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**VIRTUAL/TELECONFERENCE**  
**PODIATRY AFFILIATED CREDENTIALING BOARD**  
**Virtual, 4822 Madison Yards Way, Madison**  
**Contact: Valerie Payne (608) 266-2112**  
**October 15, 2020**

*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 June 11, 2020 (4-11)**
- C. Introductions, Announcements and Recognition – Discussion and Consideration
- D. Administrative Updates – Discussion and Consideration**
  - 1. Department and Staff Updates
  - 2. Board Members – Term Expiration Dates
- E. Legislative and Policy Matters – Discussion and Consideration
- F. 9:00 A.M. PUBLIC HEARING: CR 20-040 – Pod 9, Physician Assistants (12)**
  - 1. Review and Respond to Public Comments, Clearinghouse Report, and Medical Examining Board Recommendations **(13-22)**
- G. Administrative Rule Matters – Discussion and Consideration (12)**
  - 1. Preliminary Rule Draft – Pod 1 – Reciprocal Credentials for Service Members, Former Service Members, and Their Spouses **(23-25)**
  - 2. Administrative Rules Reporting Requirement Under 2017 Wisconsin Act 108
    - a. Review of 2019 Report **(26-28)**
    - b. Proposals for 2021 Report
  - 3. Pending and Possible Rulemaking Projects
- H. 2020 Podiatry Affiliated Credentialing Board Report on Opioid Abuse – Discussion and Consideration (29-31)**
- 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: TBD**

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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.

**TELECONFERENCE/VIRTUAL  
PODIATRY AFFILIATED CREDENTIALING BOARD  
MEETING MINUTES  
JUNE 11, 2020**

**PRESENT:** Kerry Connelly, Jack Hutter, DPM (*joined at 9:20 a.m.*); Thomas Komp, DPM; Robert Sage, DPM

**STAFF:** Christian Albouras, Executive Director; Yolanda McGowan, Legal Counsel; Kassandra Walbrun; Administrative Rules Coordinator; Megan Glaeser, Bureau Assistant; and other Department staff

**CALL TO ORDER**

Thomas Komp, Secretary, called the meeting to order at 9:14 a.m. A quorum was confirmed with three (3) members present.

**ADOPTION OF AGENDA**

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

**APPROVAL OF MINUTES OF OCTOBER 18, 2018**

**MOTION:** Robert Sage moved, seconded by Thomas Komp, to approve the minutes of October 18, 2018 as published. Motion carried unanimously.

*(Jack Hutter joined the meeting at 9:20 a.m.)*

**ADMINISTRATIVE UPDATES**

**Election of Officers**

*Chairperson*

**NOMINATION:** Thomas Komp nominated Jack Hutter for the Office of Chairperson.

Christian Albouras, Executive Director, called for nominations three (3) times.

Jack Hutter was elected as Chairperson by unanimous voice vote.

*Vice Chairperson*

**NOMINATION:** Jack Hutter nominated Robert Sage for the Office of Vice Chairperson.

Christian Albouras, Executive Director, called for nominations three (3) times.

Robert Sage was elected as Vice Chairperson by unanimous voice vote.

*Secretary*

**NOMINATION:** Robert Sage nominated Thomas Komp for the Office of Secretary.

Christian Albouras, Executive Director, called for nominations three (3) times.

Thomas Komp was elected as Secretary by unanimous voice vote.

*(Thomas Komp continued to run the meeting at the request of Jack Hutter)*

<b>2020 ELECTION RESULTS</b>	
<b>Chairperson</b>	Jack Hutter
<b>Vice Chairperson</b>	Robert Sage
<b>Secretary</b>	Thomas Komp

**Appointment of Liaisons**

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

**9:00 A.M. PUBLIC HEARING: CR 20-017 – POD 3, RELATING TO CONTINUING  
PODIATRIC MEDICAL EDUCATION**

**Review and Respond to Public Comments and Clearinghouse Report**

**MOTION:** Robert Sage moved, seconded by Kerry Connelly, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule CR 20-017, relating to continuing podiatric medical education, for submission to the Governor's Office and Legislature. Motion carried unanimously.

**ADMINISTRATIVE RULE MATTERS**

**Scope Statement – Pod 1 – Reciprocal Credentials for Service Members, Former Service Members, and Their Spouses**

**MOTION:** Robert Sage moved, seconded by Jack Hutter, to approve the Scope Statement revising Pod 1, relating to reciprocal credentials for service members, former service members, and their spouses, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Board authorizes the Chairperson to approve the Scope Statement for implementation no less than 10 days after publication. Motion carried unanimously.

**MOTION:** Robert Sage moved, seconded by Jack Hutter, that if the Board is directed under s. 227.136 (1), Stats., to hold a preliminary public hearing and comment period on

the Scope Statement revising Pod 1, relating to reciprocal credentials for service members, former service members, and their spouses, the Chairperson is authorized to approve the notice required under s. 227.136 (2), Stats. Motion carried unanimously.

### **Preliminary Rule Draft – Pod 1 and 9 – Physician Assistants**

**MOTION:** Robert Sage moved, seconded by Jack Hutter, to approve the preliminary rule draft of Pod 1 and 9, relating to physician assistants, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

### **WISCONSIN PODIATRY AFFILIATED CREDENTIALING BOARD OPIOID PRESCRIBING GUIDELINE**

#### **Wisconsin Medical Examining Board Opioid Prescribing Guideline as Updated on January 19, 2019**

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

### **REQUIRED REPORT UNDER 2017 WISCONSIN ACT 262 CONCERNING OPIOID ABUSE**

**MOTION:** Robert Sage moved, seconded by Thomas Komp, to designate Robert Sage to serve as liaison to DSPS staff for drafting the October 2020 Wisconsin Podiatry Affiliated Credentialing Board Report on Opioid Abuse. Motion carried unanimously.

### **CLOSED SESSION**

**MOTION:** Thomas Komp moved, seconded by Robert Sage, 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.). Thomas Komp, Secretary (delegated by Jack Hutter), read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Kerry Connelly- yes; Jack Hutter- yes; Thomas Komp- yes; and Robert Sage-yes. Motion carried unanimously.

The Board convened into Closed Session at 1:02 p.m.

### **DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS**

#### **Stipulations, Final Decisions and Orders**

*17 POD 014 – Jeffrey A. Osbourne, D.P.M.*

**MOTION:** Robert Sage moved, seconded by Kerry Connelly, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Jeffrey A. Osbourne, D.P.M., DLSC Case Number 17 POD 014. Motion carried unanimously.

*(Yolanda McGowan recused herself and disconnected for deliberation and voting in the matter concerning Jeffrey A. Osbourne, D.P.M., DLSC Case Number 17 POD 014.)*

**Administrative Warnings**

*18 POD 004 – T.J.N.*

**MOTION:** Robert Sage moved, seconded by Jack Hutter, to issue an Administrative Warning in the matter of T.J.N., DLSC Case Number 18 POD 004. Motion carried unanimously.

**Case Closings**

**MOTION:** Robert Sage moved, seconded by Thomas Komp, to close the following DLSC Cases for the reasons outlined below:

1. 17 POD 003 – M.T.L. – No Violation
  2. 18 POD 005 – A.I.M. – Insufficient Evidence
  3. 18 POD 009 – L.R. – No Violation
  4. 19 POD 003 – P.B. – Prosecutorial Discretion (P2)
- Motion carried unanimously.

**RECONVENE TO OPEN SESSION**

**MOTION:** Jack Hutter moved, seconded by Robert Sage, to reconvene in Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 1:44 p.m.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION,**

**IF VOTING IS APPROPRIATE**

**MOTION:** Robert Sage moved, seconded by Jack Hutter, 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.)*

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

**MOTION:** Robert Sage moved, seconded by Jack Hutter, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

## **ADJOURNMENT**

**MOTION:** Robert Sage moved, seconded by Jack Hutter, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:51 p.m.

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

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Dale Kleven</b> <b>Administrative Rules Coordinator</b>		2) Date When Request Submitted:  <b>10/5/20</b> 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: <b>Podiatry Affiliated Credentialing Board</b>			
4) Meeting Date:  <b>10/15/20</b>	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? <b>9:00 A.M. Public Hearing: CR 20-040 – Pod 9, Physician Assistants</b> <b>1. Review and Respond to Public Comments, Clearinghouse Report, and Medical Examining Board Recommendations</b>  <b>Administrative Rule Matters – Discussion and Consideration</b> <b>1. Preliminary Rule Draft – Pod 1 – Reciprocal Credentials for Service Members, Former Service Members, and Their Spouses</b> <b>2. Administrative Rules Reporting Requirement Under 2017 Wisconsin Act 108</b> <b>a. Review of 2019 Report</b> <b>b. Proposals for 2021 Report</b> <b>3. Pending and Possible Rulemaking Projects</b>	
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 ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	
9) Name of Case Advisor(s), if required:			
10) Describe the issue and action that should be addressed:  9:00 A.M. Public Hearing: CR 20-040 – Pod 1 and 9, Physician Assistants 1. Medical Examining Board Recommendations  At its July 15, 2020 meeting, the Medical Examining Board made the following motion:  <b>MOTION:</b> David Roelke moved, seconded by Padmaja Doniparthi, to reflect the Board’s support of the proposed rules creating Wisconsin Administrative Code Chapter Pod 9, relating to physician assistants, and has no comments for the Podiatry Affiliated Credentialing Board to consider. Motion carried unanimously.			
11) Authorization			
Signature of person making this request <b><i>Dale Kleven</i></b>		Date <b><i>October 5, 2020</i></b>	
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

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

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PROPOSED ORDER

An order of the Podiatry Affiliated Credentialing Board to create ch. Pod 9, relating to physician assistants.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:**

Section 448.21 (4), Stats.

**Statutory authority:**

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

**Explanation of agency authority:**

Section 15.085 (5) (b), Stats., provides 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. . .”

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

Section 448.695 (4) (a), Stats., provides the Podiatry Affiliated Credentialing Board shall promulgate rules establishing “[p]ractice standards for a physician assistant practicing podiatry as provided in s. 448.21 (4).”

Section 448.695 (4) (b), Stats., provides the Podiatry Affiliated Credentialing Board shall promulgate rules establishing “[r]equirements for a podiatrist who is supervising a physician assistant as provided in s. 448.21 (4).”

**Related statute or rule:**

Chapter Med 8 provides practice standards for a physician assistant practicing podiatry and requirements for a podiatrist who is supervising a physician assistant.

**Plain language analysis:**

As required under s. 448.695 (4) Stats., as created by 2017 Wisconsin Act 227, the proposed rules establish practice standards for a physician assistant practicing podiatry as provided in s. 448.21 (4), Stats., and requirements for a podiatrist who is supervising a physician assistant as provided in s. 448.21 (4), Stats.

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

None.

**Comparison with rules in adjacent states:**

**Illinois:**

The Illinois Physician Assistant Practice Act (225 ILCS 95) does not permit a physician assistant to be supervised by or to work in a collaborative relationship with a podiatric physician.

**Iowa:**

The Iowa statutes do not permit a physician assistant to be supervised by or to work in a collaborative relationship with a podiatrist (Iowa Code § 148C.4).

**Michigan:**

The Michigan Public Health Code allows a physician assistant to work under a practice agreement with a podiatrist (MCL 333.18047). A practice agreement may not include as a duty or responsibility of the physician assistant or podiatrist an act, task, or function that the physician assistant or podiatrist is not qualified to perform by education, training, or experience and that is not within the scope of the license held by the physician assistant or podiatrist.

**Minnesota:**

The Minnesota Physician Assistant Practice Act (Minnesota Statutes, Chapter 147A) does not permit a physician assistant to be supervised by or to work in a collaborative relationship with a podiatrist.

**Summary of factual data and analytical methodologies:**

The proposed rules were developed by reviewing the provisions of 2017 Wisconsin Act 227 and obtaining input and feedback from the Podiatry Affiliated Credentialing Board and the Council on Physician Assistants.

**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.

**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 Daniel.Hereth@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, P.O. Box 8366, Madison, Wisconsin 53708-8366; 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, P.O. Box 8366, Madison, WI 53708-8366, 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 October 15, 2020, to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. Chapter Pod 9 is created to read:

CHAPTER POD 9

PHYSICIAN ASSISTANTS

**Pod 9.01 Authority and scope.** The rules in this chapter are adopted by the podiatry affiliated credentialing board pursuant to the authority delegated by ss. 15.085 (5) (b) and 448.695 (2) and (4), Stats., and establish practice standards for a physician assistant practicing podiatry as provided in s. 448.21 (4), Stats., and requirements for a podiatrist who is supervising a physician assistant as provided in s. 448.21 (4), Stats.

**Pod 9.02 Definition.** In this chapter, “nonsurgical patient services” means assisting in surgery, making patient rounds, recording patient progress notes, compiling and recording detailed narrative case summaries, and accurately writing or executing orders.

**Pod 9.03 Practice standards for a physician assistant practicing podiatry.** The practice standards for a physician assistant practicing podiatry are as provided under s. 448.21, Stats., and ss. Med 8.01 (2), 8.07, 8.09, and 8.10. The medical care a physician assistant may provide when practicing podiatry includes assisting a supervising podiatrist in a hospital or facility, as defined in s. 50.01 (1m), Stats., by providing nonsurgical patient services.

**Pod 9.04 Requirements for a podiatrist supervising a physician assistant.** The requirements for a podiatrist who is supervising a physician assistant are as provided under s. 448.21, Stats., and ss. Med 8.01 (2), 8.07, 8.09, and 8.10.

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.

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(END OF TEXT OF RULE)  
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## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<b>1. Type of Estimate and Analysis</b> <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	<b>2. Date</b> July 2, 2020
<b>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)</b> Pod 9	
<b>4. Subject</b> Physician assistants	
<b>5. Fund Sources Affected</b> <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	<b>6. Chapter 20, Stats. Appropriations Affected</b>
<b>7. Fiscal Effect of Implementing the Rule</b> <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
<b>8. The Rule Will Impact the Following (Check All That Apply)</b> <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses <b>(if checked, complete Attachment A)</b>	
<b>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).</b> \$0	
<b>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>11. Policy Problem Addressed by the Rule</b> As required under s. 448.695 (4) Stats., as created by 2017 Wisconsin Act 227, the proposed rules establish practice standards for a physician assistant practicing podiatry as provided in s. 448.21 (4), Stats., and requirements for a podiatrist who is supervising a physician assistant as provided in s. 448.21 (4), Stats.	
<b>12. 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.</b> 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.	
<b>13. Identify the Local Governmental Units that Participated in the Development of this EIA.</b> No local governmental units participated in the development of this EIA.	
<b>14. 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)</b> The 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.	
<b>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule</b> The benefit to implementing the rule is, as required under 2017 Wisconsin Act 227, establishing practice standards for a physician assistant practicing podiatry as provided in s. 448.21 (4), Stats., and requirements for a podiatrist who is supervising a physician assistant as provided in s. 448.21 (4), Stats. Not implementing the rule would leave the administrative code incomplete in that there would not be established practice standards and requirements for physician assistants practicing podiatry and supervising podiatrists.	
<b>16. Long Range Implications of Implementing the Rule</b> The long range implication of implementing the rule is established practice standards and requirements for physician assistants practicing podiatry and supervising podiatrists.	

## ADMINISTRATIVE RULES

### Fiscal Estimate & Economic Impact Analysis

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17. Compare With Approaches Being Used by Federal Government  
None

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

Illinois:

The Illinois Physician Assistant Practice Act (225 ILCS 95) does not permit a physician assistant to be supervised by or to work in a collaborative relationship with a podiatric physician.

Iowa:

The Iowa statutes do not permit a physician assistant to be supervised by or to work in a collaborative relationship with a podiatrist (Iowa Code § 148C.4).

Michigan:

The Michigan Public Health Code allows a physician assistant to work under a practice agreement with a podiatrist (MCL 333.18047). A practice agreement may not include as a duty or responsibility of the physician assistant or podiatrist an act, task, or function that the physician assistant or podiatrist is not qualified to perform by education, training, or experience and that is not within the scope of the license held by the physician assistant or podiatrist.

Minnesota:

The Minnesota Physician Assistant Practice Act (Minnesota Statutes, Chapter 147A) does not permit a physician assistant to be supervised by or to work in a collaborative relationship with a podiatrist.

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19. Contact Name

Dale Kleven

20. Contact Phone Number

(608) 261-4472

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

**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
  - Less Stringent Schedules or Deadlines for Compliance or Reporting
  - Consolidation or Simplification of Reporting Requirements
  - Establishment of performance standards in lieu of Design or Operational Standards
  - Exemption of Small Businesses from some or all requirements
  - Other, describe:
- 

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No
-



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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Scott Grosz**  
*Clearinghouse Director*

**Anne Sappenfield**  
*Legislative Council Director*

**Margit S. Kelley**  
*Clearinghouse Assistant Director*

### CLEARINGHOUSE REPORT TO AGENCY

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

#### CLEARINGHOUSE RULE **20-040**

AN ORDER to create ch. Pod 9, relating to physician assistants.

Submitted by **PODIATRY AFFILIATED CREDENTIALING BOARD**

09-14-2020 RECEIVED BY LEGISLATIVE COUNCIL.

10-01-2020 REPORT SENT TO AGENCY.

MSK:BL

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

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

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

Comment Attached YES  NO

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

Comment Attached YES  NO

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

Comment Attached YES  NO

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

Comment Attached YES  NO

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

Comment Attached YES  NO

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

Comment Attached YES  NO

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

Comment Attached YES  NO



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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Scott Grosz**  
*Clearinghouse Director*

**Anne Sappenfield**  
*Legislative Council Director*

**Margit Kelley**  
*Clearinghouse Assistant Director*

### CLEARINGHOUSE RULE 20-040

#### 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.]**

#### **3. Conflict With or Duplication of Existing Rules**

The agency could consider removing the definition in s. Pod 9.02 and the second sentence in s. Pod 9.03. The second sentence of the proposed text for s. Pod 9.03, together with the proposed definition for “nonsurgical patient services”, is duplicative of the language given in s. Med 8.07 (2) (e). That section provides that: “[m]edical care a physician assistant may provide include[s]... [a]ssisting the supervising physician in a hospital or facility, as defined in s. 50.01 (1m), Stats., by assisting in surgery, making patient rounds, recording patient progress notes, compiling and recording detailed narrative case summaries, and accurately writing or executing orders.”. That provision is already incorporated into the first sentence of s. Pod 9.03 by cross-reference. Accordingly, the second sentence, together with the definition, are duplicative of the cross-reference made in the first sentence, and could be omitted.

STATE OF WISCONSIN  
PODIATRY AFFILIATED CREDENTIALING BOARD

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

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PROPOSED ORDER

An order of the Podiatry Affiliated Credentialing Board to create Pod 1.095, relating to reciprocal credentials for service members, former service members, and their spouses.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:**

Section 440.09, Stats.

**Statutory authority:**

Sections 15.085 (5) (b) and 440.09 (5), Stats.

**Explanation of agency authority:**

Section 15.085 (5) (b), Stats., provides 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. . .”

Section 440.09 (5), Stats., provides that “[t]he department or credentialing board, as appropriate, may promulgate rules necessary to implement this section.”

**Related statute or rule:**

Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

**Plain language analysis:**

The proposed rule creates a provision to implement s. 440.09, Stats., as created by 2019 Wisconsin Act 143. Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

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

None.

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

### **Illinois:**

The Illinois Statutes provide for the expedited licensure of service members and their spouses (20 ILCS 5/5-715). “Service member” includes a person whose active duty service concluded within the 2 years preceding application for licensure. A license issued to a service member or the spouse of a service member may be renewed.

### **Iowa:**

Rules of the Professional Licensure Division of the Iowa Department of Public Health provide for the expedited reciprocal licensure of a veteran or a spouse of an active duty service member (645 IAC 645.20.3). A reciprocal license issued to a veteran or a spouse of an active duty service member may be renewed.

### **Michigan:**

The Michigan Statutes provide for temporary licensure of the spouse of an active duty service member (MCL 339.213). A temporary license is valid for 6 months and may be renewed for one additional 6-month term if it is determined the licensee continues to meet the requirements for temporary licensure and needs additional time to fulfill the requirements for initial licensure.

### **Minnesota:**

The Minnesota Statutes provide for temporary licensure of an individual who is an active duty military member, the spouse of an active duty military member, or a veteran who has left service in the 2 years preceding the date of license application (2019 Minnesota Statutes, Section 197.4552). A temporary license allows a qualified individual to perform regulated professional services for a limited length of time as determined by the applicable licensing board. During the temporary license period, the individual must complete the full application procedure as required by applicable law.

## **Summary of factual data and analytical methodologies:**

The proposed rules were developed by reviewing the provisions of s. 440.09, Stats., as created by 2019 Wisconsin Act 143, 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 will be 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.

## **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 Daniel.Hereth@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, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-261-4472; email at [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov).

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TEXT OF RULE

SECTION 1. Pod 1.095 is created to read:

**Pod 1.095 Reciprocal credentials for service members, former service members, and their spouses.** A reciprocal license to practice podiatric medicine and surgery shall be granted to a service member, former service member, or the spouse of a service member or former service member who the board determines meets all of the requirements under s. 440.09 (2), Stats. Subject to s. 440.09 (2m), Stats., the board may request verification necessary to make a determination under this section.

**Note:** Forms to apply for a reciprocal credential are available from the department of safety and professional services' website at [www.dsps.wi.gov](http://www.dsps.wi.gov).

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.

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(END OF TEXT OF RULE)

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**Jeffery L. Giesking**  
Acting Chairperson

**Thomas R. Komp**  
Secretary

**PODIATRY AFFILIATED CREDENTIALING BOARD**



4822 Madison Yards Way  
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March 21, 2019

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

Representative Joan Ballweg, Assembly Co-Chairperson  
Joint Committee for Review of Administrative Rules  
Room 210 North, State Capitol  
Madison, WI 53702

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

Dear Senator Nass and Representative Ballweg:

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:**

Rule	Description of the legislation that restricted the authority	Action taken to address or reason for not taking an action
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.	Preliminary rules have been drafted and are ready to be reviewed by the Legislative Council Rules Clearinghouse.

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

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules are obsolete or have been rendered unnecessary.

**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.

Thank you.

Sincerely,

Jeffery L. Giesking  
Acting Chairperson  
Podiatry Affiliated Credentialing Board

**2017 Wisconsin Act 108 created the following reporting requirement:**

**227.29 Agency review of rules and enactments. (1)** By March 31 of each odd-numbered year, each agency with any rules published in the code shall submit a report to the joint committee for review of administrative rules listing all of the following rules promulgated or otherwise administered by that agency:

(a) Unauthorized rules, as defined in s. 227.26 (4) (a), together with a description of the legislation that eliminated the agency's authority to promulgate any such rule.

(b) Rules for which the authority to promulgate has been restricted, together with a description of the legislation that restricted that authority.

(c) Rules that are obsolete or that have been rendered unnecessary, together with a description of why those rules are obsolete or have been rendered unnecessary.

(d) 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, together with a citation to or the text of any such statute, regulation, or ruling.

(e) Rules that the agency determines are economically burdensome.

**(2)** The report under sub. (1) shall also include all of the following:

(a) A description of the agency's actions, if any, to address each rule listed in the report. If the agency has not taken any action to address a rule listed in the report, the agency shall include an explanation for not taking action.

(b) A description of the status of each rule listed in the previous year's report not otherwise listed.

(c) If the agency determines that there is no rule as described under sub. (1) (a), (b), (c), (d), or (e), a statement of that determination.

**(3)** If an agency identifies an unauthorized rule under sub. (1) (a) and is not otherwise in the process of promulgating a rule that repeals the unauthorized rule, the agency shall, within 30 days after the agency submits the report, submit a petition to the legislative council staff under s. 227.26 (4) (b) 1. to repeal the unauthorized rule if the agency has not previously done so.

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

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Dale Kleven Administrative Rules Coordinator</b>		2) Date When Request Submitted:  <b>10/5/20</b> 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: <b>Podiatry Affiliated Credentialing Board</b>			
4) Meeting Date:  <b>10/15/20</b>	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  <b>2020 Podiatry Affiliated Credentialing Board Report on Opioid Abuse – Discussion and Consideration</b>	
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 ( <a href="#">Fill out Board Appearance Request</a> ) <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			
Signature of person making this request <b><i>Dale Kleven</i></b>		Date <b><i>October 5, 2020</i></b>	
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.			

**Jack W. Hutter**  
Chairperson

**Robert M. Sage**  
Vice Chairperson

**Thomas R. Komp**  
Secretary

**WISCONSIN PODIATRY AFFILIATED  
CREDENTIALING BOARD**



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## **Wisconsin Podiatry Affiliated Credentialing Board Report on Opioid Abuse – October 2020**

**Scope and purpose of the report:** 2017 Wisconsin Act 262 requires the Podiatry Affiliated Credentialing Board to annually submit a report related to opioid abuse to the Legislature and Governor's Office. The report must include proactive efforts taken by the Board to address the issue of opioid abuse and goals for addressing the issue of opioid abuse as it relates to the practice of podiatric medicine and surgery in Wisconsin. The report must also include actions taken by the Board to achieve the goals identified in previous reports, and whether those goals have been achieved.

### **Proactive efforts taken by the Board to address the issue of opioid abuse:**

#### **Opioid Prescribing Guideline**

In June 2020, the Board reviewed and adopted the Wisconsin Medical Examining Board Opioid Prescribing Guideline dated January 16, 2019.

#### **Continuing Education Related to Prescribing Controlled Substances**

In June 2020, the Board held a public hearing on proposed rules that will establish requirements for the completion of continuing podiatric medical education related to prescribing controlled substances. The Board's goal is to have the rules in place for the 2020-2022 biennium.

#### **Education on the Issue of Opioid Abuse**

In June 2020, Prescription Drug Monitoring Program (PDMP) staff provided the Board with an overview of the data available from the PDMP and how extensively the PDMP database is used by licensees.

### **Goals for addressing the issue of opioid abuse as it relates to the practice of podiatric medicine and surgery in Wisconsin:**

#### **Education on the Issue of Opioid Abuse**

Based on information presented by Prescription Drug Monitoring Program (PDMP) staff to the Board in June 2020, the Board recognized a need to educate licensees on the requirement to register with the PDMP. The Board's goal is to work with the Department of Safety and Professional Services and the Wisconsin Podiatric Medical Association to provide this education.

#### **Enforcement Action**

Currently, if an investigation of a podiatrist's prescriptive practices occurs, it is done in response to a complaint filed against the podiatrist. The Board's goal is to, in partnership with the Controlled Substances Board, proactively investigate podiatrists whose prescriptive practices with controlled substances may deviate from the course of legitimate professional practice or constitute a danger to the health, welfare, or safety of patients or the public. The Controlled Substances Board will use reports generated from the Prescription Drug Monitoring Program to refer podiatrists to the Board for possible investigation.

## **Opioid Prescribing Guideline**

The Board will continue to review and, as appropriate, adopt updates to the Wisconsin Medical Examining Board Opioid Prescribing Guideline.

### **Actions taken by the Board to achieve the goals identified in previous reports:**

#### **Education on the Issue of Opioid Abuse**

The Board's goal was to work as needed with Prescription Drug Monitoring Program (PDMP) staff to learn of any significant changes to the PDMP.

In June 2020, Prescription Drug Monitoring Program (PDMP) staff provided the Board with an overview of the data available from the PDMP and how extensively the PDMP database is used by licensees.

#### **Enforcement Action**

The Board's goal was to, in partnership with the Controlled Substances Board (CSB), proactively investigate podiatrists whose prescriptive practices with controlled substances may deviate from the course of legitimate professional practice or constitute a danger to the health, welfare, or safety of patients or the public.

The CSB uses reports generated from the Prescription Drug Monitoring Program (PDMP) to determine whether podiatrists will be referred to the Board for possible investigation. The Board has not received any referrals from the CSB.

## **Opioid Prescribing Guideline**

The Board's goal was to continue to review and, as appropriate, adopt updates to the Wisconsin Medical Examining Board Opioid Prescribing Guideline.

In June 2020, the Board reviewed and adopted the Wisconsin Medical Examining Board Opioid Prescribing Guideline dated January 16, 2019.