



STATE OF WISCONSIN
Department of Safety and Professional Services
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Governor Scott Walker Secretary Dave Ross

PODIATRISTS AFFILIATED CREDENTIALING BOARD
Room 121A, 1400 E. Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
March 5, 2013

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 description of the actions of the Board.

AGENDA

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

A. Adoption of Agenda (1-4)

B. Approval of Minutes – November 1, 2012 (5-8)

C. Secretary Matters

D. Executive Director Matters

- 1) Staff Updates
- 2) Election of Officers and Liaison Appointments
 - a) **9:10 A.M. - APPEARANCE – Brittany Haberman - Consideration and Review of Credentialing Process and Defining the Role of the Credentialing Liaison(s) (9-10)**
 - b) **9:15 A.M. - APPEARANCE - Introduction of DLSC Med/Health Team (11-12)**

E. 9:25 A.M. - APPEARANCE – Chad Zadrazil, PDMP Project Manager – PDMP Update (13-14)

F. Credentialing Matters

G. DLSC Matters

H. Education and Examination Matters

I. Legislative/Administrative Rule Matters:

- 1) Executive Order 50 (15-16)
- 2) Executive Order 61 (17-24)

- 3) Statutory Requirement to Consult with the Radiography Examining Board Regarding Rules for a Course of Instruction Relating to Examinations by Persons Supervised Directly by a Podiatrist **(25-26)**
- 4) Review of Clearinghouse Rule 12-047, POD 1 and POD 3 **(27-36)**

J. Practice Matters

K. Informational Items

L. Items Added After Preparation of Agenda:

- 1) Introductions, Announcements and Recognition
- 2) Presentations of Petition(s) for Summary Suspension
- 3) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
- 4) Presentation of Final Decisions
- 5) Disciplinary Matters
- 6) Executive Director Matters
- 7) Education and Examination Matters
- 8) Credentialing Matters
- 9) Class 1 Hearing(s)
- 10) Practice Matters
- 11) Legislation/Administrative Rule Matters
- 12) Liaison Report(s)
- 13) Informational Item(s)
- 14) Speaking Engagement(s), Travel, or Public Relation Request(s)

M. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, 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.)

N. Presentation and Deliberation on Proposed Stipulations, Final Decisions and Orders by the Division of Legal Services and Compliance (DLSC):

O. DLSC Matters:

- 1) Case Status Report
- 2) Case Closing(s)

P. Deliberation of Items Received After Preparation of the Agenda

- 1) Disciplinary Matters
- 2) Education and Examination Matters
- 3) Credentialing Matters
- 4) Class 1 Hearings
- 5) Monitoring Matters
- 6) Professional Assistance Procedure (PAP) Matters
- 7) Petition(s) for Summary Suspensions
- 8) Petition(s) for Extension of Time
- 9) Proposed Stipulations, Final Decisions and Orders
- 10) Administrative Warnings
- 11) Proposed Decisions
- 12) Matters Relating to Costs
- 13) Motions

- 14) Petitions for Rehearing
- 15) Formal Complaints
- 16) Case Closings
- 17) Appearances from Requests Received or Renewed

Q. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

R. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

ADJOURNMENT

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**PODIATRISTS AFFILIATED CREDENTIALING BOARD
NOVEMBER 1, 2012
LIVE MEETING MINUTES**

PRESENT: Gary Brown; Ian Furness, DPM; William Weis, DPM

EXCUSED: Melanie Berg, DPM

STAFF: Tom Ryan, Executive Director; Shawn Leatherwood, Paralegal; Karen Rude-Evans, Bureau Assistant; other DSPS staff

CALL TO ORDER

Ian Furness, Chair, called the meeting to order at 9:07 a.m. A quorum of three (3) members was confirmed.

ADOPTION OF AGENDA

Amendments

- Case Status Report – insert at the end of closed session

MOTION: Gary Brown moved, seconded by William Weis, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF AUGUST 7, 2012

MOTION: Gary Brown moved, seconded by William Weis, to approve the minutes of August 7, 2012 as written. Motion carried unanimously.

BOARD DISCUSSION ITEMS

Legislation/Administrative Rule Matters

- Review draft of proposed rules regarding POD 1.08 and POD 3.01 relating to temporary educational licenses and continuing education

MOTION: William Weis moved, seconded by Gary Brown, to send this rule to the Legislative Clearinghouse. Motion carried unanimously.

- Appointment of a delegate for the purpose of reviewing comments from the public hearing regarding POD 1.08 and POD 3.01 relating to temporary educational licenses and continuing education

MOTION: Gary Brown moved, seconded by William Weis, to appoint Ian Furness as the Board’s delegate for the purpose of reviewing comments from the public hearing regarding POD 1.08 and POD 3.01 relating to temporary educational licenses and continuing education. Motion carried unanimously.

- Review of SS165 – POD X-ray examinations relating to x-ray examination by persons under the direct supervision of a podiatrist

MOTION: Ian Furness moved, seconded by William Weis, to approve the draft language of SS165 as amended. Motion carried unanimously.

CLOSED SESSION

MOTION: Gary Brown moved, seconded by William Weis, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation with administrative warning (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)) Roll call vote: Gary Brown-yes; Ian Furness-yes; William Weis-yes. Motion carried unanimously.

Open session recessed at 9:36 a.m.

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

MOTION: William Weis moved, seconded by Gary Brown, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 10:14 a.m.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION
IF VOTING IS APPROPRIATE**

MONITORING

MOTION: Ian Furness moved, seconded by Gary Brown, to approve the request from **Paul M. Zerovec, DPM**, for an extension of time to complete CE and payment of costs to December 1, 2012. If all requirements of the Board Order number 661, dated February 15, 2011, are not met by December 1, 2012, Dr. Zerovec's license will be suspended until such time that he submits proof sufficient to the Board or its designee that he has completed all the requirements of the Board Order. Motion carried unanimously.

ADJOURNMENT

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

The meeting adjourned at 10:20 a.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Tom Ryan		2) Date When Request Submitted: 1/7/2013 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Podiatrists Affiliated Credentialing Board			
4) Meeting Date: 3/05/2013	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Consideration and Review of Credentialing Process and Defining the Role of the Credentialing Liaison(s)	
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 checked="" type="checkbox"/> Yes Brittany Haberman <input type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: The assigned member(s) of credentialing staff will appear and provide the Board/Committee/Council/Section with an overview of the credentialing process for the credentials under its purview. Additionally, the Board/Committee/Council/Section should work to define the role(s) of its credentialing liaison(s) in an effort to clarify its expectations in terms of credentialing liaison work.			
11) Authorization			
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.			

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BOARD APPEARANCE REQUEST FORM

Board Name: Podiatrists Affiliated Credentialing Board

Board Meeting Date: Mar. 5, 2013

Person Submitting Agenda Request: Steve Engelbrecht, Paralegal

Person requesting an appearance: Attorney Sandy Nowack

Mailing address: Division of Legal Services and Compliance

Email address: sandra.nowack@wisconsin.gov

Telephone #: 266-8098

Reason for Appearance: Lead Attorney of the MED/HEALTH Team, Sandy Nowack, will introduce the newly formed MED/HEALTH Team.

Is the person represented by an attorney? If so, who?

Attorney's mailing address:

Attorney's e-mail address:

Phone Attorney:

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Department of Safety & Professional Services**

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1) Name and Title of Person Submitting the Request:		2) Date When Request Submitted:	
		Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Podiatry Affiliated Credentialing Board			
4) Meeting Date: March 5, 2013	5) Attachments: x Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Executive Order 50, Regarding Board Position Statements	
7) Place Item in: x Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing?	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Boards are reviewing position statements and other web content to ensure compliance with statutes, rules and Executive Order 50, relating to guidelines for the promulgation of administrative rules. The following are suggested options for review, with a report back to the Board at the next meeting: <ol style="list-style-type: none"> 1) Appoint a Board member or Board member(s) to review the position statements. 2) Divide the statements among all Board members for review. 3) Review statements as a full Board. 			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	

Positions Statements Related to Podiatrists Issued by the Podiatrists Affiliated Credentialing Board

WHAT IS A PODIATRIST'S SCOPE OF PRACTICE IN WISCONSIN?

A podiatrist's scope of practice is defined in section [448.60\(4\)](#) of the Wisconsin statutes. "Podiatry" means that branch or system of the practice of medicine and surgery that involves treating the sick which is limited to conditions affecting the foot and ankle, but does not include the use of a general anesthetic unless administered by or under the direction of a person licensed to practice medicine and surgery under [Stat. 448 subch. II](#).

HOW LONG MUST PODIATRISTS MAINTAIN PATIENT HEALTH CARE RECORDS?

A podiatrist must maintain patient health care records on every patient for not less than five (5) years after the date of the last entry or for a longer period as may be otherwise required by law. See [Ch Pod 6](#), Wisc Admin Code for more information about maintaining records.

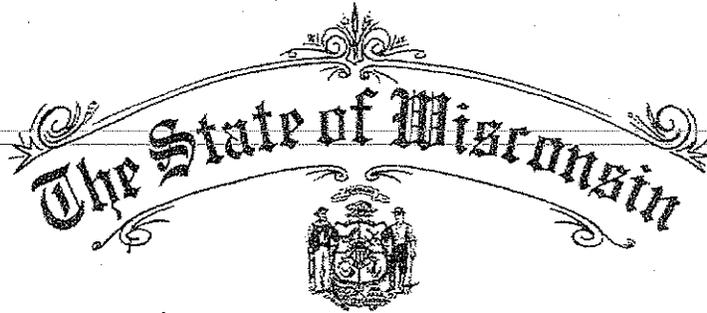
MUST A PERSON WORKING UNDER A PODIATRIST BE A LICENSED RADIOGRAPHER TO PERFORM X-RAYS?

No. Per the provision granted in Wis. Stats [462.02\(2\)\(f\)](#) and [448.695\(3\)](#), a person working under the *direct on-premise* supervision of a podiatrist may perform X-rays if that person has completed a course on X-ray examination that has been approved by the podiatrists affiliated credentialing board.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Office of the Governor		2) Date When Request Submitted:	
		Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Podiatry Affiliated Credentialing Board			
4) Meeting Date: March 5, 2013	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Executive Order #61	
7) Place Item in: x Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing?	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: To comply with Executive Order #61, the Board is being asked to review its rules to identify rules that unnecessarily burden small businesses to conduct their affairs and expand. The following options are suggested for undertaking this assignment, with a report back to the Board at its next meeting:			
1) Appoint a member of the Board to review the rules; 2) Divide the rules among Board members for review; 3) All Board members could review the rules individually.			
If the Board decides at the next meeting that there is a need to write rules, the next step would be to draft a scope statement.			



OFFICE OF THE GOVERNOR

EXECUTIVE ORDER # 61

Relating to Job Creation and Small Business Expansion

WHEREAS, creating jobs and growing our state's economy is dependent on a vibrant small business sector; and

WHEREAS, small businesses have generated 64% of net new jobs over the past fifteen years and employ over half of all private sector employees; and

WHEREAS, according to recent U.S. Census data, 86% of Wisconsin business employ fewer than 20 workers, and 74% have ten workers or less; and

WHEREAS, small businesses spend 80% more per worker than large employers to comply with government regulations and, according to a recent National Federation of Independent Business survey of Wisconsin employers, 91% said it was impossible to know about, comply with, and understand all of government's regulations; and

WHEREAS, according to the U.S. Small Business Administration, complying with government regulations costs small businesses \$10,585 per worker, which discourages investment and hiring by small businesses; and

WHEREAS, government regulations are regularly cited as one of the top three concerns for small business growth, according to NFIB's Small Business Optimism Index; and

WHEREAS, 2011 Wisconsin Act 46 strengthened Wisconsin's Small Business Regulatory Review Board (Board) empowering small business owners and giving them the ability to judge the economic impact of government regulation; and

WHEREAS, 2011 Wisconsin Act 46 requires state agencies to submit any rule with an economic impact to the Board for review and allows the Board to suggest changes to the agency that will improve compliance and reduce the rule's burden on small businesses; and

WHEREAS, pursuant to Wis. Stat. § 227.30, the Board has the authority to review rules and guidelines of any agency to determine whether any of those rules or guidelines place an unnecessary burden on the ability of small businesses to conduct their affairs; and

WHEREAS, state agencies and the Board should not only be reviewing new rules but collaborating to reform existing rules that hinder job creation and small business expansion and that this effort would help further the state's goal of creating 250,000 jobs by 2015.

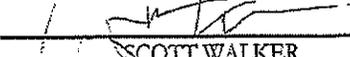
NOW THEREFORE, I, SCOTT WALKER, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and laws of this State, specifically Wis. Stat. § 227.10(2m), do hereby:

1. Require all state agencies to review 2011 Wisconsin Act 46 to ensure they are in compliance, ready to assist small business owners, and properly submitting any proposed rules with an economic impact to the Board;
2. Require all state agencies to cooperate with the Board to identify existing rules hindering job creation and small business growth;

3. Require all state agencies to work with the Board to recommend changes to these rules that will both reduce their burden on job creators while continuing to comply with the intent of the statutes that created them;
4. Require all state agencies to work with the Board to identify strategies that will increase compliance with existing rules;
5. Request that the Board engage small business owners and their representative organizations to gather input on any rules hindering job growth;
6. Request that the Board provide a report and analysis of these rules, in a manner similar to Wis. Stat. § 227.30(1), to the Governor's Office of Regulatory Compliance and the agency with the authority to amend the rules, which details the rules they have identified for modification.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done in the City of Eau Claire this twenty-second day of February, in the year two thousand twelve.


SCOTT WALKER
Governor

By the Governor:


DOUGLAS LA FOLLETTE
Secretary of State

notice, under ch. 985, of the hearing in the official state newspaper and give any other notice which the committee directs. The hearing shall be conducted in accordance with s. 227.18 and shall be held not more than 60 days after receipt of notice of the requirement.

History: 1985 a. 182 ss. 1, 3, 50; 1987 a. 186; 2005 a. 249.

Rule suspension under sub. (2) (d) does not violate the separation of powers doctrine. *Martinez v. DILHR*, 165 Wis. 2d 687, 478 N.W.2d 582 (1992).

A collective bargaining agreement between the regents and the teaching assistants association is not subject to review by the committee. 59 Atty. Gen. 200.

In giving notice of public hearings held under sub. (2), the committee should concurrently employ the various forms of notice available that best fit the particular circumstances. 62 Atty. Gen. 299.

If an administrative rule is properly adopted and is within the power of the legislature to delegate there is no material difference between it and a law. No law, including a valid rule can be revoked by a joint resolution of the legislature as such a resolution deprives the executive its power to veto an act of the legislature. 63 Atty. Gen. 159.

Legislative committee review of administrative rules in Wisconsin. Bunn and Gallagher. 1977 WLR 935.

227.27 Construction of administrative rules.

- (1) In construing rules, ss. 990.001, 990.01, 990.03 (1), (2) and (4), 990.04 and 990.06 apply in the same manner in which they apply to statutes, except that ss. 990.001 and 990.01 do not apply if the construction would produce a result that is inconsistent with the manifest intent of the agency.
- (2) The code shall be prima facie evidence in all courts and proceedings as provided by s. 889.01, but this does not preclude reference to or, in case of a discrepancy, control over a rule filed with the legislative reference bureau or the secretary of state, and the certified copy of a rule shall also and in the same degree be prima facie evidence in all courts and proceedings.

History: 1983 a. 544; 1985 a. 182 ss. 22, 55 (2), (3); Stats. 1985 s. 227.27; 2005 a. 249; 2007 a. 20.

227.30 Review of administrative rules or guidelines.

- (1) The small business regulatory review board may review the rules and guidelines of any agency to determine whether any of those rules or guidelines place an unnecessary burden on the ability of small businesses, as defined in s. 227.114 (1), to conduct their affairs. If the board determines that a rule or guideline places an unnecessary burden on the ability of a small business to conduct its affairs, the board shall submit a report and recommendations regarding the rule or guideline to the joint committee for review of administrative rules and to the agency.
- (2) When reviewing the report, the joint committee for review of administrative rules shall consider all of the following:
 - (a) The continued need for the rule or guideline.
 - (b) The nature of the complaints and comments received from the public regarding the rule or guideline.
 - (c) The complexity of the rule or guideline.

- (d) The extent to which the rule or guideline overlaps, duplicates, or conflicts with federal regulations, other state rules, or local ordinances.
 - (e) The length of time since the rule or guideline has been evaluated.
 - (f) The degree to which technology, economic conditions, or other factors have changed in the subject area affected by the rule or guideline since the rule or guideline was promulgated.
- (3) The joint committee for review of administrative rules may refer the report regarding the rule or guideline to the presiding officer of each house of the legislature for referral to a committee under s. 227.19 (2) or may review the rule or guideline as provided under s. 227.26.

History: 2003 a. 145; 2005 a. 249.

SUBCHAPTER III

ADMINISTRATIVE ACTIONS AND JUDICIAL REVIEW

Cross-reference: See also ch. NR 2, Wis. adm. code.

227.40 Declaratory judgment proceedings.

- (1) Except as provided in sub. (2), the exclusive means of judicial review of the validity of a rule shall be an action for declaratory judgment as to the validity of the rule brought in the circuit court for the county where the party asserting the invalidity of the rule resides or has its principal place of business or, if that party is a nonresident or does not have its principal place of business in this state, in the circuit court for the county where the dispute arose. The officer or other agency whose rule is involved shall be the party defendant. The summons in the action shall be served as provided in s. 801.11 (3) and by delivering a copy to that officer or, if the agency is composed of more than one person, to the secretary or clerk of the agency or to any member of the agency. The court shall render a declaratory judgment in the action only when it appears from the complaint and the supporting evidence that the rule or its threatened application interferes with or impairs, or threatens to interfere with or impair, the legal rights and privileges of the plaintiff. A declaratory judgment may be rendered whether or not the plaintiff has first requested the agency to pass upon the validity of the rule in question.
- (2) The validity of a rule may be determined in any of the following judicial proceedings when material therein:
 - (a) Any civil proceeding by the state or any officer or agency thereof to enforce a statute or to recover thereunder, provided such proceeding is not based upon a matter as to which the opposing party is accorded an administrative review or a judicial review by other provisions of the statutes and such opposing party has failed to exercise such right to review so accorded;
 - (b) Criminal prosecutions;
 - (c) Proceedings or prosecutions for violations of county or municipal ordinances;
 - (d) Habeas corpus proceedings relating to criminal prosecution;

227.10 Statements of policy and interpretations of law; discrimination prohibited.

- (1)** Each agency shall promulgate as a rule each statement of general policy and each interpretation of a statute which it specifically adopts to govern its enforcement or administration of that statute. A statement of policy or an interpretation of a statute made in the decision of a contested case, in a private letter ruling under s. 73.035 or in an agency decision upon or disposition of a particular matter as applied to a specific set of facts does not render it a rule or constitute specific adoption of a rule and is not required to be promulgated as a rule.
- (2)** No agency may promulgate a rule which conflicts with state law.
- (2m)** No agency may implement or enforce any standard, requirement, or threshold, including as a term or condition of any license issued by the agency, unless that standard, requirement, or threshold is explicitly required or explicitly permitted by statute or by a rule that has been promulgated in accordance with this subchapter. The governor, by executive order, may prescribe guidelines to ensure that rules are promulgated in compliance with this subchapter.

227.114 Rule making; considerations for small business.

227.114(2)

- (1) In this section, "small business" means a business entity, including its affiliates, which is independently owned and operated and not dominant in its field, and which employs 25 or fewer full-time employees or which has gross annual sales of less than \$5,000,000.
- (2) When an agency proposes or revises a rule that may have an effect on small businesses, the agency shall consider each of the following methods for reducing the impact of the rule on small businesses:
 - (a) The establishment of less stringent compliance or reporting requirements for small businesses.
 - (b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.
 - (c) The consolidation or simplification of compliance or reporting requirements for small businesses.
 - (d) The establishment of performance standards for small businesses to replace design or operational standards required in the rule.
 - (e) The exemption of small businesses from any or all requirements of the rule.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Radiography Examining Board		2) Date When Request Submitted: <div style="border: 1px solid black; padding: 2px;"> Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others </div>	
3) Name of Board, Committee, Council, Sections: Podiatry Examining Board			
4) Meeting Date: March 5, 2013	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Statutory Requirement to Consult with the Radiography Examining Board regarding rules for a course of instruction relating to x-ray examinations by persons supervised directly by a podiatrist	
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? If yes, who is appearing?	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: <p>Wis. Stat. s. 448.695 requires the Podiatry Affiliated Credentialing Board to promulgate rules specifying a course of instruction related to x-ray examinations by persons under the direct supervision of a podiatrist under s. 462.02 (2) (f). The statute directs that "in promulgating the rules, the affiliated credentialing board shall consult with the radiography examining board and shall examine laws and rules in other states."</p> <p><u>Motion from December 11, 2014 Radiography Examining Board meeting:</u></p> <p>Gregg Bogost moved, seconded by Kelley Grant, to appoint James Lemerond to consult with the Podiatry Examining Board as necessary and to develop a plan for a course of instruction for X-Ray examinations by persons under the direct supervision of a podiatrist. Motion carried unanimously.</p> <p>The Board should decide how to consult with Kelley Grant of the Radiography Board and what the consultation should include in terms of the course of instruction that must be developed.</p>			

11)	Authorization
Signature of person making this request	Date
Supervisor (if required)	Date
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)	Date

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Shawn Leatherwood		2) Date When Request Submitted: 02/19/2013	
Items will be considered late if submitted after 4:30 p.m. and less than:			
<ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 			
3) Name of Board, Committee, Council, Sections: Podiatrists Affiliated Credentialing Board			
4) Meeting Date: March 5, 2013	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Review of Clearinghouse Rule 12-047, POD 1, 3	
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: N/A	
10) Describe the issue and action that should be addressed: The Board will review the Clearinghouse report and decide whether to accept or reject the recommended changes.			
11) Authorization			
Signature of person making this request		Date	
		2/19/2013	
Supervisor (if required)		Date	
		2/19/13	
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.			



**WISCONSIN LEGISLATIVE COUNCIL
RULES CLEARINGHOUSE**

Pam Shannon
Clearinghouse Director

Scott Grosz and Jessica Karls-Ruplinger
Clearinghouse Assistant Directors

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 12-047

AN ORDER to amend Pod 1.08 (5); and to create Pod 3.02 (4) and 3.03 (3), relating to temporary educational licenses and continuing education requirements for podiatrists.

Submitted by **DEPARTMENT OF SAFETY AND PROFESSIONAL
SERVICES/PODIATRY AFFILIATED CREDENTIALING BOARD**

11-02-2012 RECEIVED BY LEGISLATIVE COUNCIL.

11-29-2012 REPORT SENT TO AGENCY.

JKR:BTL

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Pam Shannon
Clearinghouse Director

Scott Grosz and Jessica Karls-Ruplinger
Clearinghouse Assistant Directors

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 12-047

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated November 2011.]

2. Form, Style and Placement in Administrative Code

The agency might consider including an initial applicability clause in the proposed rule to specify when the changes made by the rule first apply. [s. 1.02 (3m), Stats.]

4. Adequacy of References to Related Statutes, Rules and Forms

a. On page 1 of the rule summary, in the explanation of agency authority, “s. 15.085 (5) (b), and 440.035 (1), Stats.” should be replaced with “ss. 15.085 (5) (b) and 440.035 (1), Stats.” [s. 1.07 (2), Manual.]

b. On page 1 of the rule summary, in the related statute or rule section, “Wis. Admin. Code Pod 1 and Pod 3” should be replaced with “chs. Pod 1 and 3”. [s. 1.07 (2), Manual.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. On page 1 of the rule summary, in the explanation of agency authority, “Boards” should be replaced with “Board”, and “their” should be replaced with “its”.

b. On page 2 of the rule summary, in the plain language analysis, the word “who’s” should be replaced with “whose”.

c. On page 2 of the rule summary, in the plain language analysis, the agency should describe the "audit" that is referenced in the description of SECTION 3, perhaps by referencing s. Pod 3.04.

d. In SECTION 2 of the proposed rule, the words "satisfaction of the requirements of s. 448.665, Stats." should be replaced with "satisfaction of the biennial training requirement under s. 448.665, Stats." to be consistent with language in ss. Pod 3.01 (1) and 3.02 (1) (intro.).

e. In SECTION 2 of the proposed rule, all references to "podiatrists" should be replaced with "podiatrist"; all references to "Board" should be replaced with "board"; the word "a" should be inserted before "school"; and a period should be inserted after "Wisconsin".

f. In SECTION 2 of the proposed rule, the agency should consider replacing "proof" with "evidence".

g. The agency should consider rewriting the text of SECTION 3 of the proposed rule, as follows, to clarify that provision:

Pod 3.03 (3) A certified copy of an official transcript or diploma from an approved school of podiatric medicine and surgery from which the podiatrist graduated is satisfactory evidence of compliance with s. Pod 3.02 (4), provided that the requirements of s. Pod 3.02 (4) (a) and (b) have been met.

h. In SECTION 4 of the proposed rule, a period should be inserted at the end of the section.

STATE OF WISCONSIN
PODIATRY AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : PODIATRISTS AFFILIATED
PODIATRISTS AFFILIATED : CREDENTIALING BOARD
CREDENTIALING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 10-)

PROPOSED ORDER

An order of the Podiatrists Affiliated Credentialing Board to amend Pod 1.08 (5); and to create Pod 3.02 (4) and 3.03 (3), relating to temporary educational license and continuing education.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

s. 448.63 (3), Stats.

Statutory authority:

ss. 15.085 (5) (b), 440.035 (1), 448.63 (3), 448.665, Stats.

Explanation of agency authority:

The Podiatrists Affiliated Credentialing Boards is charged with promulgating rules that govern their profession via s. 15.085 (5) (b), and 440.035 (1), Stats., under the oversight of the Medical Examining Board. Pursuant to s. 448.63 (3), Stats., the Podiatrists Affiliated Credentialing Board has authority to write rules concerning various classes of temporary licensure. Section 448.665, Stats., grants rule writing authority for establishing requirements for continuing education. Therefore the Podiatrists Affiliated Credentialing Board is generally and specifically vested with the authority to promulgate these rules.

Related statute or rule:

Wis. Admin. Code Pod 1 and Pod 3

Plain language analysis:

The proposed rule will address two issues: license holders having to reapply for a temporary license half way through their post graduate training and the requirements for

licensees seeking first time renewal. By changing the duration of the temporary license from 1 year to 2 years, the proposed rule eliminates the need for temporary licensees to reapply for licensure while they are completing their post graduate training. As to the second issue, the proposed rule allows first time renewal applicants to use proof of graduation from a school of podiatric medicine to comply with the 50 requisite continuing education hours currently required by rule. This alleviates the burden on new licensees who's first time renewal occurs towards the end of a renewal period.

SECTION 1. amends the provision governing the duration of temporary licensure changing the requirement from 1 year to 2 years.

SECTION 2. creates a provision for accepting proof that the podiatrist graduated from a school of podiatric medicine.

SECTION 3. creates a provision accepting a certified copy of an official transcript or a certified copy of a diploma from a school of podiatric medicine and surgery to verify, when audited, compliance with the continuing education requirement.

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

None

Comparison with rules in adjacent states:

Illinois:

A temporary license is valid for one year. 68 Ill. Adm. Code 1360.65(b) (2012) A renewal applicant is not required to comply with continuing education requirements for his/her first renewal. 68 Ill. Adm. Code 1360.70(a)(3) (2012)

Iowa:

A temporary license is valid for one year. 645 IAC 220.6(149)(1) (2012)
First time licensees are not required to complete continuing education requirements for their first renewal period. 645 IAC 222.2(149,272C)(2) (2012)

Michigan:

There is no language stating the duration for a temporary license. MICH. ADMIN. CODE R 338.8109 (2012) The Administrative code is silent with regards to the continuing education requirements for a first renewal. MICH. ADMIN. CODE R 338.3703 (2012)

Minnesota:

A temporary permit is valid for 12 months, starting on the first day of graduate training. Minn. R. 6900.0160 Subp. 2. (2011) The continuing education requirement for a first renewal is not entirely waived, but rather the hours are prorated according to how long the applicant has had his/her license. Minn. R. 6900.0300 Subp.1a. (2011)

Summary of factual data and analytical methodologies:

The Podiatrists Affiliated Credentialing Board reviewed the pertinent rules and determined that s. Pod 1.08 (5) should be revised to address the issue of podiatric temporary license holders reapplying for a temporary license half way through their required 2-year post graduate training. The issue is resolved by these proposed rules by changing the duration of temporary licensure from 1 year to 2 years. There was also a need to resolve the issue of licensees who are first time renewals seeking to fulfill their 50 hours of continuing education. These proposed rules will allow applicants, in the first year of their renewal period, to satisfy the continuing education requirement with approved verified documentary evidence of graduation from a school of podiatric medicine and surgery such as a verified copy of the diploma conferring the degree of doctor of podiatric medicine.

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

This rule has no impact on small business.

Anticipated costs incurred by private sector:

The department finds that this rule has no significant fiscal effect on the private sector.

Fiscal estimate:

The Fiscal Estimate and Economic Impact Analysis are attached.

Effect on small business:

These proposed 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) 267-9794.

Agency contact person:

Comments may be submitted to Shawn Leatherwood, Department of Safety and Professional Services, 1400 East Washington Avenue, Room 116, P.O. Box 8935, Madison, Wisconsin 53708-8935, or by email to Shancethea.leatherwood@wiscosin.gov. Comments must be received on or before December XX, 2012 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Pod 1.08 (5) is amended to read:

Pod 1.08 (5) Temporary educational licenses granted under this chapter shall expire ~~one year~~ 2 years from date of issuance.

SECTION 2. Pod 3.02 (4) is created to read:

Pod 3.02 (4) The Board shall accept as satisfaction of the requirements of s. 448.665, Stats., proof that the podiatrists graduated from school of podiatric medicine and surgery approved by the Board pursuant to s. Pod 1.03 (2), as long as both of the following are in effect:

(a) The podiatrists is, for the first time, renewing a license to practice podiatric medicine and surgery in Wisconsin

(b) The podiatrist graduated within 2 calendar years immediately preceding the calendar year for which the application for registration was made.

SECTION 3. Pod 3.03 (3) is created to read:

Pod 3.03 (3) A certified copy of an official transcript or a diploma is satisfactory evidence of compliance with s. 3.02 (4) of this chapter.

SECTION 4. 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 _____

Member

Podiatry Affiliated Credentialing Board

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