs other than controlled substances and to sign any certificates, reports or other papers for the use of public authorities which are required of or permitted to persons licensed to practice podiatric medicine and surgery. The holder of a temporary educational license shall confine his or her entire practice to the facility in which he or she is taking the training.

(4) Violation by the holder of a temporary educational license to practice podiatric medicine and surgery of any of the provisions of chs. Pod 1 to 6 or of subch. IV of ch. 448, Stats., which apply to persons licensed to practice podiatric medicine and surgery, shall be cause for the revocation of the temporary educational license.

(5) Temporary educational licenses granted under this chapter shall expire 2 years from date of issuance.

History: Cr. Register, January, 2000, No. 529, eff. 2-1-00; CR 12-047: am. (5) Register March 2014 No. 699, eff. 4-1-14.

Pod 1.09 Locum tenens license. (1) An applicant who holds a valid license to practice podiatric medicine and surgery issued by another licensing jurisdiction of the United States may apply to the board for a locum tenens license to practice podiatric medicine and surgery and shall submit to the board all of the following:

(a) A completed and verified application form provided by the board.

Note: Applications are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(b) A letter from a podiatrist licensed to practice podiatric medicine and surgery in this state requesting the applicant's services.

(c) A verified photostatic copy of a license to practice podiatric medicine and surgery issued by another licensing jurisdiction of the United States to the applicant.

(d) The required fees under s. 440.05 (1), Stats.

(2) An applicant shall complete an open book examination on statutes and rules governing the practice of podiatric medicine and surgery in Wisconsin.

(3) The application and documentary evidence submitted by the applicant shall be reviewed by the board, acting through a designated member of the board and, upon the finding of the member that the applicant is qualified, the board, acting through the designated member, shall issue a locum tenens license to practice podiatric medicine and surgery to the applicant.

(4) The holder of a locum tenens license to practice podiatric medicine and surgery shall practice podiatric medicine and surgery as defined in s. 448.60 (4), Stats., providing the practice is confined to the geographical area for which the license is issued.

(5) A locum tenens license to practice podiatric medicine and surgery shall expire 90 days from the date of its issuance. For cause shown to its satisfaction, the board, acting through its designated member, may renew the locum tenens license for additional periods of 90 days each, but no license may be renewed more than 3 consecutive times.

History: Cr. Register, January, 2000, No. 529, eff. 2-1-00; CR 06-056: am. (4) Register April 2007 No. 616, eff. 5-1-07; correction in (4) made under s. 13.93 (2m) (b) 7., Stats., Register April 2007 No. 616.

Pod 1.10 Temporary license. (1) (a) An applicant for a license to practice podiatric medicine and surgery who is a graduate of a school of podiatric medicine and surgery approved by the board may apply to the board for a temporary license to practice podiatric medicine and surgery. An applicant for a temporary license shall submit to the board the documentary evidence and credentials required under ss. Pod 1.04 and 1.05, a completed application for a temporary license, and the required fees under s. 440.05 (1), Stats. An application for a temporary license shall be made not less than 30 days before the date set by the board for the holding of its next examinations for licensure.

(b) The application and information submitted under par. (a), shall be reviewed by the board through a designated member. The board, acting through the designated member, shall issue a temporary license to practice podiatric medicine and surgery if the applications and information submitted under par. (a) are satisfactory.

Note: Applications are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(2) (a) A temporary license to practice podiatric medicine and surgery granted under this section expires on the earliest of the following dates:

1. Sixty days after the next examination for a license is given by the board if the temporary licensee submits to the examination.

2. The first day the board begins its examination of applicants for a license to practice podiatric medicine and surgery after the temporary license is issued, if the temporary licensee does not submit to the examination on that date.

3. The date following the examination on which the board grants or denies the temporary licensee a license to practice podiatric medicine and surgery.

(b) A license to practice podiatric medicine and surgery is deemed denied by the board under par. (a) 3., on the date the applicant is notified that he or she has failed the examination for a license to practice podiatric medicine and surgery.

History: Cr. Register, January, 2000, No. 529, eff. 2-1-00.

Pod 1.11 Examination review by applicant. (1) An applicant who fails the oral examination or statutes and rules examination may request a review of that examination by filing a written request and the required fee under s. 440.05 (1), Stats., with the board within 30 days of the date on which examination results were mailed.

(2) Examination reviews are by appointment only.

(3) An applicant shall review the statutes and rules examination for not more than one hour.

(4) An applicant shall review the oral examination for not more than 2 hours.

(5) An applicant shall not be accompanied during the review by any person other than the proctor.

(6) At the beginning of the review, the applicant shall be provided with a copy of the questions, a copy of the applicant's answer sheet or oral tape and a copy of the master answer sheet.

(7) An applicant shall review the examination in the presence of a proctor. The applicant shall be provided with a form on which to write comments, questions or claims of error regarding any items in the examination. Bound reference books shall be permitted. An applicant shall not remove any notes from the area. Notes shall be retained by the proctor and made available to the applicant for use at a hearing, if desired. The proctor shall not defend the examination or attempt to refute claims of error during the review.

(8) An applicant shall not review the examination more than once.

History: Cr. Register, January, 2000, No. 529, eff. 2-1-00.

Pod 1.12 Board review of examination error claim.

(1) An applicant claiming examination error shall file a written request for board review in the board office within 30 days of the date the examination was reviewed. The request shall include all of the following:

(a) The applicant's name and address.

(b) The type of license for which the applicant applied.

(c) A description of the mistakes the applicant believes were made in the examination content, procedures, or scoring, including the specifics or procedures claimed to be in error.

(d) The facts which the applicant intends to prove, including reference text citations or other supporting evidence for the applicant's claim.

(2) The board shall review the claim, make a determination of the validity of the objections and notify the applicant in writing of the board's decision and any resulting grade changes.

(3) If the board confirms the failing status following its review, the application shall be deemed incomplete and the board shall issue a notice of denial.

History: Cr. Register, January, 2000, No. 529, eff. 2-1-00.

Chapter Pod 4

BIENNIAL REGISTRATION

Pod 4.01 Registration required; method of registration.
Pod 4.02 Registration prohibited, annulled; reregistration.

Pod 4.03 Failure to be registered.

Pod 4.01 Registration required; method of registration. Each licensee shall register biennially with the board. Prior to November 1 of each even-numbered year the department shall mail to each licensee at his or her last known address an application form for registration. Each licensee shall complete the application form and return it with the required fee prior to November 1 of that year. The board shall notify the licensee within 30 business days of receipt of a completed registration form whether the application for registration is approved or denied.

History: Cr. Register, January, 2000, No. 529, eff. 2-1-00; CR 14-065: am. Register March 2016 No. 723, eff. 4-1-16.

Pod 4.02 Registration prohibited, annulled; reregistration. Any podiatrist required to comply with the provisions of s. 448.665, Stats., and of ch. Pod 3, and who has not so complied, shall not be permitted to register. Any person whose license has been suspended or revoked shall not be permitted to register, and the registration of any person shall be automatically annulled upon the effective date of the board's order suspending or revoking the license. A person whose license has been suspended or revoked and subsequently restored shall be reregistered by the board upon receipt by the board of a completed registration form.

History: Cr. Register, January, 2000, No. 529, eff. 2-1-00.

Pod 4.03 Failure to be registered. (1) A licensee who fails for whatever reason to be registered as required under this chapter shall not exercise the rights or privileges conferred by any license granted by the board.

(2) Failure to renew a license by November 1 of an even-numbered year shall cause the license to lapse. A licensee who allows the license to lapse may apply to the board for reinstatement of the license as follows:

(a) If the licensee applies for renewal of the license less than 5 years after its expiration, the license shall be renewed upon payment of the renewal fee and fulfillment of the continuing education requirements.

(b) If the licensee applies for renewal of the license more than 5 years after its expiration, the board shall make an inquiry to determine whether the applicant is competent to practice under the license in this state, and shall impose any reasonable conditions on reinstatement of the license, including oral examination, as the board deems appropriate. All applicants under this paragraph shall be required to pass the open book examination on statutes and rules, which is the same examination given to initial applicants.

History: Cr. Register, January, 2000, No. 529, eff. 2-1-00; CR 14-065: am. (2) (intro.) Register March 2016 No. 723, eff. 4-1-16.