

## Chapter Pod 1

### LICENSE TO PRACTICE PODIATRIC MEDICINE AND SURGERY

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**Pod 1.01 Authority and purpose.** Chapters Pod 1 to 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.

**History:** Cr. Register, January, 2000, No. 529, eff. 2-1-00; correction made under s. 13.92 (4) (b) 6., Stats., Register September 2012 No. 68; CR 17-030: am. Register January 2018 No. 745 eff. 2-1-18.

**Pod 1.02 Definitions.** As used in chs. Pod 1 to 8:

- (1) "Board" means the podiatry affiliated credentialing board.
- (2) "Controlled substance" has the meaning under s. 961.01 (4), Stats.

(2m) "Direct supervision" means a podiatric physician has assumed responsibility for directing, supervising, and inspecting the work of the person being supervised and the supervising podiatric physician is physically present on the same premises as the person being supervised, with face-to-face contact as necessary.

(3) "License" means any license issued by the board.

(4) "Licensee" means any person validly possessing any license granted and issued to that person by the board.

(5) "Patient" means a person who receives health care services from a podiatrist.

(6) "Patient health care record" has the meaning given in s. 146.81 (4), Stats.

(6m) "Podiatric x-ray assistant" means a person who is under the direct supervision of a licensed podiatric physician and who performs only those radiographic functions that are within the scope of practice of a podiatric physician licensed under s. 448.61, Stats., and that the podiatric physician is competent to perform.

(7) "Practitioner" means a person holding a license to practice podiatric medicine and surgery.

(8) "Prescription drug" has the meaning under s. 450.01 (20), Stats.

**History:** Cr. Register, January, 2000, No. 529, eff. 2-1-00; CR 06-056: am. (2) Register April 2007 No. 616, eff. 5-1-07; correction in (2) made under s. 13.93 (2m) (b) 7., Stats., Register April 2007 No. 616; correction in (1) made under s. 13.92 (4) (b) 6., Stats., Register September 2012 No. 681; CR 13-110: am. (intro.), cr. (2m), (6m) Register April 2014 No. 704, eff. 9-1-14; CR 17-030: am. (intro.) Register January 2018 No. 745 eff. 2-1-18.

**Pod 1.03 Licensure requirements.** Except as provided in s. Pod 1.095, every person applying for a license to practice podiatric medicine and surgery 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.

**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://dps.wi.gov>.

(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 Podiatric Medical Education of the American Podiatric Medical Association.

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

**History:** Cr. Register, January, 2000, No. 529, eff. 2-1-00; CR 17-030: am. (title), (intro.), (1), cr. (3) Register January 2018 No. 745 eff. 2-1-18; CR 21-034: am. (intro.) Register April 2022 No. 796, eff. 5-1-22; CR 22-018: am. (2) Register July 2023 No. 811, eff. 8-1-23.

**Pod 1.04 Translation of documents.** If any of the documents required under this chapter are in a language other than English, the applicant shall also submit a verified English translation and the cost of translation shall be borne by the applicant.

**History:** Cr. Register, January, 2000, No. 529, eff. 2-1-00.

**Pod 1.06 Examinations.** (1) (a) An applicant shall complete the 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:

1. Has a medical condition which in any way impairs or limits the applicant's ability to practice podiatric medicine and surgery with reasonable skill and safety.

2. Uses chemical substances so as to impair in any way the applicant's ability to practice podiatric medicine and surgery with reasonable skill and safety.

3. Has been disciplined or had licensure denied by a licensing or regulatory authority in Wisconsin or another jurisdiction.

4. Has been found negligent in the practice of podiatric medicine or has been a party in a lawsuit in which it was alleged that the applicant had been negligent in the practice of podiatric medicine.

5. Has been convicted of a crime the circumstances of which substantially relate to the practice of podiatric medicine.

6. Has lost, had reduced or had suspended his or her hospital staff privileges, or has failed to continuously maintain hospital privileges during the applicant's period of licensure following postgraduate training.

7. Has been graduated from a school of podiatric medicine not approved by the board.

8. Has been diagnosed as suffering from pedophilia, exhibitionism or voyeurism.

9. Has within the past 2 years engaged in the illegal use of controlled substances.

10. Has been subject to adverse formal action during the course of medical education, postgraduate training, hospital practice, or other medical employment.

11. Has not practiced podiatric medicine and surgery for a period of 6 months prior to application, unless the applicant has been graduated from a school of podiatric medicine within that period.

(b) An application filed under s. Pod 1.03 shall be reviewed by an application review panel of at least 2 board members desig-

nated by the chairperson of the board. The panel shall determine whether the applicant is eligible for a license without completing an oral examination.

(c) All examinations shall be conducted in the English language. Each examination is scored separately, and the applicant shall achieve passing scores on each examination to qualify for a license.

(2) The board shall utilize as its examination the American Podiatric Medical Licensing Examination, Parts I, II, II Clinical Skills Patient Encounter, and III. The passing scores are set by the National Board of 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.

(3) The board may deny release of scores or issuance of a credential if the board determines that the applicant violated rules of conduct of the examination or otherwise acted dishonestly in the examination process.

(4) An applicant who has received passing grades in 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 scores under sub. (2). The burden of proof of equivalency is on the applicant.

(5) The oral examination of each applicant is conducted by members of the board and is scored as pass or fail.

(6) The board shall notify each applicant found eligible for examination of the time and place scheduled for that applicant's oral examination. Unless prior scheduling arrangements have been made with the board by the applicant, failure of an applicant to appear for examination as scheduled shall void that applicant's application and require the applicant to reapply for licensure.

(7) Any applicant who is a graduate of a school of podiatric medicine and surgery in which English is not the primary language of communication shall be examined by the board on his or her proficiency in the English language.

(8) Otherwise qualified applicants with disabilities, as defined by the Americans with disabilities act, shall be provided with reasonable accommodations.

**History:** Cr. Register, January, 2000, No. 529, eff. 2-1-00; CR 17-030: am. (1) (a) (intro.), (2), (4) Register January 2018 No. 745 eff. 2-1-18.

**Pod 1.07 Failure and reexamination.** An applicant who fails to achieve a passing grade in the examinations required under this chapter may apply for reexamination. An applicant who fails to achieve a passing grade in the examinations required under this chapter may be reexamined twice at not less than 4 month intervals. If the applicant fails to achieve a passing grade on the second reexamination, the applicant shall not be admitted to further examination until he or she reapplies for licensure and also presents to the board evidence of further professional training or education as the board may deem appropriate in each applicant's particular case.

**History:** Cr. Register, January, 2000, No. 529, eff. 2-1-00.

**Pod 1.08 Temporary educational license.** (1) An applicant who has been appointed to a postgraduate training program in a facility in this state approved by the board may apply to the board for a temporary educational license to practice podiatric medicine and surgery and shall submit to the board all of the following:

(a) A completed and verified application form provided by the board.

**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://dps.wi.gov>.

(b) The documentary evidence and credentials required under ss. Pod 1.04 and 1.06.

(c) The required fees under s. 440.05 (1), Stats.

(d) Evidence of successful completion of an open book examination on statutes and rules governing the practice of podiatric medicine and surgery in Wisconsin.

(3) The holder of a temporary educational license to practice podiatric medicine and surgery may, under the direction of a person licensed to practice podiatric medicine and surgery in this state, perform services requisite to the training program in which that holder is serving. Acting under such direction, the holder of a temporary educational license shall also have the right to prescribe drugs other than controlled substances and to sign any certificates, reports or other papers for the use of public authorities which are required of or permitted to persons licensed to practice podiatric medicine and surgery. The holder of a temporary educational license shall confine his or her entire practice to the facility in which he or she is taking the training.

(4) Violation by the holder of a temporary educational license to practice podiatric medicine and surgery of any of the provisions of chs. Pod 1 to 6 or of subch. IV of ch. 448, Stats., which apply to persons licensed to practice podiatric medicine and surgery, shall be cause for the revocation of the temporary educational license.

(5) Temporary educational licenses granted under this chapter shall expire 2 years from date of issuance.

**History:** Cr. Register, January, 2000, No. 529, eff. 2-1-00; CR 12-047: am. (5) Register March 2014 No. 699, eff. 4-1-14; CR 17-030: renum. (2) to (1) (d) and am. Register January 2018 No. 745 eff. 2-1-18; correction in (1) (b) made under s. 13.92 (4) (b) 7., Stats., Register January 2018 No. 745.

**Pod 1.09 Locum tenens license.** (1) An applicant who holds a valid license to practice podiatric medicine and surgery issued by another licensing jurisdiction of the United States may apply to the board for a locum tenens license to practice podiatric medicine and surgery and shall submit to the board all of the following:

(a) A completed and verified application form provided by the board.

**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://dps.wi.gov>.

(b) A letter from a podiatrist licensed to practice podiatric medicine and surgery in this state requesting the applicant's services.

(c) A verified photostatic copy of a license to practice podiatric medicine and surgery issued by another licensing jurisdiction of the United States to the applicant.

(d) The required fees under s. 440.05 (1), Stats.

(e) Evidence of successful completion of an open book examination on statutes and rules governing the practice of podiatric medicine and surgery in Wisconsin.

(3) The application and documentary evidence submitted by the applicant shall be reviewed by the board, acting through a designated member of the board and, upon the finding of the member that the applicant is qualified, the board, acting through the designated member, shall issue a locum tenens license to practice podiatric medicine and surgery to the applicant.

(4) The holder of a locum tenens license to practice podiatric medicine and surgery shall practice podiatric medicine and surgery as defined in s. 448.60 (4), Stats., providing the practice is confined to the geographical area for which the license is issued.

(5) A locum tenens license to practice podiatric medicine and surgery shall expire 90 days from the date of its issuance. For cause shown to its satisfaction, the board, acting through its designated member, may renew the locum tenens license for additional

periods of 90 days each, but no license may be renewed more than 3 consecutive times.

**History:** Cr. Register, January, 2000, No. 529, eff. 2-1-00; CR 06-056: am. (4) Register April 2007 No. 616, eff. 5-1-07; correction in (4) made under s. 13.93 (2m) (b) 7., Stats., Register April 2007 No. 616; CR 17-030: renum. (2) to (1) (e) and am. Register January 2018 No. 745 eff. 2-1-18.

**Pod 1.095 Reciprocal credentials for service members, former service members, and their spouses.** Notwithstanding s. Pod 1.03, a reciprocal license to practice podiatric medicine and surgery shall be granted to a service member, former service member, or the spouse of a service member or former service member who the board determines meets all of the requirements under s. 440.09 (2), Stats. Subject to s. 440.09 (2m), Stats., the board may request verification necessary to make a determination under this section.

**Note:** Forms to apply for a reciprocal credential are available from the department of safety and professional services' website at [www.dps.wi.gov](http://www.dps.wi.gov).

**History:** CR 21-034: cr. Register April 2022 No. 796, eff. 5-1-22.

**Pod 1.10 Temporary license.** (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 s. Pod 1.04, a completed application for a temporary license, and the required fees under s. 440.05 (1), Stats.

(b) The application and information submitted under par. (a), shall be reviewed by the board through a designated member. The board, acting through the designated member, shall issue a temporary license to practice podiatric medicine and surgery if the applications and information submitted under par. (a) are satisfactory.

**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://dps.wi.gov>.

(2) (a) A temporary license to practice podiatric medicine and surgery granted under this section expires on the earliest of the following dates:

1. Sixty days after the next examination for a license is given by the board if the temporary licensee submits to the examination.
2. The first day the board begins its examination of applicants for a license to practice podiatric medicine and surgery after the temporary license is issued, if the temporary licensee does not submit to the examination on that date.
3. The date following the examination on which the board grants or denies the temporary licensee a license to practice podiatric medicine and surgery.

(b) A license to practice podiatric medicine and surgery is deemed denied by the board under par. (a) 3., on the date the applicant is notified that he or she has failed the examination for a license to practice podiatric medicine and surgery.

**History:** Cr. Register, January, 2000, No. 529, eff. 2-1-00; CR 17-030: am. (1) (a) Register January 2018 No. 745 eff. 2-1-18; correction in (1) (a) made under s. 13.92 (4) (b) 7., Stats., Register January 2018 No. 745.

**Pod 1.11 Examination review by applicant.** (1) An applicant who fails the oral examination or statutes and rules examination may request a review of that examination by filing a written request and the required fee under s. 440.05 (1), Stats., with the board within 30 days of the date on which examination results were mailed.

(2) Examination reviews are by appointment only.

(3) An applicant shall review the statutes and rules examination for not more than one hour.

(4) An applicant shall review the oral examination for not more than 2 hours.

(5) An applicant shall not be accompanied during the review by any person other than the proctor.

(6) At the beginning of the review, the applicant shall be provided with a copy of the questions, a copy of the applicant's answer sheet or oral tape and a copy of the master answer sheet.

(7) An applicant shall review the examination in the presence of a proctor. The applicant shall be provided with a form on which to write comments, questions or claims of error regarding any items in the examination. Bound reference books shall be permitted. An applicant shall not remove any notes from the area. Notes shall be retained by the proctor and made available to the applicant for use at a hearing, if desired. The proctor shall not defend the examination or attempt to refute claims of error during the review.

(8) An applicant shall not review the examination more than once.

**History:** Cr. Register, January, 2000, No. 529, eff. 2-1-00.

**Pod 1.12 Board review of examination error claim.**

(1) An applicant claiming examination error shall file a written request for board review in the board office within 30 days of the date the examination was reviewed. The request shall include all of the following:

- (a) The applicant's name and address.
- (b) The type of license for which the applicant applied.
- (c) A description of the mistakes the applicant believes were made in the examination content, procedures, or scoring, including the specifics or procedures claimed to be in error.
- (d) The facts which the applicant intends to prove, including reference text citations or other supporting evidence for the applicant's claim.

(2) The board shall review the claim, make a determination of the validity of the objections and notify the applicant in writing of the board's decision and any resulting grade changes.

(3) If the board confirms the failing status following its review, the application shall be deemed incomplete and the board shall issue a notice of denial.

**History:** Cr. Register, January, 2000, No. 529, eff. 2-1-00.