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**VIRTUAL/TELECONFERENCE**  
**PODIATRY AFFILIATED CREDENTIALING BOARD**  
**Virtual, 4822 Madison Yards Way, Madison**  
**Contact: Tom Ryan (608) 266-2112**  
**October 14, 2021**

*The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.*

**AGENDA**

**9:00 A.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of June 10, 2021 (4-6)**
- C. Introductions, Announcements and Recognition – Discussion and Consideration
- D. Reminders: Conflicts of Interest, Scheduling Concerns
- E. Administrative Updates – Discussion and Consideration**
  - 1. Department and Staff Updates
  - 2. 2022 Meeting Dates
  - 3. Board Members – Term Expiration Dates
- F. Legislative and Policy Matters – Discussion and Consideration
- G. Administrative Rule Matters – Discussion and Consideration (7-10)**
  - 1. Preliminary Rule Draft: Pod 1 and 2, Relating to Licensure and Unprofessional Conduct
  - 2. Pending and Possible Rulemaking Projects
- H. COVID-19 – Discussion and Consideration**
- I. Items Added After Preparation of Agenda:
  - 1. Introductions, Announcements and Recognition
  - 2. Election of Board Officers
  - 3. Appointment of Board Liaison(s)
  - 4. Administrative Updates
  - 5. Nominations, Elections, and Appointments
  - 6. Education and Examination Matters
  - 7. Credentialing Matters
  - 8. Practice Matters
  - 9. Legislation and Policy Matters

10. Administrative Rule Matters
11. Liaison Reports
12. Informational Items
13. Disciplinary Matters
14. Presentations of Petitions for Summary Suspension
15. Petitions for Designation of Hearing Examiner
16. Presentation of Proposed Stipulations, Final Decisions and Orders
17. Presentation of Proposed Final Decisions and Orders
18. Presentation of Interim Orders
19. Petitions for Re-Hearing
20. Petitions for Assessments
21. Petitions to Vacate Orders
22. Requests for Disciplinary Proceeding Presentations
23. Motions
24. Petitions
25. Appearances from Requests Received or Renewed
26. Speaking Engagement(s), Travel, or Public Relation Request(s)

J. Public Comments

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (§ 19.85 (1)(a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1)(b), Stats. and § 448.02(8), Stats.); to consider individual histories or disciplinary data (§ 19.85 (1)(f), Stats.); and to confer with legal counsel (§ 19.85 (1)(g), Stats.).**

**K. Division of Legal Services and Compliance Matters**

**1. Stipulations, Final Decisions and Orders**

- a. 19 POD 008 – Mark T Hinze, DPM **(11-21)**
- b. 21 POD 011 – Camille J. Zizzo, DPM **(22-27)**

**2. Case Closings**

- a. 20 POD 006 – A.D.S. **(28-33)**

L. 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

M. Consulting with Legal Counsel

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

- N. Open Session Items Noticed Above Not Completed in the Initial Open Session
- O. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate
- P. Delegation of Ratification of Examination Results and Ratification of Licenses and Certificates

**ADJOURNMENT**

**NEXT DATE: MARCH 3, 2022 (TENTATIVE)**

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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.

**VIRTUAL/TELECONFERENCE  
PODIATRY AFFILIATED CREDENTIALING BOARD  
MEETING MINUTES  
JUNE 10, 2021**

**PRESENT:** Kerry Connelly, Jack Hutter, DPM (*arrived at 9:05 a.m.*); Randal Kittleson, DPM; Robert Sage, DPM

**STAFF:** Valerie Payne, Executive Director; Jon Derenne, Legal Counsel; Nilajah Hardin, Administrative Rules Coordinator; Megan Glaeser, Bureau Assistant; and other Department staff

**CALL TO ORDER**

Robert Sage, Chairperson, called the meeting to order at 9:04 a.m. A quorum was confirmed with three (3) members present.

*(Jack Hutter arrived at 9:05 a.m.)*

**ADOPTION OF AGENDA**

**MOTION:** Kerry Connelly moved, seconded by Randal Kittleson, to adopt the agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF FEBRUARY 4, 2021**

**MOTION:** Jack Hutter moved, seconded by Randal Kittleson, to approve the minutes of February 4, 2021 as published. Motion carried unanimously.

**PUBLIC HEARING: CR 21-034 (POD 1), RELATING TO RECIPROCAL CREDENTIALS FOR SERVICE MEMBERS, FORMER SERVICE MEMBERS, AND THEIR SPOUSES**

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

**MOTION:** Jack Hutter moved, seconded by Kerry Connelly, to accept all Clearinghouse comments for Clearinghouse Rule 21-034 on POD 1, relating to reciprocal credentials for service members, former service members, and their spouses. Motion carried unanimously.

**MOTION:** Jack Hutter moved, seconded by Kerry Connelly, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule 21-034 on POD 1, relating to reciprocal credentials for service members, former service members, and their spouses, for submission to the Governor's Office and Legislature. Motion carried unanimously.

**ADMINISTRATIVE UPDATES**

**Delegation of Authorities**

## *Credentialing Authority Delegations*

### **Delegation of Authority for Conviction Reviews**

**MOTION:** Jack Hutter moved, seconded by Randal Kittleson, to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of podiatry. Motion carried unanimously.

### **ADMINISTRATIVE RULE MATTERS**

#### **Adoption Order for CR 20-040 (Pod 1 and 9) Relating to Physician Assistants**

**MOTION:** Randal Kittleson moved, seconded by Kerry Connelly, to approve the Adoption Order for Clearinghouse Rule 20-040 on POD 1 and 9, relating to Physician Assistants. Motion carried unanimously.

#### **Adoption Order for CR 20-017 (Pod 3) Relating to Continuing Podiatric Medical Education**

**MOTION:** Jack Hutter moved, seconded by Randal Kittleson, to approve the Adoption Order for Clearinghouse Rule 20-017 on POD 3, relating to Continuing Podiatric Medical Education. Motion carried unanimously.

### **COVID-19**

**MOTION:** Jack Hutter moved, seconded by Robert Sage, to express the support and encouragement of the Board for its licensees to receive a COVID-19 vaccine as soon as they are eligible to do so and the vaccine is available to them. Motion carried unanimously.

### **CLOSED SESSION**

**MOTION:** Jack Hutter moved, seconded by Kerry Connelly, 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.). Jack Hutter, Chairperson, 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; Randal Kittleson- yes; and Robert Sage-yes. Motion carried unanimously.

The Board convened into Closed Session at 9:48 a.m.

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

#### **Case Closings**

**MOTION:** Jack Hutter moved, seconded by Randal Kittleson, to close the following DLSC Cases for the reasons outlined below:

1. 17 POD 008 – S.D.W. – Prosecutorial Discretion (P5)
2. 18 POD 003 – S.D.W. – Prosecutorial Discretion (P5)
3. 19 POD 009 – T.L. – No Violation

Motion carried unanimously.

### **RECONVENE TO OPEN SESSION**

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

The Board reconvened into Open Session at 9:53 a.m.

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

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

### **ADJOURNMENT**

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

The meeting adjourned at 9:56 a.m.

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

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  <b>Jameson Whitney, Board Counsel</b>		<b>2) Date When Request Submitted:</b> <b>10/7/2021</b> <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>	
<b>3) Name of Board, Committee, Council, Sections:</b> Podiatry Affiliated Credentialing Board			
<b>4) Meeting Date:</b> <b>10/14/21</b>	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b>  Administrative Rule Matters—Discussion and Consideration: Preliminary rule draft for POD 1 and 2 relating to licensure and unprofessional conduct	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <input type="checkbox"/> Yes ( <u>Fill out Board Appearance Request</u> ) <input checked="" type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>	
<b>10) Describe the issue and action that should be addressed:</b>  The Board should review, take necessary action, and give drafting instructions regarding the referenced administrative rule projects.			
<b>11) Signature of person making this request</b> Jameson Whitney		<b>Authorization</b>	<b>Date</b> 10/5/21
<b>Supervisor (if required)</b>		<b>Date</b>	
<b>Executive Director signature (indicates approval to add post agenda deadline item to agenda)</b> <b>Date</b>			
<b>Directions for including supporting documents:</b> 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 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 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:**

Jon Derenne, Attorney, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-266-0955; email at DSPSAdminRules@wisconsin.gov.

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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.

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(END OF TEXT OF RULE)

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