



PODIATRY AFFILIATED CREDENTIALING BOARD
Teleconference/Phone Meeting
Room 121C, 1400 East Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
October 7, 2014

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 17, 2014 (4-6)**
- C) Administrative Updates**
 - 1) Staff Updates
 - 2) Appointments/Reappointments/Confirmations
 - 3) Prescription Drug Monitoring Program (PDMP) Liaison – Discussion and Consideration
 - a) **APPEARANCE – PDMP Staff (7)**
 - 4) Wis. Stat. s 15.085 (3)(b) – Biannual Meeting with the Medical Examining Board **(8)**
- D) Legislative/Administrative Rule Matters:**
 - 1) Current and Future Rule Making and Legislative Initiatives
 - 2) Administrative Rules Report
 - 3) Review of Scope Statement Regarding the Podiatrist's Duty to Obtain Informed Consent **(9-11)**
 - 4) 2013 Wisconsin Act 114 and its Impact on Wis. Admin. Code Ch. Pod 1 **(12-16)**
 - 5) Scope Statement for Overtreatment – Discussion and Consideration **(17-19)**
- E) Speaking Engagement(s), Travel, or Public Relation Request(s)**
- F) Items Added After Preparation of Agenda:**
 - 1) Introductions, Announcements and Recognition
 - 2) Administrative Updates
 - 3) Education and Examination Matters
 - 4) Credentialing Matters
 - 5) Practice Matters
 - 6) Legislation/Administrative Rule Matters

- 7) Liaison Report(s)
- 8) Informational Item(s)
- 9) Disciplinary Matters
- 10) Presentations of Petition(s) for Summary Suspension
- 11) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
- 12) Presentation of Proposed Decisions
- 13) Presentation of Interim Order(s)
- 14) Petitions for Re-Hearing
- 15) Petitions for Assessments
- 16) Petitions to Vacate Order(s)
- 17) Petitions for Designation of Hearing Examiner
- 18) Requests for Disciplinary Proceeding Presentations
- 19) Motions
- 20) Petitions
- 21) Appearances from Requests Received or Renewed
- 22) Speaking Engagement(s), Travel, or Public Relation Request(s)

G) 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 § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.).

H) Case Status Report (20)

I) 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) Petition(s) for Summary Suspensions
- 7) Proposed Stipulations, Final Decisions and Orders
- 8) Administrative Warnings
- 9) Proposed Decisions
- 10) Matters Relating to Costs
- 11) Complaints
- 12) Case Closings
- 13) Case Status Report
- 14) Petition(s) for Extension of Time
- 15) Proposed Interim Orders
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

J) Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

- K) Open Session Items Noticed Above not Completed in the Initial Open Session
- L) Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate
- M) Ratification of Licenses and Certificates

ADJOURNMENT

**PODIATRY AFFILIATED CREDENTIALING BOARD
WEB/VIRTUAL MEETING MINUTES**

June 17, 2014

PRESENT VIA GOTOMEETING: Gary Brown; Jeffery Giesking, D.P.M.; William Weis, D.P.M.

EXCUSED: Thomas Komp, D.P.M.

STAFF: Tom Ryan, Executive Director; Pam Stach, Legal Counsel; Daniel Agne, Bureau Assistant; and other Department staff

CALL TO ORDER

William Weis, Chair, called the meeting to order at 10:47 A.M. A quorum of three (3) members was confirmed.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES

MOTION: Jeffery Giesking moved, seconded by Gary Brown, to approve the minutes of February 4, 2014 as published. Motion carried unanimously.

ADMINISTRATIVE UPDATES

**PRESCRIPTION DRUG MONITORING PROGRAM (PDMP) LIAISON
– DISCUSSION AND CONSIDERATION**

The above matter was tabled.

**PROFESSIONAL ASSISTANCE PROCEDURE (PAP) LIAISON
– DISCUSSION AND CONSIDERATION**

William Weis, Chair, appointed Jeffery Giesking as the Professional Assistance Procedure (PAP) Liaison, and William Weis as the alternate.

MOTION: Gary Brown moved, seconded by William Weis, to affirm the Chair's appointment of Jeffery Giesking as the Professional Assistance Procedure (PAP) Liaison, and William Weis as the alternate. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS:

REVIEW OF 2013 WISCONSIN ACT 345, RELATING TO INFORMED CONSENT

MOTION: William Weis moved, seconded by Gary Brown, to request DSPS staff draft a Scope Statement relating to Informed Consent, and to designate Jeffery Giesking to advise DSPS staff. Motion carried unanimously.

**DISCUSSION OF REGULATIONS FROM OTHER STATE MEDICAL BOARDS
RELATING TO OVERBILLING AND OVERTREATMENT**

MOTION: Jeffery Giesking moved, seconded by Gary Brown, to request DSPS staff draft a Scope Statement relating to Overbilling and Overtreatment, and to designate Gary Brown to advise DSPS staff. Motion carried unanimously.

**REVIEW OF PRELIMINARY DRAFT OF 165-POD 4,
RELATING TO BIENNIAL REGISTRATION**

MOTION: Jeffery Giesking moved, seconded by Gary Brown, to authorize the Chair to approve the revisions of POD 4.01 and 4.03, relating to Biennial Registration of Podiatrists, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

**ADOPTION OF CLEARINGHOUSE RULE 13-110,
RELATING TO PODIATRIC X-RAY ASSISTANTS**

MOTION: Jeffery Giesking moved, seconded by Gary Brown, to approve the Adoption Order for Clearinghouse Rule 13-110. Motion carried unanimously.

MOTION: Jeffery Giesking moved, seconded by Gary Brown, to appoint Executive Director Tom Ryan to sign the Adoption Order for Clearinghouse Rule 13-110 on the Chair's behalf. Motion carried unanimously.

**11:00 A.M. – PUBLIC HEARING – CLEARINGHOUSE RULE 14-035,
RELATING TO CONTINUING EDUCATION AUDITS**

*William Weis, Chair, called the Public Hearing to order at 11:32 A.M.
The Public Hearing adjourned at 11:34 A.M.*

MOTION: Gary Brown moved, seconded by William Weis, to appoint Jeffery Giesking to approve the legislative report and final draft of POD 3.01 and 3.04 for submission to the legislature. Motion carried unanimously.

CLOSED SESSION

MOTION: Jeffery Giesking moved, seconded by Gary Brown, to 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 § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). The Chair read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Gary Brown - yes; Jeffery Giesking - yes; William Weis - yes. Motion carried unanimously.

The Board convened into Closed Session at 11:40 A.M.

RECONVENE TO OPEN SESSION

MOTION: William Weis moved, seconded by Gary Brown, to reconvene in Open Session at 11:50 A.M. Motion carried unanimously.

CASE CLOSINGS

MOTION: William Weis moved, seconded by Gary Brown, to close case 13 POD 010 (P.Z.) for prosecutorial discretion (P5), and to place a flag on the credential. Motion carried unanimously.

MOTION: Jeffery Giesking moved, seconded by Gary Brown, to close case 13 POD 015 (J.L.) for prosecutorial discretion (P3). Motion carried unanimously.

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

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

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

MOTION: Jeffery Giesking moved, seconded by Gary Brown, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: William Weis moved, seconded by Gary Brown, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:52 A.M.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Taylor Thompson, Bureau Assistant, On behalf of Thomas Ryan, Executive Director		2) Date When Request Submitted: 09/22/14	
		Items will be considered late if submitted after 5 p.m. and less than: <ul style="list-style-type: none"> ▪ 8 business days before the meeting for paperless boards ▪ 14 business days before meeting for all others 	
3) Name of Board, Committee, Council, Section: Podiatrists Affiliated Credentialing Board			
4) Meeting Date: 10/07/14	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Wis. Stat. s 15.085 (3)(b) – Biannual Meeting with the Medical Examining Board	
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:			
15.085 Affiliated credentialing boards.			
<u>15.085(3) (3)</u> FREQUENCY OF MEETINGS. <u>15.085(3)(b) (b)</u> The chairperson of an affiliated credentialing board shall meet at least once every 6 months with the examining board to which the affiliated credentialing board is attached to consider all matters of joint interest.			
11) Authorization			
Taylor Thompson <hr/> Signature of person making this request		9/22/2014 <hr/> Date	
<hr/> Supervisor (if required)		<hr/> Date	
<hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda)		<hr/> Date	
Directions for including supporting documents:			
<ol style="list-style-type: none"> 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. 			

Revised 8/13

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Shawn Leatherwood, Administrative Rules Coordinator		2) Date When Request Submitted: August 1, 2014 <small>Items will be considered late if submitted after 12:00 p.m. and less than:</small> ▪ 8 work days before the meeting	
3) Name of Board, Committee, Council, Sections: Podiatry Affiliated Credentialing Board			
4) Meeting Date: October 7, 2014	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Review of Scope Statement regarding the Podiatrist's duty to obtain informed consent	
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? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <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: <p style="margin-left: 20px;">The Board will review and approved of the scope statement on Pod 6 relating to the podiatrist's duty to obtain informed consent from their patients for submission to the Governor's Office and publication in the register and to authorize the Chair to approve the scope for implementation no less than 10 days after publication.</p>			
11) Signature of person making this request Shawn Leatherwood <hr/> Supervisor (if required)		Authorization	Date August 1, 2014 <hr/> Date
Bureau 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 Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATEMENT OF SCOPE

PODIATRY AFFILIATED CREDENTIALING BOARD

Rule No.: Pod 6

Relating to: Duty to obtain informed consent

Rule Type: Permanent

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

N/A

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

The proposed rule will bring current Wisconsin Administrative Code into compliance with new legislation, 2013 Wisconsin Act 345.

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:

The duty of certain health care professionals, other than physicians, to obtain informed consent from their patients before conducting treatment had not been codified as a statutory duty prior to the passage of 2013 Wisconsin Act 345. Act 345 sets forth the podiatrist's duty to obtain informed consent from their patients and institutes the reasonable podiatrist standard as the standard for informing patients regarding their treatment options. The reasonable podiatrist standard requires disclosure only of the information that a reasonable podiatrist would know and disclose under the circumstances. The proposed rule will incorporate the new standard into the current rules governing podiatric practice and make any additional changes necessary to create consistency with the newly enacted legislation. The proposed rule will also provide clarity to the process of renewing a license after 5 years by updating provisions regarding licensure reinstatement.

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

Section 15.085 (5) (b), Stats., provides that affiliated credentialing boards, such as the Podiatry Affiliated Credentialing Board, "[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . ." The proposed rule will provide guidance within the profession as to how podiatrists are to inform patients about treatment options.

Section 227.11 (2) (a), Stats., provides that "[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation."

Section 448.675 (4), Stats., states that "[t]he affiliated credentialing board may restore a license which has been voluntarily surrendered or revoked under this subchapter on such terms and conditions as it considers appropriate.

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.

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

The proposed rule will impact licensed podiatrists and their patients.

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:

Although several federal agencies require investigators to obtain informed consent of human subjects participating in investigative trials, there are no specific federal regulations regarding podiatrists obtaining informed consent from their patients or the reasonable podiatrist standard.

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 is likely to have minimal or no economic impact on small businesses.

Contact Person: Shawn Leatherwood 608-261-4438, Shancethea.L Leatherwood@wisconsin.gov.

Authorized Signature

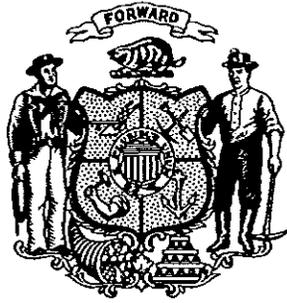
Date Submitted

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Shawn Leatherwood, Admin. Rule Coordinator		2) Date When Request Submitted: September 5, 2014 <small>Items will be considered late if submitted after 12:00 p.m. and less than: ■ 8 work days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Podiatry Affiliated Credentialing Board			
October 7, 2014	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 2013 Wisconsin Act 114 and its impact on Wis. Admin. Code ch. Pod 1	
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? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <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: <p>The Board will discuss changes to Wis. Admin. Code ch. Pod 1 due to the passage of 2013 Wisconsin Act 114.</p>			
11) Shawn Leatherwood		Authorization	
Signature of person making this request		September 5, 2014 Date	
Supervisor (if required)		Date	
Bureau 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 Board Services Bureau 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



2013 Senate Bill 337

Date of enactment: December 19, 2013
Date of publication*: December 20, 2013

2013 WISCONSIN ACT 114

AN ACT *to repeal* 449.05 (intro.), 451.06 (2), 452.09 (3) (e), 454.07 (3), 454.24 (3) and 456.04 (intro.); *to renumber* 442.04 (4) (a), 449.05 (1m), 449.05 (2m), 451.06 (1), 456.04 (1), 456.04 (2), 456.04 (3) and 456.04 (4); *to renumber and amend* 441.04, 441.06 (1), 441.07 (1), 441.10 (1), 441.10 (3) (a), 442.04 (4) (bm), 442.04 (4) (c), 442.04 (5), 449.04 (1), 450.03 (2), 450.04 (3) (intro.), 450.04 (3) (a), 450.04 (3) (b) and 456.03; *to amend* 39.393 (1) (c), 253.10 (7), 441.15 (3) (a) (intro.), 441.16 (2), 445.045 (1) (g), 449.04 (title), 449.055 (5) and 459.26 (3); *to repeal and recreate* 441.07 (title); and *to create* 440.071, 441.07 (1c), 441.10 (3) (a) 6. and 456.03 (5) of the statutes; relating to: examination requirements for various professional credentials and powers of the Board of Nursing.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 39.393 (1) (c) of the statutes is amended to read:

39.393 (1) (c) A program in this state that confers a 2nd degree that will make the person eligible to sit for examination licensure under s. 441.04 441.06 or 441.10.

SECTION 2. 253.10 (7) of the statutes is amended to read:

253.10 (7) AFFIRMATIVE DEFENSE. No person is liable under sub. (5) or (6) or under s. 441.07 (1) (g) (f), 448.02 (3) (a), or 457.26 (2) (gm) for failure under sub. (3) (c) 2. d. to provide the printed materials described in sub. (3) (d) to a woman or for failure under sub. (3) (c) 2. d., e., f., fm., or g. to describe the contents of the printed materials if the person has made a reasonably diligent effort to obtain the printed materials under sub. (3) (e) and s. 46.245 and the department and the county department under s. 46.215, 46.22, or 46.23 have not made the printed materials available at the time that the person is required to give them to the woman.

SECTION 3. 440.071 of the statutes is created to read:
440.071 No degree completion requirement to sit for examination. (1) Except as provided under sub. (2), the department or a credentialing board or other board in the department may not require a person to complete any postsecondary education or other program before the person is eligible to take an examination for a credential the department or credentialing board or other board in the department grants or issues.

(2) This section does not apply to an examination for a real estate appraiser certification under s. 458.06 or license under s. 458.08.

SECTION 4. 441.04 of the statutes is renumbered 441.06 (1) (a) and amended to read:

441.06 (1) (a) ~~Requisites for examination as a registered nurse.—Any person who has graduated~~ **The applicant graduates** from a high school or its equivalent as determined by the board, ~~does.~~

(b) ~~The applicant does~~ not have an arrest or conviction record, subject to ss. 111.321, 111.322 and 111.335, holds.

(c) ~~The applicant holds~~ a diploma of graduation from an accredited school of nursing and, if the school is

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

Chapter Pod 1

LICENSE TO PRACTICE PODIATRIC MEDICINE AND SURGERY

Pod 1.01	Authority and purpose.	Pod 1.07	Failure and reexamination.
Pod 1.02	Definitions.	Pod 1.08	Temporary educational license.
Pod 1.03	Application and credentials.	Pod 1.09	Locum tenens license.
Pod 1.04	Translation of documents.	Pod 1.10	Temporary license.
Pod 1.05	Application deadline and fees.	Pod 1.11	Examination review by applicant.
Pod 1.06	Examinations.	Pod 1.12	Board review of examination error claim.

Pod 1.01 Authority and purpose. Chapters Pod 1 to 6 are adopted by the podiatry affiliated credentialing board under ss. 15.085 (5) (b), 227.11 (2) and 448.695, Stats., and govern the practice of podiatric medicine and surgery under subch. IV of ch. 448, Stats.

History: Cr. Register, January, 2000, No. 529, eff. 2-1-00; correction made under s. 13.92 (4) (b) 6., Stats., Register September 2012 No. 681.

Pod 1.02 Definitions. As used in chs. Pod 1 to 6:

- (1) "Board" means the podiatry affiliated credentialing board.
- (2) "Controlled substance" has the meaning under s. 961.01 (4), Stats.
- (3) "License" means any license issued by the board.
- (4) "Licensee" means any person validly possessing any license granted and issued to that person by the board.
- (5) "Patient" means a person who receives health care services from a podiatrist.
- (6) "Patient health care record" has the meaning given in s. 146.81 (4), Stats.
- (7) "Practitioner" means a person holding a license to practice podiatric medicine and surgery.
- (8) "Prescription drug" has the meaning under s. 450.01 (20), Stats.

History: Cr. Register, January, 2000, No. 529, eff. 2-1-00; CR 06-056: am. (2) Register April 2007 No. 616, eff. 5-1-07; correction in (2) made under s. 13.93 (2m) (b) 7., Stats., Register April 2007 No. 616; correction in (1) made under s. 13.92 (4) (b) 6., Stats., Register September 2012 No. 681.

Pod 1.03 Application and credentials. Every person applying for a license to practice podiatric medicine and surgery shall make application on forms provided by the board and shall submit all of the following:

- (1) A completed and verified application form.
- (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.

History: Cr. Register, January, 2000, No. 529, eff. 2-1-00.

Pod 1.04 Translation of documents. If any of the documents required under this chapter are in a language other than English, the applicant shall also submit a verified English translation and the cost of translation shall be borne by the applicant.

History: Cr. Register, January, 2000, No. 529, eff. 2-1-00.

Pod 1.05 Application deadline and fees. The completed application and all required documents shall be received by the board at its offices not less than 30 days prior to the date of examination. The required fees under s. 440.05 (1), Stats., shall accompany the application.

History: Cr. Register, January, 2000, No. 529, eff. 2-1-00.

Pod 1.06 Examinations. (1) (a) An applicant shall complete the written examination under sub. (2), and an open book examination on statutes and rules governing the practice of podiatric medicine and surgery in Wisconsin. In addition, an applicant may be required to complete an oral examination if the applicant:

1. Has a medical condition which in any way impairs or limits the applicant's ability to practice podiatric medicine and surgery with reasonable skill and safety.
2. Uses chemical substances so as to impair in any way the applicant's ability to practice podiatric medicine and surgery with reasonable skill and safety.
3. Has been disciplined or had licensure denied by a licensing or regulatory authority in Wisconsin or another jurisdiction.
4. Has been found negligent in the practice of podiatric medicine or has been a party in a lawsuit in which it was alleged that the applicant had been negligent in the practice of podiatric medicine.
5. Has been convicted of a crime the circumstances of which substantially relate to the practice of podiatric medicine.
6. Has lost, had reduced or had suspended his or her hospital staff privileges, or has failed to continuously maintain hospital privileges during the applicant's period of licensure following postgraduate training.
7. Has been graduated from a school of podiatric medicine not approved by the board.
8. Has been diagnosed as suffering from pedophilia, exhibitionism or voyeurism.
9. Has within the past 2 years engaged in the illegal use of controlled substances.
10. Has been subject to adverse formal action during the course of medical education, postgraduate training, hospital practice, or other medical employment.
11. Has not practiced podiatric medicine and surgery for a period of 6 months prior to application, unless the applicant has been graduated from a school of podiatric medicine within that period.

(b) An application filed under s. Pod 1.03 shall be reviewed by an application review panel of at least 2 board members designated by the chairperson of the board. The panel shall determine whether the applicant is eligible for a license without completing an oral examination.

(c) All examinations shall be conducted in the English language. Each examination is scored separately, and the applicant shall achieve passing scores on each examination to qualify for a license.

(2) The board shall utilize as its written examinations the national board examination, part I and part II, and the PMLexis examination of the national board of podiatric examiners. The passing scores are set by the national board of podiatric medicine and represent the minimum competency required to protect public health and safety. The board may accept the recommendations of the examination provider.

(3) The board may deny release of scores or issuance of a credential if the board determines that the applicant violated rules of conduct of the examination or otherwise acted dishonestly in the examination process.

(4) An applicant who has received passing grades in written examinations for a license to practice podiatry conducted by another licensing jurisdiction of the United States, shall submit to the board documentary evidence. The board shall review the documentary evidence to determine whether the scope and passing grades of the examinations are substantially equivalent to those of this state at the time of the applicant's examination. If the board finds equivalency, the board shall accept this in lieu of requiring the applicant to achieve passing grades in the national board examination and the PMLexis examination of the national board of podiatry examiners. The burden of proof of equivalency is on the applicant.

(5) The oral examination of each applicant is conducted by members of the board and is scored as pass or fail.

(6) The board shall notify each applicant found eligible for examination of the time and place scheduled for that applicant's oral examination. Unless prior scheduling arrangements have been made with the board by the applicant, failure of an applicant to appear for examination as scheduled shall void that applicant's application and require the applicant to reapply for licensure.

(7) Any applicant who is a graduate of a school of podiatric medicine and surgery in which English is not the primary language of communication shall be examined by the board on his or her proficiency in the English language.

(8) Otherwise qualified applicants with disabilities, as defined by the Americans with Disabilities Act, shall be provided with reasonable accommodations.

History: Cr. Register, January, 2000, No. 529, eff. 2-1-00.

Pod 1.07 Failure and reexamination. An applicant who fails to achieve a passing grade in the examinations required under this chapter may apply for reexamination. An applicant who fails to achieve a passing grade in the examinations required under this chapter may be reexamined twice at not less than 4 month intervals. If the applicant fails to achieve a passing grade on the second reexamination, the applicant shall not be admitted to further examination until he or she reapplies for licensure and also presents to the board evidence of further professional training or education as the board may deem appropriate in each applicant's particular case.

History: Cr. Register, January, 2000, No. 529, eff. 2-1-00.

Pod 1.08 Temporary educational license. (1) An applicant who has been appointed to a postgraduate training program in a facility in this state approved by the board may apply to the board for a temporary educational license to practice podiatric medicine and surgery and shall submit to the board all of the following:

(a) A completed and verified application form provided by the board.

Note: Applications are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(b) The documentary evidence and credentials required under ss. Pod 1.04, 1.05 and 1.06.

(c) The required fees under s. 440.05 (1), Stats.

(2) An applicant shall complete an open book examination on statutes and rules governing the practice of podiatric medicine and surgery in Wisconsin.

(3) The holder of a temporary educational license to practice podiatric medicine and surgery may, under the direction of a person licensed to practice podiatric medicine and surgery in this state, perform services requisite to the training program in which that holder is serving. Acting under such direction, the holder of a temporary educational license shall also have the right to prescribe drugs other than controlled substances and to sign any cer-

tificates, reports or other papers for the use of public authorities which are required of or permitted to persons licensed to practice podiatric medicine and surgery. The holder of a temporary educational license shall confine his or her entire practice to the facility in which he or she is taking the training.

(4) Violation by the holder of a temporary educational license to practice podiatric medicine and surgery of any of the provisions of chs. Pod 1 to 6 or of subch. IV of ch. 448, Stats., which apply to persons licensed to practice podiatric medicine and surgery, shall be cause for the revocation of the temporary educational license.

(5) Temporary educational licenses granted under this chapter shall expire 2 years from date of issuance.

History: Cr. Register, January, 2000, No. 529, eff. 2-1-00; CR 12-047: am. (5) Register March 2014 No. 699, eff. 4-1-14.

Pod 1.09 Locum tenens license. (1) An applicant who holds a valid license to practice podiatric medicine and surgery issued by another licensing jurisdiction of the United States may apply to the board for a locum tenens license to practice podiatric medicine and surgery and shall submit to the board all of the following:

(a) A completed and verified application form provided by the board.

Note: Applications are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(b) A letter from a podiatrist licensed to practice podiatric medicine and surgery in this state requesting the applicant's services.

(c) A verified photostatic copy of a license to practice podiatric medicine and surgery issued by another licensing jurisdiction of the United States to the applicant.

(d) The required fees under s. 440.05 (1), Stats.

(2) An applicant shall complete an open book examination on statutes and rules governing the practice of podiatric medicine and surgery in Wisconsin.

(3) The application and documentary evidence submitted by the applicant shall be reviewed by the board, acting through a designated member of the board and, upon the finding of the member that the applicant is qualified, the board, acting through the designated member, shall issue a locum tenens license to practice podiatric medicine and surgery to the applicant.

(4) The holder of a locum tenens license to practice podiatric medicine and surgery shall practice podiatric medicine and surgery as defined in s. 448.60 (4), Stats., providing the practice is confined to the geographical area for which the license is issued.

(5) A locum tenens license to practice podiatric medicine and surgery shall expire 90 days from the date of its issuance. For cause shown to its satisfaction, the board, acting through its designated member, may renew the locum tenens license for additional periods of 90 days each, but no license may be renewed more than 3 consecutive times.

History: Cr. Register, January, 2000, No. 529, eff. 2-1-00; CR 06-056: am. (4) Register April 2007 No. 616, eff. 5-1-07; correction in (4) made under s. 13.93 (2m) (b) 7., Stats., Register April 2007 No. 616.

Pod 1.10 Temporary license. (1) (a) An applicant for a license to practice podiatric medicine and surgery who is a graduate of a school of podiatric medicine and surgery approved by the board may apply to the board for a temporary license to practice podiatric medicine and surgery. An applicant for a temporary license shall submit to the board the documentary evidence and credentials required under ss. Pod 1.04 and 1.05, a completed application for a temporary license, and the required fees under s. 440.05 (1), Stats. An application for a temporary license shall be made not less than 30 days before the date set by the board for the holding of its next examinations for licensure.

(b) The application and information submitted under par. (a), shall be reviewed by the board through a designated member. The board, acting through the designated member, shall issue a tempo-

rary license to practice podiatric medicine and surgery if the applications and information submitted under par. (a) are satisfactory.

Note: Applications are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(2) (a) A temporary license to practice podiatric medicine and surgery granted under this section expires on the earliest of the following dates:

1. Sixty days after the next examination for a license is given by the board if the temporary licensee submits to the examination.

2. The first day the board begins its examination of applicants for a license to practice podiatric medicine and surgery after the temporary license is issued, if the temporary licensee does not submit to the examination on that date.

3. The date following the examination on which the board grants or denies the temporary licensee a license to practice podiatric medicine and surgery.

(b) A license to practice podiatric medicine and surgery is deemed denied by the board under par. (a) 3., on the date the applicant is notified that he or she has failed the examination for a license to practice podiatric medicine and surgery.

History: Cr. Register, January, 2000, No. 529, eff. 2-1-00.

Pod 1.11 Examination review by applicant. (1) An applicant who fails the oral examination or statutes and rules examination may request a review of that examination by filing a written request and the required fee under s. 440.05 (1), Stats., with the board within 30 days of the date on which examination results were mailed.

(2) Examination reviews are by appointment only.

(3) An applicant shall review the statutes and rules examination for not more than one hour.

(4) An applicant shall review the oral examination for not more than 2 hours.

(5) An applicant shall not be accompanied during the review by any person other than the proctor.

(6) At the beginning of the review, the applicant shall be provided with a copy of the questions, a copy of the applicant's answer sheet or oral tape and a copy of the master answer sheet.

(7) An applicant shall review the examination in the presence of a proctor. The applicant shall be provided with a form on which to write comments, questions or claims of error regarding any items in the examination. Bound reference books shall be permitted. An applicant shall not remove any notes from the area. Notes shall be retained by the proctor and made available to the applicant for use at a hearing, if desired. The proctor shall not defend the examination or attempt to refute claims of error during the review.

(8) An applicant shall not review the examination more than once.

History: Cr. Register, January, 2000, No. 529, eff. 2-1-00.

Pod 1.12 Board review of examination error claim.

(1) An applicant claiming examination error shall file a written request for board review in the board office within 30 days of the date the examination was reviewed. The request shall include all of the following:

(a) The applicant's name and address.

(b) The type of license for which the applicant applied.

(c) A description of the mistakes the applicant believes were made in the examination content, procedures, or scoring, including the specifics or procedures claimed to be in error.

(d) The facts which the applicant intends to prove, including reference text citations or other supporting evidence for the applicant's claim.

(2) The board shall review the claim, make a determination of the validity of the objections and notify the applicant in writing of the board's decision and any resulting grade changes.

(3) If the board confirms the failing status following its review, the application shall be deemed incomplete and the board shall issue a notice of denial.

History: Cr. Register, January, 2000, No. 529, eff. 2-1-00.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Shawn Leatherwood, Admin. Rule Coordinator		2) Date When Request Submitted: September 26, 2014 <small>Items will be considered late if submitted after 4:30 p.m. and less than:</small> <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 08 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Podiatry Affiliated Credentialing Board			
4) Meeting Date: October 7, 2014	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislation and Administrative Rule Matters-Discussion and Consideration <ul style="list-style-type: none"> • Scope Statement for Overtreatment 	
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? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <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: The Board will discuss and approve the scope statement for Pod 2 relating to overtreatment of patients for submission to the Governor's office and publication in the Register and to authorize the Chair to approve the scope for implementation no less than 10 days after publication.			
11) Shawn Leatherwood	Authorization		September 26, 2014
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau 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 Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATEMENT OF SCOPE

PODIATRY AFFILIATED CREDENTIALING BOARD

Rule No.: Pod 2

Relating to: Overtreatment of patients

Rule Type: Permanent

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

N/A

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

The objective of the proposed rule is to add a provision to the current Unprofessional Conduct rules for podiatrists to prevent podiatrists from over treating their patients.

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:

Unnecessary and excessive diagnostic testing and treatment is an issue within the health care system. Some podiatrists and other health care professionals are ordering unnecessary tests and treatments which result in increase costs for patients and undo exposure to complications as a result of these treatments. Currently, there are no provisions in the unprofessional conduct rules governing podiatrists that allow the board to discipline for over treatment of patients. The proposed rule would add such a rule as a provision to the unprofessional conduct rules, which would make the act of over treating a patient subject to discipline.

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

Section 15.085 (5) (b), Stats., provides that affiliated credentialing boards such as the Podiatry Affiliated Credentialing Board, "[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . ." The proposed rule will provide guidance to licensed podiatrist with regards to over treatment of patients as a basis for a finding of unprofessional conduct.

Section 227.11 (2) (a), Stats., provides that, "[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation."

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

Staff will spend approximately 80 hours developing the proposed rule.

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

Licensed podiatrists and their patients will be affected by the proposed rule.

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):

This proposed rule will have minimal or no economic impact on small businesses.

Contact Person: Shawn Leatherwood 608-261-4438 Shancethea.Leatherwood@wisconsin.gov

Authorized Signature

Date Submitted