

STATE OF WISCONSIN
PODIATRY AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF RULEMAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : PODIATRY AFFILIATED
PODIATRY AFFILIATED : CREDENTIALING BOARD
CREDENTIALING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Podiatry Affiliated Credentialing Board to amend Pod 1.03 (2) and 2.01 (21), relating to licensure and professional conduct.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 448.695 (1) (a) and (2), Stats.

Statutory authority:

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

Explanation of agency authority:

Section 15.085 (5) (b), Stats., provides an affiliated credentialing board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 448.695 (1) (a), Stats., requires the Podiatry Affiliated Credentialing Board to promulgate rules which “defin[e] the acts or attempted acts of commission or omission that constitute unprofessional conduct under s. 448.60 (5).”

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

Related statute or rule:

None.

Plain language analysis:

The rule updates ss. Pod 1.03 (2) and 2.01 (21) to reflect that the Council on Education has been renamed the Council on Podiatric Medical Education, and that the American Board of Foot and Ankle Surgery and American Board of Podiatric Medicine are the recognized specialty boards in the podiatric medical profession.

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

None.

Comparison with rules in adjacent states:

Illinois: The Illinois administrative rules reflect that the Council on Education is now referred to as the Council on Podiatric Medical Education of the American Podiatric Medical Association (68 Ill. Admin. Code s. 1360.20 (b)). The Illinois code does not list the specialty boards that are approved by the department (68 Ill. Admin. Code s. 1360.85 (d)).

Iowa: Iowa administrative rules reflect that the Council on Education is now referred to as the Council on Podiatric Medical Education of the American Podiatric Medical Association (645 IAC 220.4 (1)). Iowa provides that false or misleading advertising is grounds for disciplinary action, but it does not expressly require the podiatrist to provide the name of the specialty board in the advertisement (See 645 IAC 224.2 (5)).

Michigan:

Michigan administrative rules reflect that the Council on Education is now referred to as the Council on Podiatric Medical Education of the American Podiatric Medical Association (Mich. Admin Code s. R 338.8113). The code does not appear to expressly regulate podiatrist advertising.

Minnesota:

Minnesota administrative rules reflect that the Council on Education is now referred to as the Council on Podiatric Medical Education of the American Podiatric Medical Association (Minn. Admin Code s. 6900.0020 (2)). Minnesota code does not provide grounds for disciplinary action. Minnesota statute does provide that false or misleading advertising is grounds for disciplinary action, however it does not expressly require the podiatrist to provide the name of the specialty board in the advertisement (See Minnesota Statutes, Section 153.19 (1))

Summary of factual data and analytical methodologies:

The proposed rules are needed to reflect a name change to the council which approves podiatry education programs, as well as to reflect the names of the currently recognized specialty boards in the podiatric medicine profession.

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 the economic impact of the proposed rules, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

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 Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-267-7139; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the public hearing on June 9, 2022 at 9:00 a.m., to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Pod 1.03 (2) is amended to read:

Pod 1.03 (2) Verified documentary evidence of graduation from a school of podiatric medicine and surgery approved by the board and a verified photographic copy of the diploma conferring the degree of doctor of podiatric medicine or its equivalent as determined by the board granted to the applicant by the school. The board shall approve the podiatric medical schools recognized and approved at the time of the applicant's graduation by the ~~council on education of the American podiatric association~~ Council on Podiatric Medical Education of the American Podiatric Medical Association.

SECTION 2. Pod 2.01 (21) is amended to read:

Pod 2.01 (21) Using in advertising the term "board certified" or a similar phrase of like meaning by a licensee unless certified by the ~~council on podiatric medicine of the American podiatric medical association~~ American Board of Foot and Ankle Surgery or the American Board of Podiatric Medicine, and unless disclosure is made in the advertising of the complete name of the board which conferred the certification.

SECTION 3. 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)
