

Clearinghouse Rule 12-047

STATE OF WISCONSIN
PODIATRY AFFILIATED CREDENTIALING BOARD

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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 12-)

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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.

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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. The Board ensures the accuracy, integrity, objectivity and consistency of the data used in preparing the proposed rule and related analysis.

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 and EIA:

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:

Shawn Leatherwood, Department of Safety and Professional Services, 1400 East Washington Avenue, Room 116, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-266-0495; email at Shancethea.leatherwood@wisconsin.gov.

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

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@wisconsin.gov. Comments must be received on or before December 20, 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