



**TELECONFERENCE/VIRTUAL MEETING
PODIATRY AFFILIATED CREDENTIALING BOARD
Room 121C, 1400 East Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
February 01, 2018**

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 December 01, 2017 (4-5)**
- C) Administrative Updates (6-11)**
 - 1) Department and Staff Updates
 - 2) Election of Officers
 - 3) Appointment of Liaisons and Alternates
 - 4) Delegation of Authorities
 - 5) Board Members – Term Expiration Dates
 - a) Jeffery Giesking – 07/01/2020
 - b) Thomas Komp – 07/01/2017
 - c) William Weis – 07/01/2019
- D) Legislative/Administrative Rule Matters (12-17)**
 - 1) Update Concerning POD 1, Relating to Licensure Requirements and POD 4, Relating to Biennial Registration
 - 2) Statement of Scope for POD 3, Relating to Continuing Podiatric Medical Education
 - 3) 2017 Wisconsin Act 59 (Update on Budget Provisions)
 - a) Occupational License Study
 - b) Continuing Education Changes
 - 4) 2017 Senate Bill 477 Relating to the Delegation of the Practice of Podiatry
 - 5) Update on Pending Legislation and Pending and Possible Rulemaking Projects
- E) Annual Membership Communication from the Federation of Podiatric Medical Boards (FPMB) – Board Discussion**
- 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 on Division of Legal Services and Compliance (DLSC) Matters (18-47)**

- 1) Case Closing(s)
 - a) 16 POD 016

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 MEETING DATE JUNE 26, 2018

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
December 1, 2017**

PRESENT: Jeffery Giesking, DPM (*GoToMeeting*); Thomas Komp, DPM (*GoToMeeting*); William Weis, DPM (*GoToMeeting*)

STAFF: Tom Ryan, Executive Director; Dale Kleven, Administrative Rules Coordinator; Emily Handel, Bureau Assistant; and other Department staff

CALL TO ORDER

William Weis, Chair called the meeting to order at 9:00 a.m. A quorum of 3 (three) 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 JUNE 22, 2017

MOTION: Jeffery Giesking moved, seconded by Thomas Komp, to approve the minutes of June 22, 2017 as published. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

Wisconsin Podiatry Affiliated Credentialing Board Opioid Prescribing Guideline

MOTION: Thomas Komp moved, seconded by Jeffery Giesking, to adopt the Wisconsin Medical Examining Board Opioid Prescribing Guideline published August 16, 2017. Motion carried unanimously.

Update Concerning POD 1, Relating to Licensure Requirements and POD 4, Relating to Biennial Registration

MOTION: Thomas Komp moved, seconded by Jeffery Giesking, to authorize the Chair to approve the Adoption Orders for Clearinghouse Rules CR 17-029 and CR 17-030. Motion carried unanimously.

Position Statements of the Podiatry Affiliated Credentialing Board

MOTION: Jeffery Giesking moved, seconded by Thomas Komp, to remove the existing Position Statements and frequently asked questions on the Podiatry Affiliated Credentialing Board's webpage. Motion carried unanimously.

CLOSED SESSION

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

The Board convened into Closed Session at 9:56 a.m.

RECONVENE TO OPEN SESSION

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

The Board reconvened into Open Session at 9:58 a.m.

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

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

(Be advised that any recusals or abstentions reflected in the closed session motions stand for the purposes of the affirmation vote.)

Case Closing

17 POD 001

MOTION: Jeffery Giesking moved, seconded by Thomas Komp, to close DLSC case number 17 POD 001, against R.Z.A., for No Violation. Motion carried unanimously.

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

MOTION: Jeffery Giesking 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 Jeffery Giesking, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 9:59 a.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Laura Smith, Bureau Assistant, on behalf of Tom Ryan, Executive Director		2) Date When Request Submitted: 11/22/17 <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: Podiatry Affiliated Credentialing Board			
4) Meeting Date: 2/1/2018	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters/Updates 1) Election of Officers 2) Appointment of Liaisons and Alternates 3) 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 of its Officers for 2018 2) The new Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate 3) The Board should review and then consider continuation or modification of previously delegated authorities			
11) Authorization			
<i>Laura Smith</i>		11/22/2017	
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

January 19, 2017

2017 ELECTION RESULTS	
Board Chair	William Weis
Vice Chair	Thomas Komp
Secretary	Jeffery Giesking
2017 LIAISON APPOINTMENTS	
Credentialing Liaison	Jeffery Giesking <i>Alternate – Thomas Komp</i>
Monitoring Liaison	Thomas Komp <i>Alternate – Jeffery Giesking</i>
Education and Exams Liaison	William Weis <i>Alternate: Thomas Komp</i>
Legislative Liaison	Jeffery Giesking <i>Alternate: Thomas Komp</i>
Travel Liaison	Thomas Komp <i>Alternate: William Weis</i>
Rules Liaison	William Weis <i>Alternate: Thomas Komp</i>
Professional Assistance Procedure Liaison	Jeffery Giesking <i>Alternate: William Weis</i>
Screening Panel	Thomas Komp, William Weis <i>Alternate: Jeffery Giesking</i>

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

DELEGATION MOTIONS

Delegated Authority for Urgent Matters

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

Delegated Authority for Application Denial Reviews

MOTION: Jeffery Giesking moved, seconded by Thomas Komp, that the Board counsel or another department attorney is formally authorized to serve as the Board's designee for purposes of Wis. Admin Code § SPS 1.08(1). Motion carried unanimously.

Document Signature Delegation

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

Credentialing Authority Delegations

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

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

Monitoring Delegations

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

Travel Delegation

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Ashley Ayres Monitoring and Intake Supervisor Division of Legal Services and Compliance		2) Date When Request Submitted: December 18, 2017	
		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: February 1, 2018	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Appointment of Monitoring Liaison and Delegated Authority Motion	
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: Adopt or reject the Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor document as presented in today's agenda packet.			
11) Authorization <div style="display: flex; justify-content: space-between;"> <div style="width: 60%; border-bottom: 1px solid black; text-align: center;"> </div> <div style="width: 35%; border-bottom: 1px solid black; text-align: center;"> December 18, 2017 </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%; border-bottom: 1px solid black;"> Signature of person making this request </div> <div style="width: 35%; border-bottom: 1px solid black; text-align: center;"> Date </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%; border-bottom: 1px solid black;"> Supervisor (if required) </div> <div style="width: 35%; border-bottom: 1px solid black; text-align: center;"> Date </div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%; border-bottom: 1px solid black;"> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </div> <div style="width: 35%; border-bottom: 1px solid black; text-align: center;"> Date </div> </div>			
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Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors 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/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 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 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 or written authorization from the Liaison.
8. Grant or deny a request to appear before the Board/Section in closed session.
9. *(Except Pharmacy)* 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.
10. *(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.
 - a. Year 1: 49 screens (including 1 hair test, if required by original order)
 - b. Year 2: 36 screens (plus 1 hair test, if required by original order)
 - c. 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
11. *(Dentistry only)* – Ability to approve or deny all requests from a respondent.

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 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 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 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.
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Proposed (New) Delegations to the Monitoring Liaison

The Monitoring Unit is proposing the following additions to the Monitoring Liaison's authority:

1. Board Monitoring Liaison may determine whether Respondent's petition is eligible for consideration by the full Board/Section.
2. Board Monitoring Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc.

**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: 1/22/18 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: 2/1/18	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislation and Rule Matters – Discussion and Consideration 1. Update Concerning Pod 1 Relating to Licensure Requirements and Pod 4 Relating to Biennial Registration 2. Statement of Scope for Pod 3 Relating to Continuing Podiatric Medical Education 3. Update Concerning Pending Legislation and Pending and Possible Rulemaking Projects									
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both		8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:								
10) Describe the issue and action that should be addressed: 1. The rules revising chs. Pod 1 and 4 are effective February 1, 2018 2. The Board will consider approval of a statement of scope for ch. Pod 3 based on its review of the chapter and the provision of 2017 Wisconsin Act 59 described below. 2017 Wisconsin Act 59 specifies that, except as otherwise permitted in chs. 440 to 480, Stats., an examining board or affiliated credentialing board attached to an examining board may require a credential holder to submit proof of completion of continuing education programs or courses only if a complaint is made against the credential holder. A revision to s. Pod 3.04 is needed to reflect the Board may no longer conduct a random audit of licensees.											
11) Authorization <table style="width: 100%; border: none;"> <tr> <td style="width: 60%; border: none;"><i>Dale Kleven</i></td> <td style="width: 40%; border: none; text-align: right;"><i>January 22, 2018</i></td> </tr> <tr> <td style="border: none;">Signature of person making this request</td> <td style="border: none; text-align: right;">Date</td> </tr> <tr> <td style="border: none;">Supervisor (if required)</td> <td style="border: none; text-align: right;">Date</td> </tr> <tr> <td colspan="2" style="border: none;">Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date</td> </tr> </table>				<i>Dale Kleven</i>	<i>January 22, 2018</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	
<i>Dale Kleven</i>	<i>January 22, 2018</i>										
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Supervisor (if required)	Date										
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STATEMENT OF SCOPE

Podiatry Affiliated Credentialing Board

Rule No.: Pod 3

Relating to: Continuing Podiatric Medical Education

Rule Type: Permanent

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

N/A

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

The primary objective of the proposed rule is to reflect the provision of 2017 Wisconsin Act 59 specifying that, except as otherwise permitted in chs. 440 to 480, Stats., an examining board or affiliated credentialing board attached to an examining board may require a credential holder to submit proof of completion of continuing education programs or courses only if a complaint is made against the credential holder.

The Board will also review and possibly revise the provisions in ss. Pod 3.03 (2) and 3.04 relating to retention of evidence of completion of continuing education requirements and will review the remainder of the chapter to ensure conformity with current drafting standards.

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:

Section Pod 3.04 provides the Podiatry Affiliated Credentialing Board may conduct a random audit of any licensee on a biennial basis to determine compliance with continuing education requirements, and may require any podiatrist to submit evidence to the board of his or her compliance with continuing education requirements during the preceding biennium for conducting an audit. The proposed rules will revise these provisions, as the underlying statutes no longer provide this authority.

Sections Pod 3.03 (2) and 3.04 provide different standards for the retention of evidence of completion of continuing education requirements. The Board will review and possibly revise these sections.

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

Section 15.08 (5) (b), Stats., provides affiliated credentialing boards “shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 448.665, Stats., provides the Podiatry Affiliated Credentialing Board “shall promulgate rules establishing requirements and procedures for licensees to complete continuing education programs or courses of study in order to qualify for renewal of a license granted under this subchapter.”

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

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

State employees will spend approximately 60 hours developing the proposed rule.

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

Individuals licensed in Wisconsin as podiatrists.

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 will have minimal to 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

Chapter Pod 3

CONTINUING PODIATRIC MEDICAL EDUCATION

Pod 3.01 Continuing podiatric medical education required; waiver.
Pod 3.02 Acceptable continuing medical educational programs.

Pod 3.03 Evidence of compliance.
Pod 3.04 Audit.

Pod 3.01 Continuing podiatric medical education required; waiver. (1) Each podiatrist required to complete the biennial training requirement under s. 448.665, Stats., shall, in each second year at the time of making application for a certificate of registration as required under s. 448.665, Stats., sign a statement on the application for registration certifying that the podiatrist has completed at least 50 hours of acceptable continuing educational programs relevant to the practice of podiatric medicine within each 2-year period immediately preceding the renewal date specified under s. 440.08 (2) (a) 60., Stats.

(2) A licensee may apply to the board for a postponement or waiver of the requirements of this chapter on the grounds of prolonged illness, disability, or other grounds constituting hardship. The board shall consider each request individually on its merits and may grant a postponement, partial waiver, or total waiver of the requirements.

History: Cr. Register, January, 2000, No. 529, eff. 2-1-00; CR 06-056; am. (1) and (2) Register April 2007 No. 616, eff. 5-1-07; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register April 2007 No. 616; CR 14-053; am. (1) Register July 2015 No. 715, eff. 8-1-15.

Pod 3.02 Acceptable continuing medical educational programs. (1) In satisfaction of the biennial training requirement under s. 448.665, Stats., the board shall accept an educational program approved at the time of the podiatrist's attendance by any of the following:

- (a) The council on podiatric medical education of the American podiatric medical association.
- (b) The council on medical education of the American medical association.
- (c) The council on medical education of the American osteopathic association.
- (d) The accreditation council for continuing medical education.
- (e) The Wisconsin Society of Podiatric Medicine.

(2) An educational program provided outside the United States may be used for continuing education credit if the program is approved by the board.

(3) One hour of attendance by a podiatrist at a continuing education program is the equivalent of one hour of continuing podiatric medical education for purposes of s. Pod 3.01 (1).

(4) The board shall accept as satisfaction of the biennial training requirement under s. 448.665, Stats., evidence that the podiatrist graduated from a 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 podiatrist 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.

History: Cr. Register, January, 2000, No. 529, eff. 2-1-00; CR 06-056; am. (1) (intro.) Register April 2007 No. 616, eff. 5-1-07; correction in (1) (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register April 2007 No. 616; CR 07-103; cr. (1) (e) Register September 2008 No. 633, eff. 10-1-08; CR 12-047; cr. (4) Register March 2014 No. 699, eff. 4-1-14.

Pod 3.03 Evidence of compliance. (1) Certification by the providing organization or by one of the approved accrediting bodies of attendance at and completion of continuing medical education programs approved under s. Pod 3.01 is satisfactory evidence for purposes of sub. (2) and s. Pod 3.03.

(2) Evidence of compliance shall be retained by each podiatrist through the biennium for which 50 hours of credit are required for registration.

(3) A certified copy of an official transcript or a 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.

History: Cr. Register, January, 2000, No. 529, eff. 2-1-00; CR 12-047; cr. (3) Register March 2014 No. 699, eff. 4-1-14.

Pod 3.04 Audit. The board may conduct a random audit of any licensee on a biennial basis to determine compliance with continuing education requirements. The board may require any podiatrist to submit evidence to the board of his or her compliance with continuing education requirements during the preceding biennium for the purpose of conducting an audit. Licensees shall retain certificates of continuing education attendance for a minimum period of 4 years.

History: Cr. Register, January, 2000, No. 529, eff. 2-1-00; CR 14-053; am. Register July 2015 No. 715, eff. 8-1-15.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Emily Handel, on behalf of Tom Ryan, Executive Director		2) Date When Request Submitted: January 22, 2018 <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: Podiatry Affiliated Credentialing Board			
4) Meeting Date: February 1, 2018	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 2017 Wisconsin Act 59, Update on Budget Provisions	
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:	
10) Describe the issue and action that should be addressed:			
11) Authorization			
<i>Emily Handel</i>		1/22/2018	
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.			

not engage in the practice of professional engineering until the registration is renewed in accordance with ss. A-E 2.05 and 13.10.

History: CR 11-014: cr. Register December 2011 No. 672, eff. 1-1-12.

A-E 13.04 Examples of qualifying activities. The following are examples of qualifying activities:

(1) Completing or attending courses, seminars, instruction, in-house programs, or training of engineering content related to the registrant's practice of professional engineering.

(2) Attending technical or professional society meetings when an engineering topic is presented as a principal part of the program.

(3) Teaching a course for the first time or teaching a course previously taught if substantial time was spent in updating material.

(4) Attending webinar courses where attendance is verified and program material meets the requirements.

(5) Completing correspondence courses on an engineering topic where lessons are prepared and returned for correction, grading, or both, and where testing at the end of the course is required.

History: CR 11-014: cr. Register December 2011 No. 672, eff. 1-1-12.

A-E 13.05 Standards for approval. (1) To be approved for PDHs, a continuing education program shall meet all of the following criteria:

(a) The program includes instruction in an organized method of learning contributing directly to the professional competency of the registrant and pertaining to subject matters which integrally relate to the practice of the profession.

(b) The program is conducted by individuals who have specialized education, training, or experience and are considered qualified concerning the subject matter of the program.

(c) The program fulfills pre-established goals and objectives.

(d) The program provides attendance verification records in the form of completion certificates or other documents supporting evidence of attendance.

(2) The professional engineer section has final authority with respect to acceptance of activities, courses, credit, PDH value for courses, and other methods of earning PDHs, except the following are examples of accepted providers for continuing education programs:

(a) Colleges, universities, or other EAC/ABET approved educational institutions approved by the professional engineer section.

(b) Continuing education courses meeting all the requirements of the International Association for Continuing Education and Training.

(c) Technical or professional societies or organizations as approved by the professional engineer section or its designee.

(d) Other providers as approved by the professional engineer section or its designee.

History: CR 11-014: cr. Register December 2011 No. 672, eff. 1-1-12.

A-E 13.06 Certificate of completion; proof of attendance. (1) Each registrant shall certify on the renewal application full compliance with the continuing education requirements set forth in this chapter.

(2) The professional engineer section may conduct a random audit of its registrants on a biennial basis for compliance with these requirements. It is the responsibility of each registrant to retain or otherwise produce evidence of compliance.

(3) If a request for evidence of compliance is requested by the professional engineer section or its designee, the registrant shall submit the requested information or documentation within 30 days of receiving the written notice. Failure to do so will result in denial of registrant's application for renewal.

History: CR 11-014: cr. Register December 2011 No. 672, eff. 1-1-12.

A-E 13.07 Recordkeeping. (1) A registrant shall maintain records of their continuing education units and PDHs earned for a minimum of the 3 most recent biennia on a form approved by the professional engineer section.

(2) Records required include but are not limited to attendance verification records in the form of completion certificates or other documents supporting evidence of attendance.

(3) If a continuing education course was awarded CEUs, the CEUs shall be converted by the applicant or registrant to PDHs for recordkeeping purposes.

History: CR 11-014: cr. Register December 2011 No. 672, eff. 1-1-12.

A-E 13.08 Waiver of continuing education. (1) A renewal applicant who is unable to fully comply with the continuing education requirements due to extreme hardship may submit a written request for a waiver. The professional engineer section or its designee will review the request, and in its sole discretion, may grant a full or partial waiver, or extension of time to comply with the requirements.

(2) In this section, "extreme hardship" means an inability to fulfill the continuing education requirements during the applicable renewal period because of one of the following:

(a) Full-time service in the uniformed services of the United States for a period of at least one year during the biennium.

(b) An incapacitating illness documented by a statement from a licensed physician.

(c) A physical inability to travel to the sites of approved programs documented by a licensed physician.

(d) Any other extenuating circumstances acceptable to the professional engineer section.

(3) A renewal applicant may not receive a waiver under sub. (2) (b) or (c) for 2 consecutive biennia.

(4) A renewal applicant who has maintained an active Wisconsin license for a minimum of 30 consecutive years may, at the discretion of the professional engineer section or its designee, receive a waiver upon request and certification that the applicant has retired from the profession and is no longer providing engineering services.

(5) A renewal applicant who receives a waiver under sub. (4) may not engage in the practice of professional engineering until he or she meets the requirements of s. A-E 13.10.

(6) A renewal applicant, who prior to the expiration date of the license submits a request for a waiver, pays the renewal fee and provides a statement setting forth the facts concerning noncompliance and the basis of the request, shall be deemed to be in good standing until the final decision on the application is issued by the professional engineer section. If a finding of extreme hardship is not determined, an applicant may not engage in the practice of professional engineering until he or she meets the requirements of s. A-E 13.10.

History: CR 11-014: cr. Register December 2011 No. 672, eff. 1-1-12; CR 13-064: am. (4) Register June 2014 No. 702, eff. 7-1-14.

A-E 13.09 Comity. An applicant for registration from another state who applies for registration to practice professional engineering under s. A-E 4.08 (2), shall submit proof of completion of 30 PDHs of qualifying continuing education that complies with the requirements of ch. A-E 13 within the 2 year period prior to their application. However, an applicant by comity who has received his or her first license as a professional engineer within the last two years shall be exempt from meeting the 30 PDHs specified in s. A-E 13.03 (1) as required for continuing education requirements and shall not be required to comply with the continuing education requirements for their first renewal of registration.

History: CR 11-014: cr. Register December 2011 No. 672, eff. 1-1-12; CR 13-064: am. Register June 2014 No. 702, eff. 7-1-14.

A-E 13.10 Late renewal. A renewal applicant who has failed to renew his or her credential by the established renewal