



**TELECONFERENCE/VIRTUAL MEETING
PODIATRY AFFILIATED CREDENTIALING BOARD
Room 121A, 1400 East Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
June 22, 2017**

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 March 23, 2017 (4)**
- C) Administrative Updates**
 - 1) Department and Staff Updates
 - 2) Board Members – Term Expiration Dates
 - a) Jeffery Giesking – 07/01/2020
 - b) Thomas Komp – 07/01/2017
 - c) William Weis – 07/01/2019
 - 3) Appointments/Reappointments/Confirmations
- D) 9:00 A.M. Public Hearing: Clearinghouse Rules 17-029, Relating to Biennial Registration, and 17-030, Relating to Licensure Requirements (5-19)**
 - 1) Review and Respond to Public Comments and Clearinghouse Report
- E) Legislative/Administrative Rule Matters**
 - 1) Update on Pending Legislation and Pending and Possible Rulemaking Projects
- F) Speaking Engagement(s), Travel, or Public Relation Request(s)**
- G) Informational Items**
- H) 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)

I) 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.).

J) 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

K) Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

N) Delegation of Ratification of Examination Results and Ratification of Licenses and Certificates

ADJOURNMENT

NEXT MEETING DATE OCTOBER 19, 2017

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 1400 East Washington Avenue, 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. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

**PODIATRY AFFILIATED CREDENTIALING BOARD
VIRTUAL/TELECONFERENCE MEETING MINUTES
MARCH 23, 2017**

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 3:30 p.m. A quorum of three (3) members was confirmed.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES OF JANUARY 19, 2017

MOTION: Jeffery Giesking moved, seconded by Thomas Komp, to approve the minutes of January 19, 2017 as published. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

State Budget – Discussion and Consideration

MOTION: William Weis moved, seconded by Jeffery Giesking, to record the Board's opposition to the 2017-2019 State Budget provision that eliminates Podiatry Affiliated Credentialing Board. Motion carried unanimously.

MOTION: Thomas Komp moved, seconded by Jeffery Giesking, to authorize William Weis to speak on behalf of the Board to interested parties regarding the 2017-2019 State Budget proposal eliminating the Podiatry Affiliated Credentialing Board. Motion carried unanimously.

**BOARD TRAINING REVIEW – PUBLIC RECORDS AND ETHICS AND LOBBYING –
DISCUSSION AND CONSIDERATION**

The Board reviewed training information relating to Public Records and Ethic and Lobbying requirements at this meeting.

ADJOURNMENT

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

The meeting adjourned at 3:41 p.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Helen Leong Administrative Rules Coordinator		2) Date When Request Submitted: 06.08.2017 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: June 22, 2017	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 9:00 am Public Hearing: Clearinghouse Rules 17-029, Relating to biennial registration, and 17-030, Relating to licensure requirements 1) Review and Respond to Public Comments and Clearinghouse Report	
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 (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:			
11) Signature of person making this request <i>Helen Leong</i>		Authorization Date 06.08.2017	
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
PODIATRY AFFILIATED CREDENTIALING BOARD

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

PROPOSED ORDER

An order of the Podiatry Affiliated Credentialing Board to amend Pod 4.03 (2) (b), relating to biennial registration.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

None.

Statutory authority:

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

Explanation of agency authority:

Section 15.085 (5) (b), Stats., provides affiliated credentialing boards “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 448.695 (2), Stats., provides “[t]he affiliated credentialing board may promulgate rules to carry out the purposes of this subchapter.”

Related statute or rule:

None.

Plain language analysis:

The Podiatry Affiliated Credentialing Board conducted a comprehensive review of ch. Pod 4 to ensure the rules are consistent with current registration practices and applicable Wisconsin statutes. The resulting change is to correct a reference in s. Pod 4.03 (2) (b).

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

None.

Comparison with rules in adjacent states:

Illinois:

68 Ill. Admin. Code 1360.45 contains the requirements for renewing a license in podiatry.

Iowa:

645 IAC 220.9 contains the requirements for renewing a license in podiatry.

Michigan:

Mich Admin Code, R 338.8126 contains the requirements for renewal of a license in podiatry.

Minnesota:

Minnesota Rules, Part 6900.0200 contains the requirements for renewal of a license in podiatry.

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of ch. Pod 4 to ensure the rules are consistent with current registration practices and applicable Wisconsin statutes.

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

The proposed rules were posted for a period of 14 days for public comment on the economic impact of the proposed rules, including how the proposed rules may affect businesses, local government units, and individuals. 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 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 Kirsten.Reader@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, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, WI 53708-8935, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held at 9:00 a.m. on June 22, 2017, to be included in the record of rule-making proceedings.

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 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~~ paragraph does not apply to licensees who have unmet disciplinary requirements or whose licenses have been surrendered or revoked.

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)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

Pod 4

3. Subject

Biennial registration

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

20.165(1)(g)

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

The Podiatry Affiliated Credentialing Board conducted a comprehensive review of ch. Pod 4 to ensure the rules are consistent with current registration practices and applicable Wisconsin statutes. The resulting change is to correct a reference in s. Pod 4.03 (2) (b).

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.

11. Identify the local governmental units that participated in the development of this EIA.

No local governmental units participated in the development of this EIA.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

This proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefit to implementing the rule is providing clarity and updated references. If the rule is not implemented, it will continue to contain an incorrect reference.

14. Long Range Implications of Implementing the Rule

The long range implication of implementing the rule is clarity and updated references.

15. Compare With Approaches Being Used by Federal Government

None

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois:

68 Ill. Admin. Code 1360.45 contains the requirements for renewing a license in podiatry.

Iowa:

645 IAC 220.9 contains the requirements for renewing a license in podiatry.

Michigan:

Mich Admin Code, R 338.8126 contains the requirements for renewal of a license in podiatry.

Minnesota:

Minnesota Rules, Part 6900.0200 contains the requirements for renewal of a license in podiatry

17. Contact Name

Dale Kleven

18. Contact Phone Number

(608) 261-4472

This document can be made available in alternate formats to individuals with disabilities upon request.

STATE OF WISCONSIN
PODIATRY AFFILIATED CREDENTIALING BOARD

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

PROPOSED ORDER

An order of the Podiatry Affiliated Credentialing Board to repeal Pod 1.05; to renumber and amend Pod 1.08 (2) and 1.09 (2); to amend Pod 1.01, 1.02 (intro.), 1.03 (title), (intro.), and (1), 1.06 (1) (a) (intro.), (2), and (4), 1.08 (1) (a) (Note), 1.09 (1) (a) (Note), and 1.10 (1) (a) and (b) (Note); and to create Pod 1.03 (1) (Note) and (3), relating to licensure requirements.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 440.071, Stats.

Statutory authority:

Sections 15.085 (5) (b), 440.071 (1), and 448.695 (2), Stats.

Explanation of agency authority:

Section 15.085 (5) (b), Stats., provides affiliated credentialing boards “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .” The proposed rule seeks to provide guidance within the profession on licensure requirements.

Section 440.071 (1), Stats., provides “. . . the department or a credentialing board or other board in the department may not require a person to complete any postsecondary education or other program before the person is eligible to take an examination for a credential the department or credentialing board or other board in the department grants or issues.”

Section 448.695 (2), Stats., provides “[t]he affiliated credentialing board may promulgate rules to carry out the purposes of this subchapter.”

Related statute or rule:

None.

Plain language analysis:

Pursuant to 2013 Wisconsin Act 114, the Department of Safety and Professional Services and its attached boards may no longer require any person to complete any postsecondary education before the person is eligible to take an examination for a credential. In accordance with this legislation, the proposed rules revise ch. Pod 1 to allow applicants seeking licensure as a podiatrist to take their credentialing exam before completing any postsecondary education.

The Podiatry Affiliated Credentialing Board conducted a comprehensive review of ch. Pod 1 to ensure the rules are consistent with current professional, academic, and licensing practices and applicable Wisconsin statutes. The resulting changes are to update references and notes in ss. Pod 1.01, 1.02, 1.06 (2), 1.08 (1) (a), 1.09 (1) (a), and 1.10 (1) (b).

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

None.

Comparison with rules in adjacent states:**Illinois:**

An applicant for the National Board of Podiatric Medical Examiners (NBPME) PM Lexis examination for licensure as a podiatric physician must file an application at least 60 days prior to an examination date. The application must include: (1) A complete work history indicating all employment since graduation from an approved podiatric medical program; (2) Certification of graduation from an approved podiatric medical program; (3) Proof of passage of Part I and Part II of the examination given by the National Board of Podiatric Medical Examiners (NBPME) by NBPME standards; (4) Certification from the jurisdictions of the United States in which the applicant was originally licensed and is currently licensed, if applicable, stating: (a) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license; and (b) Whether the file on the applicant contains any record of disciplinary actions taken or pending; and (5) The required fee (68 Ill. Admin. Code 1360.45).

Iowa:

Iowa Administrative Code does not explicitly state that an applicant for a license as a podiatrist must complete the required education prior to taking the examination for licensure (645 IAC 220.2 and 220.3).

Michigan:

To be eligible for part III of the podiatric examination administered by the NBPME, an applicant must submit an application for licensure together with the requisite fee. To assure eligibility to sit for the nbpme examination, an applicant must submit his or her completed application not less than 30 days before the date of the examination (Mich Admin Code, R 338.8104).

Minnesota:

Minnesota Statutes and Administrative code do not explicitly state that an applicant for a license as a podiatrist must complete the required education prior to taking the examination for licensure (Minnesota Rules, Part 6900.0020; Minnesota Statutes s. 153.16).

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of 2013 Wisconsin Act 114 in conjunction with the current rules relating to licensure under ch. Pod 1 and obtaining input and feedback from the Podiatry Affiliated Credentialing Board.

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

The proposed rules were posted for a period of 14 days for public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. 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 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 Kirsten.Reader@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, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, WI 53708-8935, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held at 9:00 a.m. on June 22, 2017, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Pod 1.01 is amended to read:

Pod 1.01 Authority and purpose. Chapters Pod 1 to 6 8 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.

SECTION 2. Pod 1.02 (intro.) is amended to read:

Pod 1.02 (intro.) Definitions. As used in chs. Pod 1 to 7 8:

SECTION 3. Pod 1.03 (title), (intro.), and (1) are amended to read:

Pod 1.03 (title) ~~Application and credentials~~ Licensure requirements.

(intro.) 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 provided by the board and the required fee under s. 440.05 (1), Stats.

SECTION 4. Pod 1.03 (1) (Note) and (3) are created to read:

Pod 1.03 (1) (Note) Applications are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, or from the department of safety and professional services' website at <http://dsps.wi.gov>.

(3) Evidence of successful completion of the examination requirements under s. Pod 1.06.

SECTION 5. Pod 1.05 is repealed.

SECTION 6. Pod 1.06 (1) (a) (intro.), (2), and (4) are amended to read:

Pod 1.06 (1) (a) (intro.) 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:

(2) The board shall utilize as its ~~written examinations~~ examination the ~~national board examination~~ American Podiatric Medical Licensing Examination, part Parts I, and part II, II CSPE, and the PMLexis examination of the national board of podiatric examiners III. The passing scores are set by the ~~national board~~ National Board of podiatric medicine Podiatric Medical Examiners and represent the minimum competency required to protect public health and safety. The board may accept the recommendations of the examination provider.

(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 the passing grades in the national board examination

~~and the PMLexis examination of the national board of podiatry examiners scores under sub. (2).~~ The burden of proof of equivalency is on the applicant.

SECTION 7. Pod 1.08 (1) (a) (Note) is amended to read:

Pod 1.08 (1) (a) (Note) Applications are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, or from the department of safety and professional services' website at <http://dsps.wi.gov>.

SECTION 8. Pod 1.08 (2) is renumbered Pod 1.08 (1) (d) and amended to read:

Pod 1.08 (1) (d) ~~An applicant shall complete~~ Evidence of successful completion of an open book examination on statutes and rules governing the practice of podiatric medicine and surgery in Wisconsin.

SECTION 9. Pod 1.09 (1) (a) (Note) is amended to read:

Pod 1.09 (1) (a) (Note) Applications are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, or from the department of safety and professional services' website at <http://dsps.wi.gov>.

SECTION 10. Pod 1.09 (2) is renumbered Pod 1.09 (1) (e) and amended to read:

Pod 1.09 (1) (e) ~~An applicant shall complete~~ Evidence of successful completion of an open book examination on statutes and rules governing the practice of podiatric medicine and surgery in Wisconsin.

SECTION 11. Pod 1.10 (1) (a) and (b) (Note) are amended to read:

Pod 1.10 (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) (Note) Applications are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, or from the department of safety and professional services' website at <http://dsps.wi.gov>.

SECTION 12. 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)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

Pod 1

3. Subject

Licensure requirements

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

20.165(1)(g)

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

Pursuant to 2013 Wisconsin Act 114, the Department of Safety and Professional Services and its attached boards may no longer require any person to complete any postsecondary education before the person is eligible to take an examination for a credential. In accordance with this legislation, the proposed rules revise ch. Pod 1 to allow applicants seeking licensure as a podiatrist to take their credentialing exam before completing any postsecondary education.

The Podiatry Affiliated Credentialing Board conducted a comprehensive review of ch. Pod 1 to ensure the rules are consistent with current professional, academic, and licensing practices and applicable Wisconsin statutes. The resulting changes are to update references and notes in ss. Pod 1.01, 1.02, 1.08 (1) (a), 1.09 (1) (a), and 1.10 (1) (b).

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.

11. Identify the local governmental units that participated in the development of this EIA.

No local governmental units participated in the development of this EIA.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

This proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefit to implementing the rule is providing clarity and updated licensure requirements. If the rule is not implemented, it will continue to reference outdated licensure requirements.

14. Long Range Implications of Implementing the Rule

The long range implication of implementing the rule is clarity and updated licensure requirements.

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

15. Compare With Approaches Being Used by Federal Government
None

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois:

An applicant for the National Board of Podiatric Medical Examiners (NBPME) PM Lexis examination for licensure as a podiatric physician must file an application at least 60 days prior to an examination date. The application must include: (1) A complete work history indicating all employment since graduation from an approved podiatric medical program; (2) Certification of graduation from an approved podiatric medical program; (3) Proof of passage of Part I and Part II of the examination given by the National Board of Podiatric Medical Examiners (NBPME) by NBPME standards; (4) Certification from the jurisdictions of the United States in which the applicant was originally licensed and is currently licensed, if applicable, stating: (a) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license; and (b) Whether the file on the applicant contains any record of disciplinary actions taken or pending; and (5) The required fee (68 Ill. Admin. Code 1360.45).

Iowa:

Iowa Administrative Code does not explicitly state that an applicant for a license as a podiatrist must complete the required education prior to taking the examination for licensure (645 IAC 220.2 and 220.3).

Michigan:

To be eligible for part III of the podiatric examination administered by the NBPME, an applicant must submit an application for licensure together with the requisite fee. To assure eligibility to sit for the nbpme examination, an applicant must submit his or her completed application not less than 30 days before the date of the examination (Mich Admin Code, R 338.8104).

Minnesota:

Minnesota Statutes and Administrative code do not explicitly state that an applicant for a license as a podiatrist must complete the required education prior to taking the examination for licensure (Minnesota Rules, Part 6900.0020; Minnesota Statutes s. 153.16)

17. Contact Name

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WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 17-029

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 December 2014.]

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

With respect to s. Pod 4.03 (2), in its entirety, there may be confusion created regarding the applicability of s. 440.08 (4), Stats. The board may consider clarifying that the processes for renewal set forth in s. Pod 4.03 (2) (a) and (b) are subject to s. 440.08 (4), Stats. For example, the second sentence of s. Pod 4.03 (2) (intro.) could be modified as follows:

A licensee who allows the license to lapse may apply ~~to the board~~ for reinstatement of the license by the board, subject to s. 440.08 (4), Stats., as follows:



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2. Form, Style and Placement in Administrative Code

In s. Pod 1.06 (2), the acronym “CSPE” is used, but the term does not appear to be defined in ch. Pod 1. A definition should be created in that chapter to define the acronym or the term “Part II CSPE”. [s. 1.01 (8), Manual.]

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

a. Consider referencing affected rule sections in the first paragraph of the rule summary’s plain language analysis in the same manner as affected rule sections are referenced in the second paragraph of that analysis. Alternatively, the references in the second paragraph could be removed as all affected sections are listed in the introductory clause for the proposed rule.

b. Consider explaining in the rule summary’s plain language analysis the following amendments that are included in s. Pod 1.06 (2): (1) the name change from the “PMLexis” examination to the “Part III” examination; and (2) the addition of the “Part II CSPE” clinical skills patient encounter examination.