



STATE OF WISCONSIN
Department of Safety and Professional Services
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Governor Scott Walker Secretary Dave Ross

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**PODIATRISTS AFFILIATED CREDENTIALING BOARD
VIA VIRTUAL MEETING
Room 121C, 1400 E. Washington Avenue, Madison
Contact: Tom Ryan (608) 261-2378
NOVEMBER 1, 2012**

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 description of the actions and deliberations of the Board.

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- 1. Adoption of Agenda (1-4)**
- 2. Introduction of New Board Members**
- 3. Recognition of Board Members**
- 4. Approval of Minutes of August 7, 2012 (insert) (5-8)**
- 5. Secretary Matters**
- 6. Executive Director Matters**
 - a. Staff Updates
 - b. 2013 Meeting Dates (insert) (9-10)
 - c. Other

Items Received after Preparation of the Agenda:

- a. Presentation of Proposed Stipulations and Final Decisions and Orders
- b. Presentation of Proposed Decisions
- c. Deliberation of Proposed Petitions
- d. Presentation of Petitions for Re-hearing
- e. Presentation of Petitions for Summary Suspension
- f. Presentation of Petitions for Extension of Time in Cases
- g. Presentation of Requests for Disciplinary Proceeding Presentations
- h. Presentation of Other Disciplinary Proceeding Matters
- i. Appearances from Requests Received or Renewed
- j. Speaking Engagement, Travel and Public Relation Requests

- k. Application Issues
 - l. Examination Issues
 - m. Continuing Education Issues
 - n. Practice Questions
- 7. Board Discussion Items including any received after printing of agenda**
- a. Division of Legal Services and Compliance Matters
 - b. Education and Examination Matters
 - c. Credentialing Matters
 - d. Practice Questions/Issues
 - e. Legislation/Administrative Rule Matters
 - 1. Review draft of proposed rules relating to POD 1.08 and POD 3.01 relating to temporary educational licenses and continuing education **(insert) (11-16)**
 - 2. Appointment of a delegate for the purpose of reviewing comments from the public hearing regarding POD 1.08 and POD 3.01 relating to temporary educational licenses and continuing education **(insert) (17-18)**
 - 3. Review of SS165 – POD X-ray examinations relating to x-ray examination by persons under the direct supervision of a podiatrist **(insert) (19-22)**
 - f. Liaison Reports
 - g. Speaking Engagement, Travel, Public Relation Requests
- 8. Informational Items**
- 9. New/Other Business**
- 10. Public Comments**

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation with administrative warning (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g))

CS-1 Monitoring (insert) (23-24)

- a. Paul M. Zerovec, DPM – Request for Extension of Time to Complete CE and Payment of Costs **(insert) (25-36)**

Consulting with legal counsel

Items Received After Mailing of the Agenda

- a. Deliberation of Proposed Stipulations and Final Decisions and Orders
- b. Deliberation of Proposed Decisions
- c. Deliberation of Proposed Petitions
- d. Deliberation of Petitions for Re-hearing
- e. Deliberation of Remedial Education Cases
- f. Deliberation of Petitions for Summary Suspension
- g. Deliberation of Administrative Warnings
- h. Deliberation of Petitions for Extension of Time in Cases
- i. Deliberation of Other Disciplinary Proceeding Matters
- j. Monitoring reports
- k. Appearances from Requests Received or Renewed
- l. Application Issues
- m. Examination Issues

n. Continuing Education Issues

CS-2 Case Closings, including any received after preparation of the agenda (**insert**) ()

Validation of examination scores

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

Voting on items considered or deliberated on in closed session if voting is appropriate

Other Business

ADJOURNMENT

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**PODIATRY AFFILIATED CREDENTIALING BOARD
AUGUST 7, 2012
LIVE MEETING MINUTES**

PRESENT: Melanie Berg, DPM; Gary Brown; Ian Furness, DPM; William Weis, DPM

STAFF: Tom Ryan, Executive Director; Sandy Nowack, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DSPS staff

GUESTS: none

CALL TO ORDER

Ian Furness, Chair, called the meeting to order at 9:00 a.m. A quorum of four (4) members was confirmed.

ADOPTION OF AGENDA

Amendments

- Item 9e1 (open session) – insert additional materials after page 14
- Item 9e2 (open session) – insert additional materials after page 22
- Item 9e3 (open session) – insert additional materials after page 24
- Case Status Report – insert at the end of closed session

MOTION: Gary Brown moved, seconded by Melanie Berg, to adopt the agenda as amended. Motion carried unanimously.

NEW BOARD MEMBERS

William Weis was welcomed as the new Board member.

RECOGNITION OF BOARD MEMBERS

Ian Furness thanked Rene Settle-Robinson for her service to the Board.

APPROVAL OF MINUTES OF NOVEMBER 11, 2011

MOTION: Gary Brown moved, seconded by Melanie Berg, to approve the minutes of November 11, 2011 as written. Motion carried unanimously.

APPROVAL OF MINUTES OF FEBRUARY 3, 2012

MOTION: Gary Brown moved, seconded by Melanie Berg, to approve the minutes of February 3, 2012. Motion carried unanimously.

SECRETARY MATTERS

There were no matters to discuss.

EXECUTIVE DIRECTOR MATTERS

Staff Updates

Noted.

PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER

Stephen D. Weisman, DPM – 11 POD 003

BOARD DISCUSSION ITEMS

Division of Enforcement

- Discussion of DOE Policy Regarding Screening – Jeanette Lytle, DOE Attorney Supervisor and Intake/Monitoring Supervisor

Education and Examination Issues – None.

Credentialing Matters – None.

Practice Questions/Issues – None.

Legislation/Administrative Rule Matters

- Review of § 462.02(2)(f) Stats., relating to requirements for a course of instruction related to x-ray examinations by persons under the direct supervision of a podiatrist
This item was reviewed.
- Review of 2009 WI Act 113 relating to podiatrist-patient privilege and immunity exemption for podiatrists providing emergency care at athletic events
This item was reviewed.

MOTION: Melanie Berg moved, seconded by Gary Brown, to delegate Ian Furness as the Board's delegate to approve the final draft rule language for amendments to secs. POD 1.01 and 1.02(1) as required by 2009 Wis. Act 113. Motion carried unanimously.

- Review of draft rule regarding POD 1.08 and POD 3.01 relating to temporary educational licenses and continuing education
This item was reviewed.

Liaison Reports - None

Speaking Engagement, Travel, Public Relation Requests – None.

INFORMATIONAL ITEMS

None.

PUBLIC COMMENTS

None.

NEW/OTHER BOARD BUSINESS

None.

CLOSED SESSION

MOTION: William Weis moved, seconded by Gary Brown, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation with administrative warning (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)) Roll call vote: Melanie Berg-yes; Gary Brown-yes; and Ian Furness-yes; William Weis-yes. Motion carried unanimously.

Open session recessed at 9:35 a.m.

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

MOTION: Melanie Berg moved, seconded by Gary Brown, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 9:53 a.m.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION
IF VOTING IS APPROPRIATE**

PROPOSED STIPULATION, FINAL DECISION AND ORDER

MOTION: Melanie Berg moved, seconded by Gary Brown to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Stephen D. Weissman, DPM, case 11 POD 003**. Motion carried unanimously.

CASE CLOSING(S)

MOTION: Melanie Berg moved, seconded by Gary Brown, to close case **12 POD 004 for prosecutorial discretion (P7)**. Motion carried unanimously.

ADJOURNMENT

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

The meeting adjourned at 9:54 a.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Kimberly Wood, Program Assistant Supervisor		2) Date When Request Submitted: 10/15/2012 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Podiatrists Affiliated Credentialing Board			
4) Meeting Date: 11/1/2012	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 2013 Meeting Dates	
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 <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 should review and note its meeting dates scheduled for 2013. Please advise your Executive Director of any existing conflicts.</p>			
11) Authorization			
<i>Kimberly Wood</i>		10/15/2012	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Executive Assistant prior to the start of a meeting.			



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MEMO

TO: Podiatrists Affiliated Credentialing Board
FROM: Kimberly Wood, Program Assistant Supervisor
DATE: October 15, 2012
RE: 2013 Meeting and Screening Dates

Board meeting and screening panel sessions have been scheduled as follows. If a Board meeting is not held and there are cases to be screened, the Division of Legal Services and Compliance will conduct the screening panel session via telephone.

July 30	Screening/Meeting	8:30/9:00 a.m.	Room 121A
October 24	Screening/Meeting	8:30/9:00 a.m.	Room 121C

2013 Screening Panel teleconferences:

Not yet determined.

For any complaint intake or screening panel matters, please contact Patara Horn at 608-261-0134 or at patara.horn@wisconsin.gov.

STATE OF WISCONSIN
PODIATRY AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : PODIATRISTS AFFILIATED
PODIATRISTS AFFILIATED : CREDENTIALING BOARD
CREDENTIALING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 10-)

PROPOSED ORDER

An order of the Podiatrists Affiliated Credentialing Board to amend Pod 1.08 (5); and to create Pod 3.02 (4) and 3.03 (3), relating to temporary educational license and continuing education.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

s. 448.63 (3), Stats.

Statutory authority:

ss. 15.085 (5) (b), 440.035 (1), 448.63 (3), 448.665, Stats.

Explanation of agency authority:

The Podiatrists Affiliated Credentialing Boards is charged with promulgating rules that govern their profession via s. 15.085 (5) (b), and 440.035 (1), Stats., under the oversight of the Medical Examining Board. Pursuant to s. 448.63 (3), Stats., the Podiatrists Affiliated Credentialing Board has authority to write rules concerning various classes of temporary licensure. Section 448.665, Stats., grants rule writing authority for establishing requirements for continuing education. Therefore the Podiatrists Affiliated Credentialing Board is generally and specifically vested with the authority to promulgate these rules.

Related statute or rule:

Wis. Admin. Code Pod 1 and Pod 3

Plain language analysis:

The proposed rule will address two issues: license holders having to reapply for a temporary license half way through their post graduate training and the requirements for

licensees seeking first time renewal. By changing the duration of the temporary license from 1 year to 2 years, the proposed rule eliminates the need for temporary licensees to reapply for licensure while they are completing their post graduate training. As to the second issue, the proposed rule allows first time renewal applicants to use proof of graduation from a school of podiatric medicine to comply with the 50 requisite continuing education hours currently required by rule. This alleviates the burden on new licensees who's first time renewal occurs towards the end of a renewal period.

SECTION 1. amends the provision governing the duration of temporary licensure changing the requirement from 1 year to 2 years.

SECTION 2. creates a provision for accepting proof that the podiatrist graduated from a school of podiatric medicine.

SECTION 3. creates a provision accepting a certified copy of an official transcript or a certified copy of a diploma from a school of podiatric medicine and surgery to verify, when audited, compliance with the continuing education requirement.

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

None

Comparison with rules in adjacent states:

Illinois:

A temporary license is valid for one year. 68 Ill. Adm. Code 1360.65(b) (2012) A renewal applicant is not required to comply with continuing education requirements for his/her first renewal. 68 Ill. Adm. Code 1360.70(a)(3) (2012)

Iowa:

A temporary license is valid for one year. 645 IAC 220.6(149)(1) (2012)
First time licensees are not required to complete continuing education requirements for their first renewal period. 645 IAC 222.2(149,272C)(2) (2012)

Michigan:

There is no language stating the duration for a temporary license. MICH. ADMIN. CODE R 338.8109 (2012) The Administrative code is silent with regards to the continuing education requirements for a first renewal. MICH. ADMIN. CODE R 338.3703 (2012)

Minnesota:

A temporary permit is valid for 12 months, starting on the first day of graduate training. Minn. R. 6900.0160 Subp. 2. (2011) The continuing education requirement for a first renewal is not entirely waived, but rather the hours are prorated according to how long the applicant has had his/her license. Minn. R. 6900.0300 Subp.1a. (2011)

Summary of factual data and analytical methodologies:

The Podiatrists Affiliated Credentialing Board reviewed the pertinent rules and determined that s. Pod 1.08 (5) should be revised to address the issue of podiatric temporary license holders reapplying for a temporary license half way through their required 2-year post graduate training. The issue is resolved by these proposed rules by changing the duration of temporary licensure from 1 year to 2 years. There was also a need to resolve the issue of licensees who are first time renewals seeking to fulfill their 50 hours of continuing education. These proposed rules will allow applicants, in the first year of their renewal period, to satisfy the continuing education requirement with approved verified documentary evidence of graduation from a school of podiatric medicine and surgery such as a verified copy of the diploma conferring the degree of doctor of podiatric medicine.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report:

This rule has no impact on small business.

Anticipated costs incurred by private sector:

The department finds that this rule has no significant fiscal effect on the private sector.

Fiscal estimate:

The Fiscal Estimate and Economic Impact Analysis are attached.

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 Jeffrey.Weigand@wisconsin.gov, or by calling (608) 267-9794.

Agency contact person:

Comments may be submitted to Shawn Leatherwood, Department of Safety and Professional Services, 1400 East Washington Avenue, Room 116, P.O. Box 8935, Madison, Wisconsin 53708-8935, or by email to Shancethea.leatherwood@wiscosin.gov. Comments must be received on or before December XX, 2012 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Pod 1.08 (5) is amended to read:

Pod 1.08 (5) Temporary educational licenses granted under this chapter shall expire ~~one year~~ 2 years from date of issuance.

SECTION 2. Pod 3.02 (4) is created to read:

Pod 3.02 (4) The Board shall accept as satisfaction of the requirements of s. 448.665, Stats., proof that the podiatrists graduated from school of podiatric medicine and surgery approved by the Board pursuant to s. Pod 1.03 (2), as long as both of the following are in effect:

(a) The podiatrists is, for the first time, renewing a license to practice podiatric medicine and surgery in Wisconsin

(b) The podiatrist graduated within 2 calendar years immediately preceding the calendar year for which the application for registration was made.

SECTION 3. Pod 3.03 (3) is created to read:

Pod 3.03 (3) A certified copy of an official transcript or a diploma is satisfactory evidence of compliance with s. 3.02 (4) of this chapter.

SECTION 4. 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)

Dated _____ Agency _____
Member
Podiatry Affiliated Credentialing Board

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Sandy Nowack Legal Counsel		2) Date When Request Submitted: September 4, 2012 Items will be considered late if submitted after 4:30 p.m. and less than: ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others																					
3) Name of Board, Committee, Council, Sections: Podiatry Affiliated Examining Board																							
4) Meeting Date: November 1, 2012	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Rule Drafting, Wis. Admin. Code secs. POD 1.08, 3.01 Appointment of a delegate																					
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:																					
10) Describe the issue and action that should be addressed: The Board will consider legal counsel's request to have a delegate appointed for the purpose of reviewing comments from the November 8, 2012, public hearing, deciding whether there are substantive decisions to be made following the public hearing, and/or determining whether the final rules acceptably address public concerns and can be filed.																							
<table style="width:100%; border: none;"> <tr> <td style="width:10%; border: none;">11)</td> <td style="width:50%; border: none; text-align: center;">Authorization</td> <td style="width:10%; border: none;"></td> <td style="width:30%; border: none;"></td> </tr> <tr> <td style="border: none;"></td> <td style="border: none; text-align: center;"></td> <td style="border: none;"></td> <td style="border: none; text-align: center;"></td> </tr> <tr> <td style="border: none;"></td> <td style="border: none;">Signature of person making this request</td> <td style="border: none;"></td> <td style="border: none;">Date</td> </tr> <tr> <td style="border: none;"></td> <td style="border: none;">Supervisor (if required)</td> <td style="border: none;"></td> <td style="border: none;">Date</td> </tr> <tr> <td style="border: none;"></td> <td style="border: none;">Bureau Director signature (indicates approval to add post agenda deadline item to agenda)</td> <td style="border: none;"></td> <td style="border: none;">Date</td> </tr> </table>				11)	Authorization								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
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448.695(3) **(3)** The affiliated credentialing board shall promulgate rules specifying the requirements for a course of instruction related to X-ray examinations by persons under the direct supervision of a podiatrist under s. 462.02 (2) (f). In promulgating the rules, the affiliated credentialing board shall consult with the radiography examining board and shall examine laws and rules in other states. The affiliated credentialing board shall approve courses that meet the requirements set forth in the rules.

Podiatric x-ray assistants.

Definitions:

“Podiatric x-ray assistant” means a person who is under the direct supervision of a licensed podiatric physician to perform only those radiographic functions that are within the scope of practice of a podiatric physician licensed under Wis. Stat. § 448.61; and that the podiatric physician is competent to perform.

“Direct supervision” means a physician has assumed responsibility for directing, supervising and inspecting the work of the person being supervised and the supervising physician is physically present on the same premises [as] the person being supervised, with face-to-face contact as necessary. The podiatrist is ultimately responsible for the care provided by the podiatric x-ray assistant.

A podiatric physician may not delegate x-ray tasks to an unlicensed person unless the delegate has successfully completed a course of instruction for podiatric x-ray assistants approved by the Board.

Patients must be informed that the x-ray assistant is practicing under the supervision of the podiatric physician.

A course of instruction for podiatric x-ray assistants is approved by the Board if the following are true:

- The instructor is a physician or radiographer whose license to practice in Wisconsin is current and unlimited;

- The program consists of at least 8 hours of instruction;

- The course of instruction addresses all of the following topics:

 - Terminology (ARRT Standard definitions?)

 - Science of radiation in x-rays

 - Radiation exposure and monitoring

 - Health risks of radiation exposure

 - Safety techniques to minimize radiation exposure

 - Anatomy of foot and leg

 - Positioning for podiatric x-rays

 - Equipment operation and quality control

 - Infection control

Legal issues

A podiatric physician who uses the services of a podiatric x-ray assistant shall keep at each practice site, a copy of documentation that the podiatric x-ray assistant satisfactorily completed a course of instruction that meets the requirements set out above.

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