



VIRTUAL/TELECONFERENCE
PODIATRY AFFILIATED CREDENTIALING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Valerie Payne (608) 266-2112
February 4, 2021

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 October 15, 2020 (4-6)**
- C. Introductions, Announcements and Recognition – Discussion and Consideration
- D. Reminders: Conflicts of Interest, Scheduling Concerns
- E. Administrative Updates – Discussion and Consideration**
 - 1. Department and Staff Updates
 - 2. Annual Policy Review (7)
 - 3. Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities (8-17)
 - 4. Board Members – Term Expiration Dates
 - a. Connelly, Kerry – 7/1/2022
 - b. Hutter, Jack – 7/1/2023
 - c. Kittleson, Randal – 7/1/2023
 - d. Sage, Robert – 7/1/2020
- F. Legislative and Policy Matters – Discussion and Consideration
- G. Administrative Rule Matters – Discussion and Consideration (18)**
 - 1. Administrative Rules Reporting Requirement Under s. 227.29, Stats.
 - a. Review of Draft 2021 Report (19-20)
 - 2. Scope Statement for Pod 1 and 2, Relating to Licensure and Unprofessional Conduct (21-22)
 - 3. Pending and Possible Rulemaking Projects
- H. COVID-19 – Discussion and Consideration**
- I. 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 and Policy Matters
10. Administrative Rule Matters
11. Liaison Reports
12. Informational Items
13. Disciplinary Matters
14. Presentations of Petitions for Summary Suspension
15. Petitions for Designation of Hearing Examiner
16. Presentation of Proposed Stipulations, Final Decisions and Orders
17. Presentation of Proposed Final Decisions and Orders
18. Presentation of Interim Orders
19. Petitions for Re-Hearing
20. Petitions for Assessments
21. Petitions to Vacate Orders
22. Requests for Disciplinary Proceeding Presentations
23. Motions
24. Petitions
25. Appearances from Requests Received or Renewed
26. Speaking Engagement(s), Travel, or Public Relation Request(s)

J. 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.).

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. Delegation of Ratification of Examination Results and Ratification of Licenses and Certificates

ADJOURNMENT

NEXT DATE: JUNE 10, 2021

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
PODIATRY AFFILIATED CREDENTIALING BOARD
MEETING MINUTES
OCTOBER 15, 2020**

PRESENT: Kerry Connelly (*arrived at 9:11 a.m.*), Jack Hutter, DPM; Thomas Komp, DPM; Robert Sage, DPM

STAFF: Valerie Payne, Executive Director; Yolanda McGowan, Legal Counsel; Dale Kleven; Administrative Rules Coordinator; Megan Glaeser, Bureau Assistant; and other Department staff

CALL TO ORDER

Jack Hutter, Chairperson, called the meeting to order at 9:08 a.m. A quorum was confirmed with three (3) members present.

ADOPTION OF AGENDA

MOTION: Thomas Komp moved, seconded by Robert Sage, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF JUNE 11, 2020

MOTION: Thomas Komp moved, seconded by Robert Sage, to approve the Minutes of June 11, 2020 as published. Motion carried unanimously.

(Kerry Connelly arrived at 9:11 a.m.)

INTRODUCTIONS, ANNOUNCEMENTS AND RECOGNITION

MOTION: Robert Sage moved, seconded by Jack Hutter, to recognize and thank Thomas Komp for his years of dedicated service to the Podiatry Affiliated Credentialing Board and the State of Wisconsin. Motion carried unanimously.

9:00 A.M. PUBLIC HEARING: CR 20-040 – POD 9, PHYSICIAN ASSISTANTS

Review and Respond to Public Comments and Clearinghouse Report

MOTION: Thomas Komp moved, seconded by Robert Sage, to reject all Clearinghouse comments for Clearinghouse Rule 20-040, relating to physician assistants. Motion carried unanimously.

MOTION: Robert Sage moved, seconded by Thomas Komp, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule CR 20-040, relating to physician assistants, for submission to the Governor's Office and Legislature. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Preliminary Rule Draft – Pod 1 – Reciprocal Credentials for Service Members, Former Service Members, and Their Spouses

MOTION: Thomas Komp moved, seconded by Robert Sage, to approve the preliminary rule draft of Pod 1, relating to reciprocal credentials for service members, former service members, and their spouses, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

Administrative Rules Reporting Requirement Under 2017 Wisconsin Act 108

Proposals for 2020 Report

MOTION: Robert Sage moved, seconded by Thomas Komp, to designate Robert Sage to serve as liaison to DSPS staff for drafting the 2021 Act 108 report, relating to administrative rules, and to authorize the Chairperson, or highest-ranking officer, or longest serving member of the board, in order of succession, to approve the report for submission to the Joint Committee for Review of Administrative Rules. Motion carried unanimously.

2020 PODIATRY AFFILIATED CREDENTIALING BOARD REPORT ON OPIOID ABUSE

MOTION: Thomas Komp moved, seconded by Robert Sage, to adopt the Wisconsin Medical Examining Board Opioid Prescribing Guideline published January 19, 2019. Motion carried unanimously.

REQUIRED REPORT UNDER 2017 WISCONSIN ACT 262 CONCERNING OPIOID ABUSE

MOTION: Thomas Komp moved, seconded by Robert Sage, to approve the Board's final report on opioid abuse for submission as required under 2017 Wisconsin Act 262. Motion carried unanimously.

COVID-19

Continuing Education

MOTION: Robert Sage moved, seconded by Thomas Komp, to delegate authority to the Board's Credentialing liaison(s) to consider and act on any request submitted pursuant to Wis. Admin. Code s. Pod 3.01(2) for postponement of the continuing education requirements on the basis of prolonged illness, disability or other grounds constituting hardship created, caused by, or related to COVID-19, and to grant an extension of time to fulfill the requirement until June 30, 2021.

- CE obtained after the renewal deadline for the current biennium will first apply to satisfy the CE requirements for the preceding biennium and may not be counted twice.
- This delegation applies only to requests for postponement of continuing education credits needed to fulfill the requirements for the 11/1/2018-10/31/2020 biennium.

- A postponement will not eliminate Licensee's duty to meet the CE requirements in any biennium; it will simply extend the time by which to complete the requirements to comply with the 11/1/2018-10/31/2020 biennial registration requirements.

Motion carried unanimously.

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

MOTION: Robert Sage 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 Robert Sage, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:04 a.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Kimberly Wood, Program Assistant Supervisor-Adv.		2) Date When Request Submitted: 12/29/2020 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: All Boards			
4) Meeting Date:	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Annual Policy Review	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <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: Please be advised of the following Annual Policy Review items: <ol style="list-style-type: none"> 1. Attendance/Quorum: Thank you for your service and for your commitment to meeting attendance. If you cannot attend a meeting or if you have scheduling conflicts impacting your attendance, please let us know ASAP. Timely notification is appreciated as quorum is required for our Boards, Sections and Councils to meet pursuant to Open Meetings Law. 2. Walking Quorum: Please refrain from discussing Board/Section/Council business with other members outside of legally noticed meetings so to avoid walking quorum issues pursuant to Open Meetings Law. 3. Agenda Deadlines: Please communicate agenda topics to your Executive Director before the agenda submission deadline which is 8 business days prior to a meeting. 4. Travel Voucher and Per Diem Submissions: Please submit all Per Diem and Reimbursement claims to DSPS within 30 days of the close of each month in which expenses are incurred. 5. Lodging Accommodations/Hotel Cancellation Policy: Lodging accommodations are available to eligible members. Standard eligibility: member must leave home before 6:00 a.m. to attend a meeting by the indicated start time. <ul style="list-style-type: none"> • If a member cannot attend a meeting it is their responsibility to cancel their reservation within the applicable cancellation timeframe. If a meeting is changed to occur remotely or is cancelled or rescheduled DSPS staff will cancel or modify reservations as appropriate. 6. Inclement Weather Policy: In the event of inclement weather the agency may change a meeting from an in-person venue to one that is executed remotely. 			
11) Authorization			
<i>Kimberly Wood</i>		12/29/2020	
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: <ol style="list-style-type: none"> 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
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Megan Glaeser, Bureau Assistant		2) Date When Request Submitted: 26 January 2021 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Podiatry Affiliated Credentialing Board			
4) Meeting Date: 4 February 2021	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters 1) Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <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: 1) The Board should conduct Election Officers: Chairperson, Vice Chairperson & Secretary 2) The newly elected Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate 3) The Board should review and then consider its existing delegated authorities and any proposals for modification of delegations. a. Credentialing Delegations (Questions: Sarah Norberg) b. Monitoring Delegations (Questions: Amy Mayo) c. Pre-Screening Delegations (Questions: Gretchen Mrozinski)			
11) Authorization			
Megan Glaeser		26 January 2021	
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.			

Podiatry Affiliated Credentialing Board 2020 Officers, Liaisons, and Authorities

2020 ELECTION RESULTS	
Chairperson	Jack Hutter
Vice Chairperson	Robert Sage
Secretary	Thomas Komp

Appointment of Liaisons

2020 LIAISON APPOINTMENTS	
Credentialing Liaison	Robert Sage <i>Alternate: Kerry Connelly</i>
Education and Exams Liaison	Jack Hutter <i>Alternate: Thomas Komp</i>
Monitoring Liaison	Kerry Connelly <i>Alternate: Robert Sage</i>
Professional Assistance Procedure Liaison	Kerry Connelly <i>Alternate: Robert Sage</i>
Legislative Liaison	Robert Sage <i>Alternate: Thomas Komp</i>
Travel Liaison	Jack Hutter <i>Alternate: Kerry Connelly</i>
Rules Liaison	Robert Sage <i>Alternate: Thomas Komp</i>
Screening Panel	Jack Hutter, Kerry Connelly, Thomas Komp, Robert Sage

Delegation Motions

Document Signature Delegations

MOTION: Robert Sage moved, seconded by Thomas Komp, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION: Robert Sage moved, seconded by Thomas Komp, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Robert Sage moved, seconded by Kerry Connelly, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Delegation to Chief Legal Counsel Due to Loss of Quorum

MOTION: Robert Sage moved, seconded by Thomas Komp, to delegate the review of disciplinary cases to the Department’s Chief Legal Counsel due to lack of/loss of quorum. Motion carried unanimously.

Monitoring Delegations

MOTION: Robert Sage moved, seconded by Thomas Komp, to adopt the “Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor” as presented in the June 11, 2020 agenda materials. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison (Denial Decisions)

MOTION: Robert Sage moved, seconded by Kerry Connelly, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between DSPS and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them except that potential denial decisions shall be referred to the full Board for final determination. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Robert Sage moved, seconded by Thomas Komp, to delegate credentialing authority to DSPS to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Robert Sage moved, seconded by Jack Hutter, that the Department's Attorney Supervisors, DLSC Administrator, or their designee are authorized to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

Pre-Screening Delegation to Open Cases

MOTION: Robert Sage moved, seconded by Thomas Komp, to delegate pre-screening decision making authority to the DSPS screening attorney for opening cases as outlined below:

1. OWIs of 3 or more that occurred in the last 5 years.
2. Reciprocal discipline cases.
3. Impairment and/or diversion at work that includes a positive drug/alcohol test or admission by respondent.
4. Conviction of a misdemeanor or felony that the attorney believes is substantially related and is not otherwise excluded from consideration via Wis. Stat. ch. 111.
5. No response from the respondent after intake requested a response (case would be opened for the failure to respond issue as well as the merits).

Motion carried unanimously.

Pre-Screening Delegation to Close Cases

MOTION: Robert Sage moved, seconded by Thomas Komp, to delegate pre-screening decision making authority to the DSPS screening attorney for closing cases as outlined below:

1. One OWI that is non-work related and if AODA assessment completed, assessment does not indicate dependency.
2. Complaints that even if allegations are true, do not amount to a violation of law or rules.

Motion carried unanimously.

Voluntary Surrenders

MOTION: Robert Sage moved, seconded by Jack Hutter, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

Education and Examination Delegation(s)

MOTION: Robert Sage moved, seconded by Jack Hutter, to delegate authority to the Education and Examination Liaison(s) to address all issues related to education, continuing education and examinations. Motion carried unanimously.

Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies

MOTION: Robert Sage moved, seconded by Jack Hutter, to authorize DSPS staff to provide national regulatory related bodies with all board member contact information that DSPS retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Robert Sage moved, seconded by Jack Hutter to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

Legislative Liaison Delegation

MOTION: Robert Sage moved, seconded by Jack Hutter, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Delegation

MOTION: Robert Sage moved, seconded by Jack Hutter, to delegate authority to the Travel Liaison to approve any board member travel. Motion carried unanimously.

Rules Liaison Delegation

MOTION: Robert Sage moved, seconded by Thomas Komp, to grant the Rules Liaison(s) the ability to address all rulemaking as related to drafting and making recommendations to the full Board. Motion carried unanimously.

Roles and Authorities Delegated for Monitoring

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors (“Monitor”) to enforce Board/Section orders as explained below.

~~Current~~ Authorities Delegated to the Monitoring Liaison

The Liaison may take the following actions on behalf of the Board/Section:

1. Grant a temporary reduction in random drug screen frequency upon Respondent’s request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/~~disciplinary~~/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing/~~disciplinary~~/remedial education.
6. Grant a maximum of one extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant a maximum of one extension, if warranted and requested in writing by Respondent, to complete a Board/Section-ordered evaluation or exam.
- ~~7.8.~~ Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain ~~the signature of~~ written authorization from the Liaison to sign on their behalf.
- ~~8.9.~~ Grant or deny a request to appear before the Board/Section in closed session.
- ~~9.10.~~ Board Monitoring The Liaison may determine whether Respondent’s petition is eligible for consideration by the full Board/Section.
- ~~10.11.~~ (*Except Pharmacy and Medical*) Accept Respondent’s written request to surrender credential. If accepted by the Liaison, Monitor will consult with Board Counsel to determine if a stipulation is necessary. If a stipulation is not necessary, Monitor will draft an order and sign on behalf of the Liaison. If denied by the Liaison, the request to surrender credential will go to the full Board for review.

~~11.12.~~ *(Except Pharmacy)* Grant Respondent's petition for a reduction in drug screens per the standard schedule, below. If approved, Monitor will draft an order and sign on behalf of the Liaison. Orders that do not start at 49 screens will still follow the same standard schedule.

- a. ~~Initial Year 1:~~ 49 screens (including 1 hair test, if required by original order)
- b. ~~1st Reduction Year 2:~~ 36 screens (plus 1 hair test, if required by original order)
- c. ~~2nd Reduction Year 3:~~ 28 screens plus 1 hair test
- ~~d. Year 4: 28 screens plus 1 hair test~~
- ~~e. Year 5: 14 screens plus 1 hair test~~
- d. 3rd Reduction: 14 screens plus 1 hair test

~~12.13.~~ *(Dentistry only)* Ability to approve or deny all requests from a respondent.

~~13.14.~~ *(Except Nursing)* ~~Board Monitoring~~ The Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc.

~~Current~~ Authorities Delegated to the Department Monitor

The Monitor may take the following actions on behalf of the Board/Section, draft an order and sign:

1. Grant full reinstatement of licensure if education ~~CE~~ is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
2. Suspend the license if Respondent has not completed Board/Section-ordered education ~~CE~~ and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof of completion and/or payment have been received.
3. Suspend the license (or remove stay of suspension) if Respondent fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if Respondent ceases participation in the Approved Program without Board approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.

Authorities Delegated to Board Legal Counsel

Board Legal Counsel may take the following actions on behalf of the Board/Section:

1. Sign Monitoring orders that result from Board/Section meetings on behalf of the Board/Section Chair.

PROPOSED 2021 CREDENTIALING DELEGATION MOTIONS

Delegation of Authority to Credentialing Liaison (Denial Decisions)

MOTION: to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications, except that potential denial decisions shall be referred to the full Board for final determination.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review.

Delegation of Authority for Predetermination Reviews

MOTION: to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f).

Delegation of Authority for Conviction Reviews

MOTION: to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of podiatry.

Or, alternatively,

MOTION: to delegate authority to Department Paralegals to review and approve applications with [optional: up to X] municipal/ordinance violations which are not substantially related to the practice of podiatry.

MOTION: to delegate authority to Department Attorneys to review and approve applications with [optional: up to X] municipal/ordinance violations and misdemeanors [optional: each more than X years old and] which are not substantially related to the practice of podiatry.

Delegation to DSPS When Applicant's History Has Been Previously Reviewed

MOTION: to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous podiatry credential and there is no new conviction record.

Delegated Authority for Application Denial Reviews

MOTION: to delegate authority to the Department's Attorney Supervisors to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential.

Podiatry Pre-screening Delegation

2020:

Pre-Screening Delegation to Open Cases

MOTION: Robert Sage moved, seconded by Thomas Komp, to delegate pre-screening decision making authority to the DSPS screening attorney for opening cases as outlined below:

1. OWIs of 3 or more that occurred in the last 5 years.
2. Reciprocal discipline cases.
3. Impairment and/or diversion at work that includes a positive drug/alcohol test or admission by respondent.
4. Conviction of a misdemeanor or felony that the attorney believes is substantially related and is not otherwise excluded from consideration via Wis. Stat. ch. 111.
5. No response from the respondent after intake requested a response (case would be opened for the failure to respond issue as well as the merits).

Motion carried unanimously.

Pre-Screening Delegation to Close Cases

MOTION: Robert Sage moved, seconded by Thomas Komp, to delegate pre-screening decision making authority to the DSPS screening attorney for closing cases as outlined below:

1. One OWI that is non-work related and if AODA assessment completed, assessment does not indicate dependency.
2. Complaints that even if allegations are true, do not amount to a violation of law or rules.

Motion carried unanimously.

DLSC asks that the same motions be made for 2021.

**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: 1/25/21 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: 2/4/21	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Administrative Rules Reporting Requirement Under s. 227.29, Stats. a. Review of Draft 2021 Report 2. Scope Statement for Pod 1 and 2, Relating to Licensure and Unprofessional Conduct 3. Pending or 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:															
11) <table style="width: 100%; border: none;"> <tr> <td style="width: 35%; border: none;"><i>Dale Kleven</i></td> <td style="width: 30%; border: none; text-align: center;">Authorization</td> <td style="width: 35%; border: none; text-align: right;"><i>January 25, 2021</i></td> </tr> <tr> <td style="border: none;">Signature of person making this request</td> <td style="border: none;"></td> <td style="border: none; text-align: right;">Date</td> </tr> <tr> <td style="border: none;">Supervisor (if required)</td> <td style="border: none;"></td> <td style="border: none; text-align: right;">Date</td> </tr> <tr> <td style="border: none;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)</td> <td style="border: none;"></td> <td style="border: none; text-align: right;">Date</td> </tr> </table>				<i>Dale Kleven</i>	Authorization	<i>January 25, 2021</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
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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.															

Jack W. Hutter
Chairperson

Robert M. Sage
Vice Chairperson

Thomas R. Komp
Secretary

PODIATRY AFFILIATED CREDENTIALING BOARD



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March ??, 2021

Senator Stephen Nass, Senate Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 10 South, State Capitol
Madison, WI 53702

Representative Adam Neylon, Assembly Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 204 North, State Capitol
Madison, WI 53702

RE: Report Submitted in Compliance with s. 227.29 (1), Stats.

Dear Senator Nass and Representative Neylon:

This report has been prepared and submitted in compliance with s. 227.29 (1), Stats.

I. Unauthorized rules, as defined in s. 227.26 (4) (a), Stats.:

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules are unauthorized.

II. Rules for which the authority to promulgate has been restricted:

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules have restricted authority.

III. Rules that are obsolete or that have been rendered unnecessary:

Rule	Description of why the rule is obsolete or has been rendered unnecessary	Action taken to address or reason for not taking an action
Pod 1.03 (2)	This section contains an obsolete reference to the Council on Education of the American Podiatric Association.	At its February 4, 2021 meeting the Board approved a scope statement for a rule that will update these obsolete references.
Pod 2.01 (21)	This section contains an obsolete reference to the Council on Podiatric Medicine of the American Podiatric Medical Association.	

IV. Rules that are duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction:

After careful review of the Board’s administrative rules, the Board has determined that no promulgated rules are duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction.

V. Rules that are economically burdensome:

After careful review of the Board’s administrative rules, the Board has determined that no promulgated rules are economically burdensome.

VI. Status of rules identified in the Board’s previous report:

Rule	Description of the legislation that restricted the Board’s authority	Status of action taken
Pod 3.04	The Board’s authority to request verification of compliance with continuing education requirements has been restricted by 2017 Act 59, s. 1929.	Final draft rules (CR 20-017) have been submitted to the Legislature for approval.

Thank you.

Sincerely,

Jack W. Hutter
Chairperson
Podiatry Affiliated Credentialing Board

STATEMENT OF SCOPE

Podiatry Affiliated Credentialing Board

Rule No.: Chapters Pod 1 and 2

Relating to: Licensure and unprofessional conduct

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to update ss. Pod 1.03 (2) and 2.01 (21) to reflect that the Council on Education has been renamed the Council on Podiatric Medical Education, and that the American Board of Foot and Ankle Surgery and American Board of Podiatric Medicine are the recognized specialty boards in the podiatric medical profession.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

There are no new policies proposed to be included in the rule. As described above, the proposed rule will reflect a name change and update a reference to reflect the specialty boards currently recognized by the podiatric medical profession.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.085 (5) (b), Stats., provides that an affiliated credentialing board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 448.965 (1) (a), Stats., requires the Board to promulgate “[r]ules defining the acts or attempted acts of commission or omission that constitute unprofessional conduct under s. 448.60 (5).”

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

60 hours

6. List with description of all entities that may be affected by the proposed rule:

Licensed podiatrists and individuals applying for a license to practice podiatry.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule is likely to have minimal or no economic impact on small businesses and the state's economy as a whole.

Contact Person: Dale Kleven, (608) 261-4472, DSPSAdminRules@wisconsin.gov

Approved for publication:

Approved for implementation:

Authorized Signature

Authorized Signature

Date Submitted

Date Submitted