



1995 ASSEMBLY BILL 1090

March 28, 1996 - Introduced by Representatives UNDERHEIM, PORTER, JENSEN, LORGE, KELSO, CULLEN, PLOMBON, HUBER and KREUSER. Referred to Committee on Health.

1 **AN ACT to repeal** 15.407 (1) (b), 448.03 (3) (c), 448.04 (1) (d), 448.05 (3) and 448.10
2 (2); **to renumber** 448.01 (1), 448.01 (9g), 448.01 (9m), 448.075 (1) (b) 1., 2. and
3 3. and subchapter IV of chapter 448 [precedes 448.70]; **to renumber and**
4 **amend** 448.01 (7), 448.01 (8), 448.01 (11), 448.03 (4), 448.075 (title), 448.075
5 (1) (intro.), 448.075 (1) (a), 448.075 (1) (b) (intro.) and 448.075 (2); **to amend**
6 15.08 (1m) (b), 15.08 (4) (b), 15.085 (1m) (b), 15.406 (2) (a) 1., 49.45 (3) (k), 50.09
7 (6) (b), 50.36 (3), 50.39 (3), 146.37 (1g), 146.81 (1) (em), 180.1901 (1m) (br),
8 252.10 (7), 252.14 (1) (ar) 4m., 448.01 (2g), 448.01 (2r), 448.01 (5), 448.01 (6),
9 448.01 (12), 448.02 (1), 448.02 (3) (a), 448.02 (4), 448.02 (6), 448.03 (1), 448.03
10 (2) (intro.), 448.03 (2) (c), 448.03 (2) (d), 448.03 (2) (e), 448.03 (3) (f) 3. a., 448.03
11 (3) (g) 3. a., 448.03 (5) (a), 448.04 (1) (c), 448.04 (3), 448.05 (1) (d), 448.07 (1) (a),
12 448.07 (2), 448.08 (1), 448.08 (2), 448.08 (4), 448.09 (1), 448.09 (2), 448.10 (5),
13 448.11, 448.21 (1) (d), 448.40 (1), 448.86 (1), 450.10 (3) (a) 5m., 450.11 (8) (b),
14 632.895 (1) (b) 5. b. and 655.45 (1); and **to create** 15.406 (3), 180.1901 (1m) (bk),
15 448.015 (intro.), subchapter IV of chapter 448 [precedes 448.60] and 450.11 (8)
16 (bm) of the statutes; **relating to:** the regulation of podiatrists, licensure and
17 continuing education requirements for podiatrists, abolishing the podiatry

1 examining council and creating a podiatrists affiliated credentialing board, the
2 members of an examining board entitled to vote to suspend or revoke a
3 credential issued by the examining board, granting rule-making authority and
4 providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, with exceptions, a person must be licensed as a podiatrist by the medical examining board (MEB) in the department of regulation and licensing (DORL) in order to practice podiatry or podiatric medicine and surgery or to represent himself or herself to the public as a podiatrist.

This bill creates a 4-member podiatrists affiliated credentialing board (PACB) in DORL consisting of 3 podiatrists and one public member, and transfers to PACB all authority that MEB has under current law relating to the regulation of podiatrists. In addition, the bill does all of the following with respect to the regulation of podiatrists:

1. Under current law, an applicant for a podiatrist license must have graduated from a school of podiatric medicine and surgery approved by MEB with the degree of doctor of podiatric medicine or an equivalent degree. Under this bill, PACB may waive the requirement of graduation from a school of podiatric medicine and surgery approved by PACB if the applicant shows, among other things, that he or she graduated from a podiatry school approved by the licensing jurisdiction of another state. In addition, this bill also requires an applicant to have completed 12 months of postgraduate training in a program approved by PACB.

2. Under this bill, if an applicant passes the podiatry examinations required by PACB for a license, PACB is prohibited from testing the applicant for proficiency in the English language if the sole reason for the testing is that the applicant was educated at a podiatry school outside the United States. There is no comparable prohibition under current law.

3. To qualify for a podiatrist license under current law, a person must meet education, examination and other requirements and must also be found qualified by three-fourths of the members of MEB. For a temporary podiatrist license, current law requires a person to be found qualified by 2 members of MEB. Except as described above in items 1 and 2, this bill retains the education, examination and other requirements that a person must satisfy for PACB to issue a podiatrist license, but does not require PACB to find that a person is qualified.

4. Current law does not require a licensed podiatrist to meet continuing education requirements. This bill requires a podiatrist to complete, every 2 years, 30 hours of continuing education in courses approved by PACB.

5. Under current law, a health care practitioner licensed or certified by MEB, including a podiatrist, must register with MEB every 2 years, pay a license or certificate renewal fee, and display a certificate of registration in his or her office at

all times. Registration with MEB is deemed to satisfy any statutory requirement to renew a license or certificate. This bill does not require a podiatrist to register with PACB. Instead, a podiatrist must renew his or her license every 2 years by submitting a renewal form to DORL and paying a renewal fee. In addition, the renewal form must be accompanied by proof that the podiatrist completed the continuing education requirements described above in item 4.

Finally, current law requires the affirmative vote of two-thirds of the membership of an examining board to suspend or revoke a credential that the examining board issued to a person and that entitles the person to practice a trade or profession. This bill requires an affirmative vote of two-thirds of the voting membership of the examining board to suspend or revoke a credential. Currently, MEB and the nursing home administrator examining board each have one nonvoting member. Thus, under the bill, the nonvoting member on these examining boards would not be counted for purposes of determining whether two-thirds of the examining board's members had voted to suspend or revoke a credential.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 15.08 (1m) (b) of the statutes is amended to read:

2 15.08 **(1m)** (b) The public members of the chiropractic examining board, the
3 dentistry examining board, the hearing and speech examining board, the medical
4 examining board, ~~podiatry examining council~~, occupational therapy examining
5 council, respiratory care practitioners examining council and council on physician
6 assistants, the board of nursing, the nursing home administrator examining board,
7 the veterinary examining board, the optometry examining board, the pharmacy
8 examining board, the examining board of social workers, marriage and family
9 therapists and professional counselors and the psychology examining board shall not
10 be engaged in any profession or occupation concerned with the delivery of physical
11 or mental health care.

12 **SECTION 2.** 15.08 (4) (b) of the statutes is amended to read:

1 15.08 (4) (b) Notwithstanding par. (a), no certificate or license which entitles
2 the person certified or licensed to practice a trade or profession shall be suspended
3 or revoked without the affirmative vote of two-thirds of the voting membership of
4 the examining board.

5 **SECTION 3.** 15.085 (1m) (b) of the statutes is amended to read:

6 15.085 (1m) (b) The public members of the physical therapists affiliated
7 credentialing board and the podiatrists affiliated credentialing board shall not be
8 engaged in any profession or occupation concerned with the delivery of physical or
9 mental health care.

10 **SECTION 4.** 15.406 (2) (a) 1. of the statutes is amended to read:

11 15.406 (2) (a) 1. Three dietitians who are certified under subch. IV V of ch. 448.

12 **SECTION 5.** 15.406 (3) of the statutes is created to read:

13 15.406 (3) **PODIATRISTS AFFILIATED CREDENTIALING BOARD.** There is created in the
14 department of regulation and licensing, attached to the medical examining board, a
15 podiatrists affiliated credentialing board consisting of the following members
16 appointed for 4-year terms:

17 (a) Three podiatrists who are licensed under subch. IV of ch. 448.

18 (b) One public member.

19 **SECTION 6.** 15.407 (1) (b) of the statutes is repealed.

20 **SECTION 7.** 49.45 (3) (k) of the statutes is amended to read:

21 49.45 (3) (k) If a physician performs a surgical procedure that is within the
22 scope of practice of a podiatrist, as defined in s. ~~448.01 (7)~~ 448.60 (3), the allowable
23 charge for the procedure may not exceed the charge the department determines is
24 reasonable.

25 **SECTION 8.** 50.09 (6) (b) of the statutes is amended to read:

1 50.09 (6) (b) Allegations of violations of such rights by persons licensed,
2 certified or registered under chs. 441, 446 to 450, 455 and 456 shall be promptly
3 reported by the facility to the appropriate licensing ~~or~~ examining or affiliated
4 credentialing board and to the person against whom the allegation has been made.
5 Any employe of the facility and any person licensed, certified or registered under chs.
6 441, 446 to 450, 455 and 456 may also report such allegations to the board. Such
7 board may make further investigation and take such disciplinary action, within the
8 board's statutory authority, as the case requires.

9 **SECTION 9.** 50.36 (3) of the statutes is amended to read:

10 50.36 (3) (a) Any person licensed to practice medicine and surgery under subch.
11 II of ch. 448 or podiatry under ~~ss. 448.05 and 448.06~~ subch. IV of ch. 448 shall be
12 afforded an equal opportunity to obtain hospital staff privileges and may not be
13 denied hospital staff privileges solely for the reason that the person is an osteopathic
14 physician and surgeon or a podiatrist. Each individual hospital shall retain the right
15 to determine whether the applicant's training, experience and demonstrated
16 competence is sufficient to justify the granting of hospital staff privileges or is
17 sufficient to justify the granting of limited hospital staff privileges.

18 (b) If, as a result of peer investigation or written notice thereof, a hospital staff
19 member who is licensed by the medical examining board or podiatrists affiliated
20 credentialing board, for any reasons that include the quality of or ability to practice,
21 loses his or her hospital staff privileges, has his or her hospital staff privileges
22 reduced or resigns from the hospital staff, the hospital shall so notify the medical
23 examining board or podiatrists affiliated credentialing board, whichever is
24 applicable, within 30 days after the loss, reduction or resignation takes effect.
25 Temporary suspension due to incomplete records need not be reported.

1 (c) If, as a result of peer investigation or written notice thereof, a hospital staff
2 member who is licensed by the medical examining board or podiatrists affiliated
3 credentialing board, for reasons that do not include the quality of or ability to
4 practice, loses his or her hospital staff privileges for 30 days or more, has his or her
5 hospital staff privileges reduced for 30 days or more or resigns from the hospital staff
6 for 30 days or more, the hospital shall so notify the medical examining board or
7 podiatrists affiliated credentialing board, whichever is applicable, within 30 days
8 after the loss, reduction or resignation takes effect. Temporary suspension due to
9 incomplete records need not be reported.

10 **SECTION 10.** 50.39 (3) of the statutes, as affected by 1995 Wisconsin Act 77, is
11 amended to read:

12 50.39 (3) Facilities governed by ss. 45.365, 48.62, 49.70, 49.72, 50.02, 51.09,
13 58.06, 252.073, 252.076 and 252.10, secured correctional facilities as defined in s.
14 938.02 (15m), correctional institutions governed by the department of corrections
15 under s. 301.02 and the offices and clinics of persons licensed to treat the sick under
16 chs. 446, 447 and 448 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do
17 not abridge the rights of the medical examining board, physical therapists affiliated
18 credentialing board, podiatrists affiliated credentialing board, dentistry examining
19 board, pharmacy examining board, chiropractic examining board and board of
20 nursing in carrying out their statutory duties and responsibilities.

21 **SECTION 11.** 146.37 (1g) of the statutes is amended to read:

22 146.37 (1g) Except as provided in s. 153.85, no person acting in good faith who
23 participates in the review or evaluation of the services of health care providers or
24 facilities or the charges for such services conducted in connection with any program
25 organized and operated to help improve the quality of health care, to avoid improper

1 utilization of the services of health care providers or facilities or to determine the
2 reasonable charges for such services, or who participates in the obtaining of health
3 care information under ch. 153, is liable for any civil damages as a result of any act
4 or omission by such person in the course of such review or evaluation. Acts and
5 omissions to which this subsection applies include, but are not limited to, acts or
6 omissions by peer review committees or hospital governing bodies in censuring,
7 reprimanding, limiting or revoking hospital staff privileges or notifying the medical
8 examining board or podiatrists affiliated credentialing board under s. 50.36 or taking
9 any other disciplinary action against a health care provider or facility and acts or
10 omissions by a medical director, as defined in s. 146.50 (1) (j), in reviewing the
11 performance of emergency medical technicians or ambulance service providers.

12 **SECTION 12.** 146.81 (1) (em) of the statutes, as created by 1993 Wisconsin Act
13 443, is amended to read:

14 146.81 (1) (em) A dietitian certified under subch. IV V of ch. 448. This
15 paragraph does not apply after June 30, 1999.

16 **SECTION 13.** 180.1901 (1m) (bk) of the statutes is created to read:

17 180.1901 (1m) (bk) Podiatrists affiliated credentialing board under subch. IV
18 of ch. 448.

19 **SECTION 14.** 180.1901 (1m) (br) of the statutes, as created by 1995 Wisconsin
20 Act (Assembly Bill 325), is amended to read:

21 180.1901 (1m) (br) Dietitians affiliated credentialing board under subch. IV V
22 of ch. 448. This paragraph does not apply after June 30, 1999.

23 **SECTION 15.** 252.10 (7) of the statutes, as affected by 1993 Wisconsin Act 443,
24 is amended to read:

1 252.10 (7) Drugs necessary for the treatment of mycobacterium tuberculosis
2 shall be purchased by the department from the appropriation under s. 20.435 (1) (e)
3 and dispensed to patients through the public health dispensaries or through health
4 care providers, as defined in s. 146.81 (1), other than social workers, marriage and
5 family therapists or professional counselors certified under ch. 457,
6 speech-language pathologists or audiologists licensed under subch. II of ch. 459,
7 speech and language pathologists licensed by the department of education or, on or
8 after July 1, 1995, and no later than June 30, 1999, dietitians certified under subch.
9 IV V of ch. 448.

10 **SECTION 16.** 252.14 (1) (ar) 4m. of the statutes, as created by 1993 Wisconsin
11 Act 443, is amended to read:

12 252.14 (1) (ar) 4m. A dietitian certified under subch. IV V of ch. 448. This
13 subdivision does not apply after June 30, 1999.

14 **SECTION 17.** 448.01 (1) of the statutes is renumbered 448.015 (1).

15 **SECTION 18.** 448.01 (2g) of the statutes is amended to read:

16 448.01 (2g) "Occupational therapist" means an individual who meets the
17 requirements under s. 448.05 (5m) (a) and is certified by the medical examining
18 board to practice occupational therapy.

19 **SECTION 19.** 448.01 (2r) of the statutes is amended to read:

20 448.01 (2r) "Occupational therapy assistant" means an individual who meets
21 the requirements under s. 448.05 (5m) (b) and is certified by the medical examining
22 board to assist in the practice of occupational therapy under the supervision of an
23 occupational therapist.

24 **SECTION 20.** 448.01 (5) of the statutes is amended to read:

1 448.01 (5) "Physician" means an individual possessing the degree of doctor of
2 medicine or doctor of osteopathy or an equivalent degree as determined by the
3 medical examining board, and holding a license granted by the medical examining
4 board.

5 **SECTION 21.** 448.01 (6) of the statutes is amended to read:

6 448.01 (6) "Physician assistant" means an individual certified by the medical
7 examining board to perform patient services under the supervision and direction of
8 a licensed physician.

9 **SECTION 22.** 448.01 (7) of the statutes is renumbered 448.60 (3) and amended
10 to read:

11 448.60 (3) "Podiatrist" means an individual possessing the degree of doctor of
12 podiatric medicine or doctor of surgical chiropody or equivalent degree as determined
13 by the affiliated credentialing board, and holding a license to practice podiatry or
14 podiatric medicine and surgery granted by the affiliated credentialing board.

15 **SECTION 23.** 448.01 (8) of the statutes is renumbered 448.60 (4) and amended
16 to read:

17 448.60 (4) "Podiatry" or "podiatric medicine and surgery" means that branch
18 or system of treating the sick which is limited to the diagnosis, or mechanical,
19 medical or surgical treatment or treatment by use of drugs, of the feet, but does not
20 include amputations other than digits of the foot or the use of a general anesthetic
21 unless administered by or under the direction of a person licensed to practice
22 medicine and surgery under subch. II. Diagnosis or treatment shall include no
23 portion of the body above the feet except that diagnosis and treatment shall include
24 the tendons and muscles of the lower leg insofar as they shall be involved in
25 conditions of the feet.

1 **SECTION 24.** 448.01 (9g) of the statutes is renumbered 448.015 (2).

2 **SECTION 25.** 448.01 (9m) of the statutes is renumbered 448.015 (3).

3 **SECTION 26.** 448.01 (11) of the statutes is renumbered 448.015 (4) and amended
4 to read:

5 448.015 (4) "Unprofessional conduct" means those acts or attempted acts of
6 commission or omission defined as unprofessional conduct by the board under the
7 authority delegated to the board by s. 15.08 (5) (b) and any act by a physician or
8 podiatrist in violation of ch. 161 or 450.

9 **SECTION 27.** 448.01 (12) of the statutes is amended to read:

10 448.01 (12) "Warn" means to privately apprise the holder of a license or
11 certificate of the unprofessional nature of the holder's conduct and admonish the
12 holder that continued or repeated conduct of such nature may give the medical
13 examining board or an attached affiliated credentialing board cause to reprimand
14 the holder or to limit, suspend or revoke such license or certificate.

15 **SECTION 28.** 448.015 (intro.) of the statutes is created to read:

16 **448.015 Definitions.** (intro.) In this subchapter:

17 **SECTION 29.** 448.02 (1) of the statutes is amended to read:

18 448.02 (1) LICENSE. The board may grant licenses, including various classes of
19 temporary licenses, to practice medicine and surgery and to practice ~~podiatric~~
20 ~~medicine and surgery.~~

21 **SECTION 30.** 448.02 (3) (a) of the statutes is amended to read:

22 448.02 (3) (a) The board shall investigate allegations of unprofessional conduct
23 and negligence in treatment by persons holding a license, certificate or limited
24 permit granted by the board. An allegation that a physician has violated s. 448.30
25 or 450.13 (2) or has failed to mail or present a medical certification required under

1 s. 69.18 (2) within 21 days after the pronouncement of death of the person who is the
2 subject of the required certificate or that a physician has failed at least 6 times within
3 a 6-month period to mail or present a medical certificate required under s. 69.18 (2)
4 within 6 days after the pronouncement of death of the person who is the subject of
5 the required certificate is an allegation of unprofessional conduct. Information
6 contained in reports filed with the board under s. 49.45 (2) (a) 12r., 50.36 (3) (b),
7 609.17 or 632.715, or under 42 CFR ~~1001.109 (e) and 42 CFR 1001.124 (a) (3) and (b)~~
8 1001.2005, shall be investigated by the board. Information contained in a report filed
9 with the board under s. 655.045 (1), as created by 1985 Wisconsin Act 29, which is
10 not a finding of negligence or in a report filed with the board under s. 50.36 (3) (c) may,
11 within the discretion of the board, be used as the basis of an investigation of ~~the~~
12 ~~persons~~ a person named in the reports report. The board may require a person
13 holding a license, certificate or limited permit to undergo and may consider the
14 results of one or more physical, mental or professional competency examinations if
15 the board believes that the results of any such examinations may be useful to the
16 board in conducting its investigation.

17 **SECTION 31.** 448.02 (4) of the statutes is amended to read:

18 448.02 (4) SUSPENSION PENDING HEARING. The board may summarily suspend
19 any license, certificate or limited permit granted by the board for a period not to
20 exceed 30 days pending hearing, when the board has in its possession evidence
21 establishing probable cause to believe that the holder of the license, certificate or
22 limited permit has violated the provisions of this ~~chapter~~ subchapter and that it is
23 necessary to suspend the license, certificate or limited permit immediately to protect
24 the public health, safety or welfare. The holder of the license, certificate or limited
25 permit shall be granted an opportunity to be heard during the determination of

1 probable cause. The board may designate any of its officers to exercise the authority
2 granted by this subsection to suspend summarily a license, certificate or limited
3 permit, but such suspension shall be for a period of time not to exceed 72 hours. If
4 a license, certificate or limited permit has been summarily suspended by the board
5 or any of its officers, the board may, while the hearing is in progress, extend the initial
6 30-day period of suspension for an additional 30 days. If the holder of the license,
7 certificate or limited permit has caused a delay in the hearing process, the board may
8 subsequently suspend the license, certificate or limited permit from the time the
9 hearing is commenced until a final decision is issued or may delegate such authority
10 to the hearing examiner.

11 **SECTION 32.** 448.02 (6) of the statutes is amended to read:

12 448.02 (6) RESTORATION OF LICENSE, CERTIFICATE OR LIMITED PERMIT. The board
13 may restore any license, certificate or limited permit which has been voluntarily
14 surrendered or revoked under any of the provisions of this ~~chapter~~ subchapter, on
15 such terms and conditions as it may deem appropriate.

16 **SECTION 33.** 448.03 (1) of the statutes is amended to read:

17 448.03 (1) LICENSE REQUIRED TO PRACTICE. No person may practice medicine and
18 surgery, ~~or podiatry~~, or attempt to do so or make a representation as authorized to
19 do so, without a license granted by the board.

20 **SECTION 34.** 448.03 (2) (intro.) of the statutes is amended to read:

21 448.03 (2) EXCEPTIONS. (intro.) Nothing in this ~~chapter~~ subchapter shall be
22 construed either to prohibit, or to require, a license or certificate under this ~~chapter~~
23 subchapter for any of the following:

24 **SECTION 35.** 448.03 (2) (c) of the statutes is amended to read:

1 448.03 (2) (c) The activities of a medical student, ~~podiatry student~~, respiratory
2 care student or physician assistant student required for such student's education
3 and training; , or the activities of a medical school graduate required for training as
4 required in s. 448.05 (2).

5 **SECTION 36.** 448.03 (2) (d) of the statutes is amended to read:

6 448.03 (2) (d) Actual consultation or demonstration by licensed physicians or
7 ~~podiatrists~~ or certified respiratory care practitioners of other states or countries with
8 licensed physicians or ~~podiatrists~~ or certified respiratory care practitioners of this
9 state.

10 **SECTION 37.** 448.03 (2) (e) of the statutes is amended to read:

11 448.03 (2) (e) Any person providing patient services as directed, supervised and
12 inspected by a physician or ~~podiatrist~~ who has the power to direct, decide and oversee
13 the implementation of the patient services rendered.

14 **SECTION 38.** 448.03 (3) (c) of the statutes is repealed.

15 **SECTION 39.** 448.03 (3) (f) 3. a. of the statutes is amended to read:

16 448.03 (3) (f) 3. a. The person is licensed or certified as an occupational
17 therapist under the law of another state which has licensure or certification
18 requirements that are determined by the board to be at least as stringent as the
19 requirements of this ~~chapter~~ subchapter.

20 **SECTION 40.** 448.03 (3) (g) 3. a. of the statutes is amended to read:

21 448.03 (3) (g) 3. a. The person is licensed or certified as an occupational therapy
22 assistant under the law of another state which has licensure or certification
23 requirements that are determined by the board to be at least as stringent as the
24 requirements of this ~~chapter~~ subchapter.

1 **SECTION 41.** 448.03 (4) of the statutes is renumbered 448.01 (9s) and amended
2 to read:

3 448.01 **(9s)** ~~DEFINITION. In this section, “the scene~~ “Scene of an emergency”
4 means ~~areas~~ an area not within the confines of a hospital or other institution which
5 has hospital facilities or the office of a person licensed, certified or holding a limited
6 permit under this chapter.

7 **SECTION 42.** 448.03 (5) (a) of the statutes is amended to read:

8 448.03 **(5)** (a) No person licensed or certified under this ~~chapter~~ subchapter
9 shall be liable for any civil damages resulting from such person’s refusal to perform
10 sterilization procedures or to remove or aid in the removal of a human embryo or
11 fetus from a person if such refusal is based on religious or moral precepts.

12 **SECTION 43.** 448.04 (1) (c) of the statutes is amended to read:

13 448.04 **(1)** (c) *Temporary educational permit to practice medicine and surgery.*
14 Application for a temporary educational permit to practice medicine and surgery
15 may be made to the board by a person who meets the requirements of s. 448.05 (2).
16 Such permit may be issued for a period not to exceed one year and may be renewed
17 annually for not more than 4 years. Such permit shall entitle the holder to take
18 postgraduate educational training in a facility approved by the board. The holder
19 of such permit may, under the direction of a person licensed to practice medicine and
20 surgery in this state, perform services requisite to the training authorized by this
21 section. Acting under such direction, the holder of such permit shall also have the
22 right to prescribe drugs other than narcotics and to sign any certificates, reports or
23 other papers for the use of public authorities which are required of or permitted to
24 persons licensed to practice medicine and surgery. The holder of such permit shall
25 confine training and practice to the facility in which the holder is taking the training.

1 The purpose of this paragraph is solely to provide opportunities in this state for the
2 postgraduate education of certain persons having training in medicine and surgery
3 satisfactory to the board, without compliance with the licensure requirements of this
4 ~~chapter~~ subchapter. Nothing in this paragraph changes in any respect the
5 requirements for licensure to practice medicine and surgery in this state. The
6 violation of this paragraph by the holder of such permit shall constitute cause for the
7 revocation of the permit. All holders of such permits shall be subject to such
8 provisions of this ~~chapter~~ subchapter as the board, by rule, determines are
9 appropriate and to any penalties applicable to those with a temporary or regular
10 license to practice medicine and surgery. The board may require an applicant for
11 licensure under this paragraph to appear before a member of the board for an
12 interview and oral examination.

13 **SECTION 44.** 448.04 (1) (d) of the statutes is repealed.

14 **SECTION 45.** 448.04 (3) of the statutes is amended to read:

15 448.04 **(3)** DUPLICATE. Any person holding a license or certificate granted under
16 this ~~chapter~~ subchapter, which is lost, stolen or destroyed, may apply to the board
17 for a duplicate thereof. Such application shall be made in such manner as the board
18 may designate and shall be accompanied by an affidavit setting out the
19 circumstances of loss. The board shall then issue a duplicate bearing on its face the
20 word "duplicate".

21 **SECTION 46.** 448.05 (1) (d) of the statutes is amended to read:

22 448.05 **(1)** (d) Be found qualified by three-fourths of the members of the board,
23 except that an applicant for a temporary license under s. 448.04 (1) (b) 1. and 3. and
24 ~~(d)~~ must be found qualified by 2 members of the board.

25 **SECTION 47.** 448.05 (3) of the statutes is repealed.

1 **SECTION 48.** 448.07 (1) (a) of the statutes is amended to read:

2 448.07 (1) (a) Every person licensed or certified under this ~~chapter~~ subchapter
3 shall register on or before November 1 of each odd-numbered year following issuance
4 of the license or certificate with the board in such manner as the board shall
5 designate and upon forms the board shall provide. The secretary of the board, on or
6 before October 1 of each odd-numbered year, shall mail or cause to be mailed to every
7 person required to register a registration form. The board shall furnish to each
8 person registered under this section a certificate of registration, and the person shall
9 display the registration certificate conspicuously in the office at all times. No person
10 may exercise the rights or privileges conferred by any license or certificate granted
11 by the board unless currently registered as required under this subsection.

12 **SECTION 49.** 448.07 (2) of the statutes is amended to read:

13 448.07 (2) FEES. The fees for examination and licenses granted or renewed
14 under this ~~chapter~~ subchapter are specified in ss. 440.05 and 440.08.

15 **SECTION 50.** 448.075 (title) of the statutes is renumbered 448.655 (title) and
16 amended to read:

17 **448.655** (title) ~~Podiatrists; malpractice~~ Malpractice liability insurance.

18 **SECTION 51.** 448.075 (1) (intro.) of the statutes is renumbered 448.655 (1)
19 (intro.) and amended to read:

20 448.655 (1) (intro.) ~~Every A~~ licensed podiatrist shall annually submit to the
21 affiliated credentialing board evidence satisfactory to the affiliated credentialing
22 board of that the podiatrist satisfies one of the following:

23 **SECTION 52.** 448.075 (1) (a) of the statutes is renumbered 448.655 (1) (a) and
24 amended to read:

1 448.655 (1) (a) ~~That the~~ The podiatrist has in effect malpractice liability
2 insurance coverage in the amount of at least \$1,000,000 per occurrence and
3 \$1,000,000 for all occurrences in one year.

4 **SECTION 53.** 448.075 (1) (b) (intro.) of the statutes is renumbered 448.655 (1)
5 (b) (intro.) and amended to read:

6 448.655 (1) (b) (intro.) ~~That the~~ The podiatrist meets all of the following
7 conditions:

8 1. The podiatrist's principal place of practice is not in this state; ~~that the~~

9 2. The podiatrist will not be engaged in the practice of podiatry in this state for
10 more than 240 hours during the following 12 months; ~~that the~~

11 3. The podiatrist has in effect malpractice liability insurance coverage that
12 covers services provided by the podiatrist to patients in this state; ~~if the podiatrist~~
13 and which is in one of the following amounts:

14 a. At least the minimum amount of malpractice liability insurance coverage
15 that is required under the laws of the state in which the affiliated credentialing board
16 determines that his or her principal place of practice is located to ~~have in effect a~~
17 minimum amount of malpractice liability insurance coverage, ~~that the podiatrist has~~
18 in effect at least that minimum amount of malpractice liability insurance coverage;
19 and, if,

20 b. If the podiatrist is not required under the laws of the state in which the
21 affiliated credentialing board determines that his or her principal place of practice
22 is located to have in effect a minimum amount of malpractice liability insurance
23 coverage, ~~that the podiatrist has in effect~~ at least the minimum amount of
24 malpractice liability insurance coverage that the affiliated credentialing board
25 determines is necessary to protect the public.

1 **(2)** For purposes of ~~this paragraph~~ sub. (1), a podiatrist's principal place of
2 practice is not in this state if the affiliated credentialing board determines that,
3 during the following 12 months, any of the following applies:

4 **SECTION 54.** 448.075 (1) (b) 1., 2. and 3. of the statutes are renumbered 448.655
5 (2) (a), (b) and (c).

6 **SECTION 55.** 448.075 (2) of the statutes is renumbered 448.655 (3) and amended
7 to read:

8 448.655 **(3)** The affiliated credentialing board may suspend, revoke or refuse
9 to issue or renew the license of a podiatrist who fails to procure or to submit proof of
10 the malpractice liability insurance coverage required under sub. (1).

11 **SECTION 56.** 448.08 (1) of the statutes is amended to read:

12 448.08 **(1)** FEE SPLITTING. Except as otherwise provided in this section, no
13 person licensed or certified under ~~this chapter~~ subchapter may give or receive,
14 directly or indirectly, to or from any person, firm or corporation any fee, commission,
15 rebate or other form of compensation or anything of value for sending, referring or
16 otherwise inducing a person to communicate with a licensee in a professional
17 capacity, or for any professional services not actually rendered personally or at his
18 or her direction.

19 **SECTION 57.** 448.08 (2) of the statutes is amended to read:

20 448.08 **(2)** SEPARATE BILLING REQUIRED. Any person licensed under ~~this chapter~~
21 subchapter who renders any medical or surgical service or assistance whatever, or
22 gives any medical, surgical or any similar advice or assistance whatever to any
23 patient, physician or corporation, or to any other institution or organization of any
24 kind, including a hospital, for which a charge is made to such patient receiving such
25 service, advice or assistance, shall, except as authorized by Title 18 or Title 19 of the

1 federal social security act, render an individual statement or account of the charges
2 therefor directly to such patient, distinct and separate from any statement or account
3 by any physician or other person, who has rendered or who may render any medical,
4 surgical or any similar service whatever, or who has given or may give any medical,
5 surgical or similar advice or assistance to such patient, physician, corporation, or to
6 any other institution or organization of any kind, including a hospital.

7 **SECTION 58.** 448.08 (4) of the statutes, as affected by 1995 Wisconsin Act ...
8 (Assembly Bill 325), is amended to read:

9 448.08 (4) PROFESSIONAL PARTNERSHIPS AND CORPORATIONS PERMITTED.
10 Notwithstanding any other provision in this section, it is lawful for 2 or more
11 physicians ~~or 2 or more podiatrists~~, who have entered into a bona fide partnership
12 for the practice of medicine ~~or podiatry~~, to render a single bill for such services in the
13 name of such partnership; and it also is lawful for a service corporation to render a
14 single bill for services in the name of the corporation; provided that each individual
15 physician ~~or podiatrist that renders billed services and each individual~~ licensed,
16 registered or certified under ~~subch. III or IV~~ of this chapter or ch. 446, 449, 450, 455,
17 457 or 459 that renders billed services is individually identified as having rendered
18 such services.

19 **SECTION 59.** 448.09 (1) of the statutes is amended to read:

20 448.09 (1) PENALTIES. Anyone violating s. 448.08 (3) may be fined not more than
21 \$250. Anyone violating any other provision of this chapter ~~chapter~~ subchapter may be fined
22 not more than \$10,000 or imprisoned for not more than 9 months or both.

23 **SECTION 60.** 448.09 (2) of the statutes is amended to read:

24 448.09 (2) APPEAL. Any person aggrieved by any action taken under this
25 ~~chapter~~ subchapter by the board, its officers or its agents may apply for judicial

1 review as provided in ch. 227, and shall file notice of such appeal with the secretary
2 of the board within 30 days. No court of this state may enter an ex parte stay of any
3 action taken by the board under this ~~chapter~~ subchapter.

4 **SECTION 61.** 448.10 (2) of the statutes is repealed.

5 **SECTION 62.** 448.10 (5) of the statutes is amended to read:

6 448.10 (5) MIDWIFERY. Any person who, on May 7, 1953, was practicing
7 midwifery in this state under a certificate of registration issued by the examining
8 board may continue to so practice under such certificate but subject to the provisions
9 of ch. 150, 1951 stats., as in effect prior to such date and subject to the other
10 provisions of this ~~chapter~~ subchapter.

11 **SECTION 63.** 448.11 of the statutes is amended to read:

12 **448.11 Injunction.** If it appears upon complaint to the board by any person
13 or if it is known to the board that any person is violating this ~~chapter~~ subchapter, or
14 rules adopted by the board under this ~~chapter~~ subchapter, the board or the attorney
15 general may investigate and may, in addition to any other remedies, bring action in
16 the name and on behalf of the state against any such person to enjoin such person
17 from such violation. The attorney general shall represent the board in all
18 proceedings.

19 **SECTION 64.** 448.21 (1) (d) of the statutes is amended to read:

20 448.21 (1) (d) The practice of podiatry within the meaning of s. 448.01 (8)
21 448.60 (4).

22 **SECTION 65.** 448.40 (1) of the statutes is amended to read:

23 448.40 (1) The board may promulgate rules to carry out the purposes of this
24 ~~chapter~~ subchapter.

1 (1) A person lawfully practicing within the scope of a license, permit,
2 registration or certification granted by this state or the federal government.

3 (2) A person assisting a podiatrist in practice under the direct, on-premises
4 supervision of the podiatrist.

5 (3) A podiatry student engaged in activities required for his or her education
6 or training.

7 (4) A podiatrist who is licensed to practice podiatry in another state or country
8 and is providing a consultation or demonstration with a podiatrist who is licensed
9 under this subchapter.

10 (5) A person performing the gratuitous domestic administration of family
11 remedies.

12 (6) A person furnishing medical assistance or first aid at the scene of an
13 emergency.

14 **448.63 Licensure of podiatrists.** (1) Subject to sub. (4), the affiliated
15 credentialing board shall grant a license as a podiatrist to a person who does all of
16 the following:

17 (a) Submits an application for the license to the department on a form provided
18 by the department.

19 (b) Pays the fee specified in s. 440.05 (1).

20 (c) Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory
21 to the affiliated credentialing board that the applicant does not have an arrest or
22 conviction record.

23 (d) Submits evidence satisfactory to the affiliated credentialing board of all of
24 the following:

1 1. That the applicant is a graduate of a school of podiatric medicine and surgery
2 approved by the affiliated credentialing board and possesses a diploma from such
3 school conferring the degree of doctor of podiatric medicine, or equivalent degree as
4 determined by the affiliated credentialing board, unless the affiliated credentialing
5 board waives these requirements under sub. (2).

6 2. That the applicant has completed 12 months of postgraduate training in a
7 program approved by the affiliated credentialing board.

8 (e) Passes an examination under s. 448.64.

9 **(2)** The affiliated credentialing board may waive the requirement under sub.
10 (1) (d) 1. for an applicant who establishes, to the satisfaction of the affiliated
11 credentialing board, all of the following:

12 (a) That he or she is a graduate of a podiatry school.

13 (b) That he or she is licensed as a podiatrist by another licensing jurisdiction
14 in the United States.

15 (c) That the jurisdiction in which he or she is licensed required the licensee to
16 be a graduate of a school approved by the licensing jurisdiction or of a school that the
17 licensing jurisdiction evaluated for education equivalency.

18 (d) That he or she has actively practiced podiatry, under the license issued by
19 the other licensing jurisdiction in the United States, for at least 3 years immediately
20 preceding the date of his or her application.

21 **(3)** The affiliated credentialing board may promulgate rules providing for
22 various classes of temporary licenses to practice podiatry.

23 **(4)** The affiliated credentialing board may grant a limited license to an
24 applicant for a license under sub. (1) if the affiliated credentialing board finds that
25 the applicant has not demonstrated adequate education, training or performance on

1 any past examination or in any past practice, and that, based upon considerations
2 of public health and safety, the applicant does not qualify for full licensure under sub.
3 (1).

4 **448.64 Examination.** (1) The affiliated credentialing board shall conduct or
5 arrange for examinations for podiatrist licensure at least semiannually and at times
6 and places determined by the affiliated credentialing board.

7 (2) Except as provided in sub. (3), examinations shall consist of written or oral
8 tests, or both, requiring an applicant to demonstrate minimum competency in
9 subjects substantially related to the practice of podiatry.

10 (3) The affiliated credentialing board may not require an applicant to take an
11 oral examination or an examination to test proficiency in the English language for
12 the sole reason that the applicant was educated at a podiatry school that is not in the
13 United States if the applicant establishes, to the satisfaction of the affiliated
14 credentialing board, that he or she satisfies the requirements under s. 448.63 (2).

15 (4) The affiliated credentialing board may require an applicant who fails to
16 appear for or to complete an examination under this section to reapply for licensure
17 before being admitted to a subsequent examination.

18 (5) An applicant who fails to pass an examination under this section may
19 request reexamination, and may be reexamined not more than twice at not less than
20 4-month intervals, and shall pay a reexamination fee for each reexamination. An
21 applicant who fails to pass an examination on the 2nd such reexamination may not
22 be admitted to further examination until the applicant reapplies for licensure and
23 submits evidence that shows, to the satisfaction of the affiliated credentialing board,
24 that he or she has completed additional education or received additional professional
25 training.

1 **448.65 Issuance of license; expiration and renewal; duplicate license.**

2 **(1)** The department shall issue a certificate of licensure to each person who is
3 licensed under this subchapter.

4 **(2)** The renewal date for a license granted under this subchapter, other than a
5 temporary license granted under rules promulgated under s. 448.63 (3), is specified
6 under s. 440.08 (2) (a). Renewal applications shall be submitted to the department
7 on a form provided by the department and shall be accompanied by all of the
8 following:

9 (a) The renewal fee specified in s. 440.08 (2) (a).

10 (b) Proof of completion of continuing education requirements in s. 448.665.

11 **(3)** A licensee whose license is lost, stolen or destroyed may apply to the
12 department for a duplicate license. Duplicate license applications shall be submitted
13 to the department on a form provided by the department and shall be accompanied
14 by the fee specified under s. 440.05 (7) and an affidavit setting out the circumstances
15 of the loss, theft or destruction of the license. Upon receipt of an application under
16 this subsection, the department shall issue a duplicate license bearing on its face the
17 word "duplicate".

18 **448.66 Malpractice.** A person who practices podiatry without having a license
19 under this subchapter may be liable for malpractice, and his or her ignorance of a
20 duty ordinarily performed by a licensed podiatrist shall not limit his or her liability
21 for an injury arising from his or her practice of podiatry.

22 **448.665 Continuing education.** The affiliated credentialing board shall
23 promulgate rules establishing requirements and procedures for licensees to
24 complete continuing education programs or courses of study in order to qualify for
25 renewal of a license granted under this subchapter. The rules shall require a licensee

1 to complete at least 30 hours of continuing education programs or courses of study
2 within each 2-year period immediately preceding the renewal date specified under
3 s. 440.08 (2) (a). The affiliated credentialing board may waive all or part of these
4 requirements for the completion of continuing education programs or courses of
5 study if the affiliated credentialing board determines that prolonged illness,
6 disability or other exceptional circumstances have prevented a licensee from
7 completing the requirements. This section does not apply to applications for renewal
8 that are due on November 1, 1997.

9 **448.67 Practice requirements. (1) FEE SPLITTING.** No licensee may give or
10 receive, directly or indirectly, to or from any other person any fee, commission, rebate
11 or other form of compensation or anything of value for sending, referring or otherwise
12 inducing a person to communicate with a licensee in a professional capacity, or for
13 any professional services not actually rendered personally by the licensee or at the
14 licensee's direction.

15 **(2) SEPARATE BILLING REQUIRED.** Except as provided in sub. (4), a licensee who
16 renders any podiatric service or assistance whatever, or gives any podiatric advice
17 or any similar advice or assistance whatever, to any patient, podiatrist, physician,
18 partnership or corporation, or to any other institution or organization of any kind,
19 including a hospital, for which a charge is made to a patient, shall, except as
20 authorized by Title 18 or Title 19 of the federal social security act, render an
21 individual statement or account of the charge directly to the patient, distinct and
22 separate from any statement or account by any other podiatrist, physician or other
23 person.

24 **(3) BILLING FOR TESTS PERFORMED BY THE STATE LABORATORY OF HYGIENE.** A
25 licensee who charges a patient, other person or 3rd-party payer for services

1 performed by the state laboratory of hygiene shall identify the actual amount
2 charged by the state laboratory of hygiene and shall restrict charges for those
3 services to that amount.

4 **(4) BILLING BY PROFESSIONAL PARTNERSHIPS AND CORPORATIONS.** If 2 or more
5 podiatrists have entered into a bona fide partnership or formed a service corporation
6 for the practice of podiatry, the partnership or corporation may not render a single
7 bill for podiatry services provided in the name of the partnership or corporation
8 unless each individual licensed, registered or certified under this chapter or ch. 446,
9 449, 450, 455, 457 or 459, who provided services is individually identified on the bill
10 as having rendered those services.

11 **448.675 Disciplinary proceedings and actions. (1) INVESTIGATION; HEARING;**
12 **ACTION.** (a) The affiliated credentialing board shall investigate allegations of
13 unprofessional conduct and negligence in treatment by a licensee. Information
14 contained in reports filed with the affiliated credentialing board under s. 49.45 (2)
15 (a) 12r., 50.36 (3) (b), 609.17 or 632.715, or under 42 CFR 1001.2005, shall be
16 investigated by the affiliated credentialing board. Information contained in a report
17 filed with the affiliated credentialing board under s. 50.36 (3) (c) may, within the
18 discretion of the affiliated credentialing board, be used as the basis of an
19 investigation of a person named in the report. The affiliated credentialing board may
20 require a licensee to undergo and may consider the results of a physical, mental or
21 professional competency examination if the affiliated credentialing board believes
22 that the results of the examination may be useful to the affiliated credentialing board
23 in conducting its investigation.

24 (b) After an investigation, if the affiliated credentialing board finds that there
25 is probable cause to believe that the person is guilty of unprofessional conduct or

1 negligence in treatment, the affiliated credentialing board shall hold a hearing on
2 such conduct. The affiliated credentialing board may require a licensee to undergo
3 and may consider the results of a physical, mental or professional competency
4 examination if the affiliated credentialing board believes that the results of the
5 examination may be useful to the affiliated credentialing board in conducting its
6 hearing. A finding by a court that a podiatrist has acted negligently in treating a
7 patient is conclusive evidence that the podiatrist is guilty of negligence in treatment.

8 A certified copy of the order of a court is presumptive evidence that the finding of
9 negligence in treatment was made. The affiliated credentialing board shall render
10 a decision within 90 days after the date on which the hearing is held or, if subsequent
11 proceedings are conducted under s. 227.46 (2), within 90 days after the date on which
12 those proceedings are completed.

13 (c) After a disciplinary hearing, the affiliated credentialing board may, when
14 it determines that a court has found that a person has been negligent in treating a
15 patient or when it finds a person guilty of unprofessional conduct or negligence in
16 treatment, do one or more of the following: warn or reprimand that person, or limit,
17 suspend or revoke a license granted by the affiliated credentialing board to that
18 person. The affiliated credentialing board may condition the removal of limitations
19 on a license, or the restoration of a suspended or revoked license, upon obtaining
20 minimum results specified by the affiliated credentialing board on a physical, mental
21 or professional competency examination if the affiliated credentialing board believes
22 that obtaining the minimum results is related to correcting one or more of the bases
23 upon which the limitation, suspension or revocation was imposed.

24 (e) A person whose license is limited shall be permitted to continue practice if
25 the person agrees to do all of the following:

- 1 1. Refrain from engaging in unprofessional conduct.
- 2 2. Appear before the affiliated credentialing board or its officers or agents at
- 3 such times and places designated by the affiliated credentialing board.
- 4 3. Fully disclose to the affiliated credentialing board or its officers or agents the
- 5 nature of the person's practice and conduct.
- 6 4. Fully comply with the limits placed on his or her practice and conduct by the
- 7 affiliated credentialing board.
- 8 5. Obtain additional training, education or supervision required by the
- 9 affiliated credentialing board.
- 10 6. Cooperate with the affiliated credentialing board.
- 11 (f) Unless a suspended license is revoked during the period of suspension, upon
- 12 expiration of the period of suspension the affiliated credentialing board shall
- 13 reinstate the person's license, except that the affiliated credentialing board may, as
- 14 a condition precedent to the reinstatement of the license, require the person to pass
- 15 the examinations required for the original grant of the license.
- 16 (g) The affiliated credentialing board shall comply with rules of procedure for
- 17 the investigation, hearing and action promulgated by the department under s.
- 18 440.03 (1).
- 19 (h) Nothing in this subsection prohibits the affiliated credentialing board, in
- 20 its discretion, from investigating and conducting disciplinary proceedings on
- 21 allegations of unprofessional conduct by a licensee when the allegations of
- 22 unprofessional conduct may also constitute allegations of negligence in treatment.
- 23 **(2) SUSPENSION PENDING HEARING.** The affiliated credentialing board may
- 24 summarily suspend a license granted by the affiliated credentialing board for a
- 25 period not to exceed 30 days pending hearing if the affiliated credentialing board has

1 in its possession evidence establishing probable cause to believe that the licensee has
2 violated the provisions of this subchapter and that it is necessary to suspend the
3 license immediately to protect the public health, safety or welfare. The licensee shall
4 be granted an opportunity to be heard during the determination of whether or not
5 probable cause exists. The affiliated credentialing board may designate any of its
6 officers to exercise the authority granted by this subsection to suspend summarily
7 a license, for a period not exceeding 72 hours. If a license has been summarily
8 suspended by the affiliated credentialing board or any of its officers, the affiliated
9 credentialing board may, while the hearing is in progress, extend the initial period
10 of suspension for not more than an additional 30 days. If the licensee has caused a
11 delay in the hearing process, the affiliated credentialing board may subsequently
12 suspend the license from the time the hearing is commenced until a final decision is
13 issued or may delegate such authority to the hearing examiner.

14 (3) VOLUNTARY SURRENDER. A licensee may voluntarily surrender his or her
15 license to the secretary of the affiliated credentialing board, but the secretary may
16 refuse to accept the surrender if the affiliated credentialing board has received an
17 allegation of unprofessional conduct against the licensee. The affiliated
18 credentialing board may negotiate stipulations in consideration for accepting the
19 surrender of a license.

20 (4) RESTORATION OF LICENSE, CERTIFICATE OR LIMITED PERMIT. The affiliated
21 credentialing board may restore a license which has been voluntarily surrendered
22 or revoked under this subchapter on such terms and conditions as it considers
23 appropriate.

24 **448.68 Hospital reports.** (1) Within 30 days after receipt of a report under
25 s. 50.36 (3) (c), the affiliated credentialing board shall notify the licensee, in writing,

1 of the substance of the report. The licensee and the licensee's authorized
2 representative may examine the report and may place into the record a statement,
3 of reasonable length, of the licensee's view of the correctness or relevance of any
4 information in the report. The licensee may institute an action in circuit court to
5 amend or expunge any part of the licensee's record related to the report.

6 (2) If the affiliated credentialing board determines that a report submitted
7 under s. 50.36 (3) (c) is without merit or that the licensee has sufficiently improved
8 his or her conduct, the affiliated credentialing board shall remove the report from the
9 licensee's record. If no report about a licensee is filed under s. 50.36 (3) (c) for 2
10 consecutive years, the licensee may petition the affiliated credentialing board to
11 remove any prior reports, which did not result in disciplinary action, from his or her
12 record.

13 (3) Upon the request of a hospital, the affiliated credentialing board shall
14 provide the hospital with all information relating to a licensee's loss, reduction or
15 suspension of staff privileges from other hospitals and all information relating to the
16 licensee's being found guilty of unprofessional conduct. In this subsection, "hospital"
17 has the meaning specified under s. 50.33 (2).

18 **448.685 Injunctive relief.** If the affiliated credentialing board has reason to
19 believe that a person is violating this subchapter or a rule promulgated under this
20 subchapter, the affiliated credentialing board, the department, the attorney general
21 or the district attorney of the proper county may investigate and may, in addition to
22 any other remedies, bring an action in the name and on behalf of this state to enjoin
23 the person from the violation.

24 **448.69 Penalties; appeal. (1) PENALTIES.** (a) Except as provided in par. (b),
25 a person who violates any provision of this subchapter or a rule promulgated under

1 this subchapter may be fined not more than \$10,000 or imprisoned for not more than
2 9 months or both.

3 (b) A person who violates s. 448.67 (3) may be fined not more than \$250.

4 **(2) APPEAL.** A person aggrieved by an action taken under this subchapter by the
5 affiliated credentialing board, its officers or its agents may apply for judicial review
6 as provided in ch. 227, and shall file notice of such appeal with the secretary of the
7 affiliated credentialing board within 30 days. No court of this state may enter an ex
8 parte stay of an action taken by the affiliated credentialing board under this
9 subchapter.

10 **448.695 Rules.** (1) The affiliated credentialing board shall promulgate rules
11 defining the acts or attempted acts of commission or omission that constitute
12 unprofessional conduct under s. 448.60 (5).

13 (2) The affiliated credentialing board may promulgate rules to carry out the
14 purposes of this subchapter.

15 **SECTION 68.** 448.86 (1) of the statutes, as created by 1993 Wisconsin Act 443,
16 is amended to read:

17 448.86 (1) The department shall issue a certificate to each individual who is
18 certified under this chapter subchapter.

19 **SECTION 69.** 450.10 (3) (a) 5m. of the statutes, as created by 1993 Wisconsin Act
20 443, is amended to read:

21 450.10 (3) (a) 5m. A dietitian certified under subch. IV V of ch. 448. This
22 subdivision does not apply after June 30, 1999.

23 **SECTION 70.** 450.11 (8) (b) of the statutes is amended to read:

24 450.11 (8) (b) The medical examining board, insofar as this section applies to
25 physicians or ~~podiatrists~~.

1 **SECTION 71.** 450.11 (8) (bm) of the statutes is created to read:

2 450.11 (8) (bm) The podiatrists affiliated credentialing board, insofar as this
3 section applies to podiatrists.

4 **SECTION 72.** 632.895 (1) (b) 5. b. of the statutes, as created by 1993 Wisconsin
5 Act 443, is amended to read:

6 632.895 (1) (b) 5. b. A dietitian certified under subch. IV V of ch. 448, if the
7 nutrition counseling is provided on or after July 1, 1995, and no later than June 30,
8 1999.

9 **SECTION 73.** 655.45 (1) of the statutes is amended to read:

10 655.45 (1) For the quarter beginning on July 1, 1986, and for each quarter
11 thereafter, the director of state courts shall file reports complying with sub. (2) with
12 the medical examining board, the physical therapists affiliated credentialing board,
13 the podiatrists affiliated credentialing board, the board of nursing and the
14 department, respectively, regarding health care providers licensed by the respective
15 bodies.

16 **SECTION 74. Nonstatutory provisions; podiatrists affiliated**
17 **credentialing board.**

18 (1) INITIAL APPOINTMENTS. Notwithstanding the length of terms specified in
19 section 15.406 (3) (intro.) of the statutes, as created by this act, the initial members
20 of the podiatrists affiliated credentialing board shall be appointed by the first day of
21 the 4th month beginning after the effective date of this subsection for the following
22 terms:

23 (a) One podiatrist, for a term expiring on July 1, 1997.

24 (b) One podiatrist, for a term expiring on July 1, 1998.

25 (c) The public member, for a term expiring on July 1, 1999.

1 (d) One podiatrist, for a term expiring on July 1, 2000.

2 (2) TRANSFER OF AUTHORITY AND RECORDS FROM MEDICAL EXAMINING BOARD;
3 TRANSITIONAL PROVISIONS.

4 (a) *Definitions.* In this subsection:

5 1. . "Affiliated credentialing board" means the podiatrists affiliated
6 credentialing board.

7 2. . "Examining board" means the medical examining board.

8 (b) *Transitional provisions.* During the period beginning on the effective date
9 of this paragraph and ending on the first day of the 7th month beginning after the
10 effective date of this paragraph, the examining board shall cooperate with the
11 affiliated credentialing board in providing orderly and efficient transfers under this
12 subsection. On the first day of the 7th month beginning after the effective date of this
13 paragraph, all of the following apply:

14 1. . The assets and liabilities of the examining board pertaining to the
15 regulation of podiatrists shall become the assets and liabilities of the affiliated
16 credentialing board.

17 2. . All tangible personal property, including records, of the examining board
18 pertaining to the regulation of podiatrists is transferred to the affiliated
19 credentialing board.

20 3. . All rules pertaining to the regulation of podiatrists that have been
21 promulgated by the examining board and that are in effect shall become rules of the
22 affiliated credentialing board and shall remain in effect until their specified
23 expiration dates or until amended or repealed by the affiliated credentialing board.
24 All orders pertaining to the regulation of podiatrists that have been issued by the
25 examining board and that are in effect shall become orders of the affiliated

1 credentialing board and shall remain in effect until their specified expiration dates
2 or until modified or rescinded by the affiliated credentialing board.

3 4. . Any matter relating to the regulation of podiatrists that is pending with the
4 examining board is transferred to the affiliated credentialing board, and all
5 materials submitted to or actions taken by the examining board with respect to the
6 pending matter are considered to have been submitted to or taken by the affiliated
7 credentialing board.

8 5. . Notwithstanding section 448.63 (1) of the statutes, as created by this act,
9 a person who, on the day before the first day of the 7th month beginning after the
10 effective date of this subdivision, is licensed as a podiatrist by the examining board
11 under subchapter II of chapter 448 of the statutes is considered to be licensed under
12 subchapter IV of chapter 448 of the statutes, as created by this act, without meeting
13 any of the requirements of section 448.63 of the statutes, as created by this act, and
14 the department of regulation and licensing shall issue to the person, as appropriate,
15 a certificate of licensure under section 448.65 (1) of the statutes, as created by this
16 act, or a temporary license under section 448.63 (3) of the statutes, as created by this
17 act.

18 **SECTION 75. Initial applicability.**

19 (1) The creation of section 448.63 (1) (d) 2. of the statutes first applies to a
20 person who submits an application for a license to practice podiatry to the podiatrists
21 affiliated credentialing board on the effective date of this subsection.

22 **SECTION 76. Effective dates.** This act takes effect on the first day of the 7th
23 month beginning after publication, except as follows:

