

**STATE OF WISCONSIN
PODIATRY AFFILIATED CREDENTIALING BOARD**

IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : **REPORT TO THE LEGISLATURE**
PODIATRY AFFILIATED : **CR 22-018**
CREDENTIALING BOARD :

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS: N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

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

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Podiatry Affiliated Credentialing Board held a public hearing on June 9, 2022. No public comments were received.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Legislative Council Staff did not make any recommendations in the Clearinghouse Report.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS: N/A

STATE OF WISCONSIN
PODIATRY AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	PODIATRY AFFILIATED
PODIATRY AFFILIATED	:	CREDENTIALING BOARD
CREDENTIALING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 21-018)

PROPOSED ORDER

An order of the Podiatry Affiliated Credentialing Board to amend Pod 1.03 (2) and 2.01 (21), relating to licensure and professional conduct.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Section 448.695 (1) (a) and (2), Stats.

Statutory authority: Sections 15.085 (5) (b) and 448.695 (1) (a) and (2), 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 (1) (a), Stats., requires the Podiatry Affiliated Credentialing Board to promulgate rules which “defin[e] the acts or attempted acts of commission or omission that constitute unprofessional conduct under s. 448.60 (5).”

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

Related statute or rule: None.

Plain language analysis:

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

Summary of, and comparison with, existing or proposed federal regulation: None.

Comparison with rules in adjacent states:

Illinois: The Illinois administrative rules reflect that the Council on Education is now referred to as the Council on Podiatric Medical Education of the American Podiatric Medical Association (68 Ill. Admin. Code s. 1360.20 (b)). The Illinois code does not list the specialty boards that are approved by the department (68 Ill. Admin. Code s. 1360.85 (d)).

Iowa: Iowa administrative rules reflect that the Council on Education is now referred to as the Council on Podiatric Medical Education of the American Podiatric Medical Association (645 IAC 220.4 (1)). Iowa provides that false or misleading advertising is grounds for disciplinary action, but it does not expressly require the podiatrist to provide the name of the specialty board in the advertisement (See 645 IAC 224.2 (5)).

Michigan: Michigan administrative rules reflect that the Council on Education is now referred to as the Council on Podiatric Medical Education of the American Podiatric Medical Association (Mich. Admin Code s. R 338.8113). The code does not appear to expressly regulate podiatrist advertising.

Minnesota: Minnesota administrative rules reflect that the Council on Education is now referred to as the Council on Podiatric Medical Education of the American Podiatric Medical Association (Minn. Admin Code s. 6900.0020 (2)). Minnesota code does not provide grounds for disciplinary action. Minnesota statute does provide that false or misleading advertising is grounds for disciplinary action, however it does not expressly require the podiatrist to provide the name of the specialty board in the advertisement (See Minnesota Statutes, Section 153.19 (1))

Summary of factual data and analytical methodologies:

The proposed rules are needed to reflect a name change to the council which approves podiatry education programs, as well as to reflect the names of the currently recognized specialty boards in the podiatric medicine profession.

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:

Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-267-7139; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the public hearing on June 9, 2022 at 9:00 a.m., to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Pod 1.03 (2) is amended to read:

Pod 1.03 (2) Verified documentary evidence of graduation from a school of podiatric medicine and surgery approved by the board and a verified photographic copy of the diploma conferring the degree of doctor of podiatric medicine or its equivalent as determined by the board granted to the applicant by the school. The board shall approve the podiatric medical schools recognized and approved at the time of the applicant's graduation by the ~~council on education of the American podiatric association~~ Council on Podiatric Medical Education of the American Podiatric Medical Association.

SECTION 2. Pod 2.01 (21) is amended to read:

Pod 2.01 (21) Using in advertising the term "board certified" or a similar phrase of like meaning by a licensee unless certified by the ~~council on podiatric medicine of the American podiatric medical association~~ American Board of Foot and Ankle Surgery or the American Board of Podiatric Medicine, and unless disclosure is made in the advertising of the complete name of the board which conferred the certification.

SECTION 3. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

This Proposed Order of the Podiatry Affiliated Credentialing Board is approved for submission to the Governor and Legislature.

Dated 8/8/2022

Agency 
Chairperson
Podiatry Affiliated Credentialing Board

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected</p>	<p>2. Date February 16, 2022</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Pod 1 and 2</p>	
<p>4. Subject Licensure and professional conduct</p>	
<p>5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S</p>	<p>6. Chapter 20, Stats. Appropriations Affected s.20.165(1)(hg)</p>
<p>7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget</p>	
<p>8. The Rule Will Impact the Following (Check All That Apply) <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 (if checked, complete Attachment A)</p>	
<p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0</p>	
<p>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)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>11. Policy Problem Addressed by the Rule The rule updates ss. Pod 1.03 (2) and 2.01 (21) to reflect that the Council on Education has been renamed the Council on Podiatric Medical Education, and that the American Board of Foot and Ankle Surgery and American Board of Podiatric Medicine are the recognized specialty boards in the podiatric medical profession.</p>	
<p>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. The rule was posted on the department's website for 14 days to solicit economic impact comments. No comments were received.</p>	
<p>13. Identify the Local Governmental Units that Participated in the Development of this EIA. The rule was posted on the department's website for 14 days to solicit economic impact comments. No comments were received.</p>	
<p>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) There is a one time cost to DSPS of \$735, which can be absorbed within the agency's budget.</p>	
<p>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit of implementing the rule will be to ensure the administrative rules reflect the correct names for the specialty boards recognized by the podiatric medical profession.</p>	
<p>16. Long Range Implications of Implementing the Rule The long range implication of implementing the rule is that the administrative rules for podiatrists will accurately reflect the names of the specialty boards recognized by the podiatric medical profession.</p>	
<p>17. Compare With Approaches Being Used by Federal Government None.</p>	
<p>18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)</p>	

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

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19. Contact Name

Nilajah Hardin, Administrative Rules Coordinator

20. Contact Phone Number

(608) 267-7139

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

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

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)

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

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

5. Describe the Rule's Enforcement Provisions

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

- Yes No
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