

STATE OF WISCONSIN
Podiatry Affiliated Credentialing Board

IN THE MATTER OF RULEMAKING PROCEEDINGS BEFORE THE
PODIATRY AFFILIATED CREDENTIALING BOARD

PROPOSED ORDER OF THE PODIATRY AFFILIATED CREDENTIALING BOARD
ADOPTING RULES
(CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Podiatry Affiliated Credentialing Board to repeal Pod 1.05; to renumber and amend Pod 1.08 (2) and 1.09 (2); to amend Pod 1.01, 1.02 (intro.), 1.03 (title), (intro.), and (1), 1.06 (1) (a) (intro.), (2), and (4), 1.08 (1) (a) (Note), 1.09 (1) (a) (Note), and 1.10 (1) (a) and (b) (Note); and to create Pod 1.03 (1) (Note) and (3), relating to licensure requirements.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 440.071, Stats.

Statutory authority:

Sections 15.085 (5) (b), 440.071 (1), and 448.695 (2), Stats.

Explanation of agency authority:

Section 15.085 (5) (b), Stats., provides affiliated credentialing boards “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .” The proposed rule seeks to provide guidance within the profession on licensure requirements.

Section 440.071 (1), Stats., provides “. . . the department or a credentialing board or other board in the department may not require a person to complete any postsecondary education or other program before the person is eligible to take an examination for a credential the department or credentialing board or other board in the department grants or issues.”

Section 448.695 (2), Stats., provides “[t]he affiliated credentialing board may promulgate rules to carry out the purposes of this subchapter.”

Related statute or rule:

None.

Plain language analysis:

Pursuant to 2013 Wisconsin Act 114, the Department of Safety and Professional Services and its attached boards may no longer require any person to complete any postsecondary education

before the person is eligible to take an examination for a credential. In accordance with this legislation, the proposed rules revise ch. Pod 1 to allow applicants seeking licensure as a podiatrist to take their credentialing exam before completing any postsecondary education.

The Podiatry Affiliated Credentialing Board conducted a comprehensive review of ch. Pod 1 to ensure the rules are consistent with current professional, academic, and licensing practices and applicable Wisconsin statutes. The resulting changes are to update references and notes in ss. Pod 1.01, 1.02, 1.06 (2), 1.08 (1) (a), 1.09 (1) (a), and 1.10 (1) (b).

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

None.

Comparison with rules in adjacent states:

Illinois:

An applicant for the National Board of Podiatric Medical Examiners (NBPME) PM Lexis examination for licensure as a podiatric physician must file an application at least 60 days prior to an examination date. The application must include: (1) A complete work history indicating all employment since graduation from an approved podiatric medical program; (2) Certification of graduation from an approved podiatric medical program; (3) Proof of passage of Part I and Part II of the examination given by the National Board of Podiatric Medical Examiners (NBPME) by NBPME standards; (4) Certification from the jurisdictions of the United States in which the applicant was originally licensed and is currently licensed, if applicable, stating: (a) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license; and (b) Whether the file on the applicant contains any record of disciplinary actions taken or pending; and (5) The required fee (68 Ill. Admin. Code 1360.45).

Iowa:

Iowa Administrative Code does not explicitly state that an applicant for a license as a podiatrist must complete the required education prior to taking the examination for licensure (645 IAC 220.2 and 220.3).

Michigan:

To be eligible for part III of the podiatric examination administered by the NBPME, an applicant must submit an application for licensure together with the requisite fee. To assure eligibility to sit for the nbpme examination, an applicant must submit his or her completed application not less than 30 days before the date of the examination (Mich Admin Code, R 338.8104).

Minnesota:

Minnesota Statutes and Administrative code do not explicitly state that an applicant for a license as a podiatrist must complete the required education prior to taking the examination for licensure (Minnesota Rules, Part 6900.0020; Minnesota Statutes s. 153.16).

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of 2013 Wisconsin Act 114 in conjunction with the current rules relating to licensure under ch. Pod 1 and obtaining input and feedback from the Podiatry Affiliated Credentialing Board.

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

The proposed rules were posted for a period of 14 days for public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is 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 Kirsten.Reader@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, WI 53708-8935, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held at 9:00 a.m. on June 22, 2017, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Pod 1.01 is amended to read:

Pod 1.01 Authority and purpose. Chapters Pod 1 to 6 8 are adopted by the podiatry affiliated credentialing board under ss. 15.085 (5) (b), 227.11 (2) and 448.695, Stats., and govern the practice of podiatric medicine and surgery under subch. IV of ch. 448, Stats.

SECTION 2. Pod 1.02 (intro.) is amended to read:

Pod 1.02 (intro.) Definitions. As used in chs. Pod 1 to 7 8:

SECTION 3. Pod 1.03 (title), (intro.), and (1) are amended to read:

Pod 1.03 (title) ~~Application and credentials~~ Licensure requirements.

(intro.) Every person applying for a license to practice podiatric medicine and surgery shall ~~make application on forms provided by the board and shall~~ submit all of the following:

(1) A completed and verified application form provided by the board and the required fee under s. 440.05 (1), Stats.

SECTION 4. Pod 1.03 (1) (Note) and (3) are created to read:

Pod 1.03 (1) (Note) Applications are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, or from the department of safety and professional services' website at <http://dsps.wi.gov>.

(3) Evidence of successful completion of the examination requirements under s. Pod 1.06.

SECTION 5. Pod 1.05 is repealed.

SECTION 6. Pod 1.06 (1) (a) (intro.), (2), and (4) are amended to read:

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

(2) The board shall utilize as its ~~written examinations~~ examination the national board examination American Podiatric Medical Licensing Examination, part Parts I, and part II, II CSPE, and the PMLexis examination of the national board of podiatric examiners III. The passing scores are set by the ~~national board~~ National Board of podiatric medicine Podiatric Medical Examiners and represent the minimum competency required to protect public health and safety. The board may accept the recommendations of the examination provider.

(4) An applicant who has received passing grades in ~~written~~ examinations for a license to practice podiatry conducted by another licensing jurisdiction of the United States, shall submit to the board documentary evidence. The board shall review the documentary evidence to determine whether the scope and passing grades of the examinations are substantially equivalent to those of this state at the time of the applicant's examination. If the board finds equivalency, the board shall accept this in lieu of requiring the applicant to achieve the passing grades in the national board examination and the PMLexis examination of the national board of podiatry examiners scores under sub. (2). The burden of proof of equivalency is on the applicant.

SECTION 7. Pod 1.08 (1) (a) (Note) is amended to read:

Pod 1.08 (1) (a) (Note) Applications are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, or from the department of safety and professional services' website at <http://dsps.wi.gov>.

SECTION 8. Pod 1.08 (2) is renumbered Pod 1.08 (1) (d) and amended to read:

Pod 1.08 (1) (d) ~~An applicant shall complete~~ Evidence of successful completion of an open book examination on statutes and rules governing the practice of podiatric medicine and surgery in Wisconsin.

SECTION 9. Pod 1.09 (1) (a) (Note) is amended to read:

Pod 1.09 (1) (a) (Note) Applications are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, or from the department of safety and professional services' website at <http://dsps.wi.gov>.

SECTION 10. Pod 1.09 (2) is renumbered Pod 1.09 (1) (e) and amended to read:

Pod 1.09 (1) (e) ~~An applicant shall complete~~ Evidence of successful completion of an open book examination on statutes and rules governing the practice of podiatric medicine and surgery in Wisconsin.

SECTION 11. Pod 1.10 (1) (a) and (b) (Note) are amended to read:

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

(b) (Note) Applications are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, or from the department of safety and professional services' website at <http://dsps.wi.gov>.

SECTION 12. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)