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(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

### 2009-10

(session year)

### Senate

(Assembly, Senate or Joint)

### Committee on ... Health, Health Insurance, Privacy, Property Tax Relief, and Revenue (SC-HHIPTRR)

#### COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

#### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
  - (**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)
  - (**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

## Senate

### Record of Committee Proceedings

#### **Committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue**

##### **Senate Bill 191**

Relating to: podiatrist-patient privilege, immunity exemption for podiatrists providing emergency care at athletic events, allowing podiatrists to determine an illness or injury and complete forms for the purpose of granting assistance to needy veterans, allowing podiatrists to determine disability for the purpose of issuing certain hunting permits, cooperatives organized to provide sickness care, the Podiatrists Affiliated Credentialing Board, allowing podiatrists to certify driver school instructors' physical fitness, allowing Medical Assistance recipients to freely choose among podiatrists, and giving equal weight to certifications of disability by podiatrists for insurance purposes.

By Senators Lehman, Taylor, Plale, Schultz, Wirch and Holperin; cosponsored by Representatives Barca, Zigmunt, Benedict, Turner, Kerkman, Steinbrink, Friske, Mason, Townsend, Zepnick, Ballweg, Berceau and Petrowski.

May 07, 2009            Referred to Committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue.

August 18, 2009        **PUBLIC HEARING HELD**

Present:    (6)     Senators Erpenbach, Carpenter, Robson, Lassa, Lazich and Darling.

Absent:     (1)     Senator Kanavas.

##### Appearances For

- John Lehman, Racine — WI State Senate - 21st District
- Ian Furness, Fond du lac — Podiatric Affiliated Credentialing Board
- Matt Egger, Madison — Rep. Peter Barca, WI State Assembly 64th District
- Jay Ferus, Madison — Rep. Ted Zigmunt - WI State Assembly - 2nd District
- Tony Driesen, Madison — WI Society of Podiatric Medicine

##### Appearances Against

- None.

##### Appearances for Information Only

- Mark Grapentine, Madison — WI Medical Society

##### Registrations For

- Jason Johns, Madison — VFW of Wisconsin

Registrations Against

- None.

Registrations for Information Only

- None.

September 17, 2009 **EXECUTIVE SESSION HELD**

Present: (7) Senators Erpenbach, Carpenter, Robson, Lassa,  
Lazich, Kanavas and Darling.

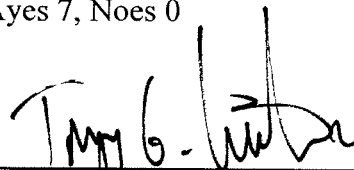
Absent: (0) None.

Moved by Senator Carpenter, seconded by Senator Robson that  
**Senate Bill 191** be recommended for passage.

Ayes: (7) Senators Erpenbach, Carpenter, Robson,  
Lassa, Lazich, Kanavas and Darling.

Noes: (0) None.

PASSAGE RECOMMENDED, Ayes 7, Noes 0



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Tryg Knutson  
Committee Clerk

# Vote Record

## Committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue

Date: 9-17-09

Moved by: SEN. CARPENTER

Seconded by: SEN. ROBSON

AB \_\_\_\_\_ SB 191 Clearinghouse Rule \_\_\_\_\_  
 AJR \_\_\_\_\_ SJR \_\_\_\_\_ Appointment \_\_\_\_\_  
 AR \_\_\_\_\_ SR \_\_\_\_\_ Other \_\_\_\_\_

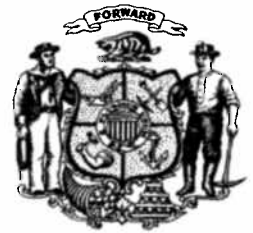
A/S Amdt \_\_\_\_\_  
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 A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

- Be recommended for:
- Passage       Adoption       Confirmation       Concurrence       Indefinite Postponement
  - Introduction       Rejection       Tabling       Nonconcurrency

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<b>Senator Jon Erpenbach, Chair</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Tim Carpenter</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Judith Robson</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Julie Lassa</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Mary Lazich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Ted Kanavas</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Alberta Darling</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Totals:</b>	<u>7</u>	<u>0</u>	_____	_____



# WISCONSIN STATE LEGISLATURE





August 18, 2009

Senate Committee on Health, Health Insurance,  
Privacy, Property Tax Relief, and Revenue

Senate Bill 191

Representative Peter Barca

Chairman Erpenbach and members of the Senate Committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue, thank you for holding a public hearing on Senate Bill 191, which updates the name of the Podiatrists Affiliated Credentialing Board and makes a number of small statutory changes to expressly outline the role of podiatrist under state law.

It is important to note right up front that this proposal does not impact or make any changes to Wisconsin Statute 448.60 (4) which defines the scope of practice for podiatrists. Doctors of Podiatric Medicine are governed by this statute and limited to providing healthcare within their area of training and expertise. The legal modifications made in this proposal are all made with the understanding that they only apply to podiatrists within their limited scope of practice. Legislative Council Attorney Richard Sweet has authored a memo which explains this distinction further.

I was first approached to become an author of this proposal by a constituent, Dr. Michael Thompson, who has been a highly respected podiatrist in Kenosha and Racine for many years. I made the decision to author this bill after Dr. Thompson explained to me the need to update the statutes in order to better clarify the role of podiatrists under our laws.

This bill changes the name of the Podiatrists Affiliated Credentialing Board to the Podiatry Affiliated Credentialing Board, and makes a number of statutory modifications to enumerate podiatrists in several areas of the law to expressly grant certain privileges. In some cases these are areas of law where there had been confusion as to whether or not podiatrists had these rights because Doctors of Podiatric Medicine are treated differently than Medical Doctors or physicians under the law.

These modifications include granting "Good Samaritan" immunity to podiatrists for healthcare rendered at an athletic event or contest at a school, extending patient confidentiality rights to podiatry patients, allowing cooperative associations to contract with podiatrists for healthcare, allowing podiatrists to diagnose an injury for the purpose of veteran assistance for the Department of Veterans Affairs, allowing podiatrists to certify for Department of Transportation purposes that a driving instructor is physically fit to teach, allowing podiatrists to certify that an individual as physically disabled for the purpose of obtaining a specialized hunting permit from the Department of Natural Resources, granting podiatrists the ability to certify a disability for insurance purposes, and granting medical assistance clients the ability to choose podiatrists as a healthcare provider.

I believe that these are modifications that should be made in order to fairly treat podiatrists among other healthcare professions such as chiropractors, optometrists, dentists, audiologists, and first responders in these various areas of the law. Including podiatrists in these areas can improve access to healthcare within this specialized field and reduce costs for healthcare consumers while maintaining quality services.

Thank you for your time today and I hope that I can count on your support when Senate Bill 191 comes for a vote before this committee.



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## WISCONSIN LEGISLATIVE COUNCIL

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*Terry C. Anderson, Director  
Laura D. Rose, Deputy Director*

TO: REPRESENTATIVE PETER BARCA  
FROM: <sup>RENJ</sup> Richard Sweet, Senior Staff Attorney  
RE: Practice of Podiatry Under 2009 Assembly Bill 273/2009 Senate Bill 191  
DATE: June 4, 2009

This memorandum responds to your question of what effect two companion bills have on the practice of podiatry. Those bills are 2009 Assembly Bill 273 and 2009 Senate Bill 191.

The bills permit a licensed podiatrist to engage in certain activities that they are not authorized to undertake under current law. For example, current law permits a licensed physician or chiropractor to verify that an applicant for certain hunting licenses is physically disabled; the bills also authorize podiatrists to do this. The bills define the term "health care provider" to include a podiatrist for purposes of completing medical forms necessary for the receipt of assistance to needy veterans. Current law requires that life, health, and disability insurers afford equal weight to certifications of disability signed by a physician and those signed by a chiropractor; the bills require that those insurers also afford equal weight to a certification of disability signed by a podiatrist with respect to matters within the scope of the podiatrist's professional license.

While the bills allow podiatrists to engage in these activities, they make no changes in the definitions of "podiatry" or "podiatric medicine or surgery" in current law. Those terms are defined in s. 448.60 (4), Stats., as follows:

448.60 (4) "Podiatry" or "podiatric medicine and surgery" means that branch or system of the practice of medicine and surgery that involves treating the sick which is **limited to conditions affecting the foot and ankle**, but does not include the use of a general anesthetic unless administered by or under the direction of a person licensed to practice medicine and surgery under subch. II. (Emphasis added.)

The above definition in current law is limited to "conditions affecting the foot and ankle." As noted above, the bills make no changes either in these limitations or in the definition of the terms.

Current law requires the Podiatrists Affiliated Credentialing Board (which is renamed the Podiatry Affiliated Credentialing Board under the bills) to promulgate rules defining the acts or attempted acts of commission or omission that constitute unprofessional conduct. Current law also

specifies actions that may be taken by the Affiliated Credentialing Board in cases of unprofessional conduct. None of these provisions are changed by the bills. Current rules of the Affiliated Credentialing Board define "unprofessional conduct," in part, as follows:

Pod 2.01 Definition. The term "unprofessional conduct" is defined to mean and include but not be limited to the following, or aiding or abetting the same:

...

(9) Practicing or attempting to practice under any license beyond the scope of that license.

Therefore, if a podiatrist practices or attempts to practice beyond the scope of his or her license, this conduct falls within the definition of the term "unprofessional conduct" and the podiatrist would be subject to discipline by the Affiliated Credentialing Board.

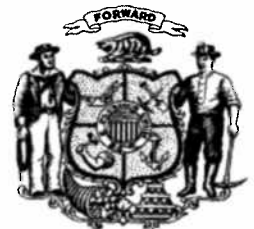
Feel free to contact me if I can be of further assistance.

RNS:jal





# WISCONSIN STATE LEGISLATURE





Wisconsin State Senate  
**John Lehman**  
Senator – 21st District

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State Capitol • PO Box 7882 • Madison, WI 53707-7882 • (608) 266-1832 • Toll-free: 1-866-615-7510

**Testimony of Senator John Lehman  
Senate Bill 191**

**Senate Health, Health Insurance, Privacy, Property Tax Relief and Revenue Committee  
August 18, 2009**

Thank you, Senator Erpenbach and committee members for the opportunity to testify in support of Senate Bill 191, legislation I co-authored with Representative Barca to update statutory references regarding doctors of podiatric medicine.

Over the years a number of changes have been made to statutes relating to the practice and provision of health care service in Wisconsin. By referencing only doctors of medicines or MDs these statutory changes had the effect of excluding other providers who could also render these services or be worthy of certain protections.

Specifically, SB 191 would update our laws to allow doctors of podiatric medicines (DPMs) to:

- Enjoy good Samaritan immunities like those for physicians, first responders and dentists;
- Protect patient confidentiality by allowing a patient to prevent disclosure of communications regarding their diagnosis or treatment by DPMs as they can with other providers like physicians, chiropractors and psychologists;
- Contract with cooperative associations like physicians, chiropractors, optometrists and dentists;
- Diagnose injuries for Department of Veterans Affairs patients, issue physically fit certificates for driving instructors and identify physical disability for special hunting permits as other providers are authorized to do;
- Certify a disability (within the scope their expertise) for insurance purposes;
- Allow a medical assistance patient to choose a DPM as a treatment provider unless DHS limits the choice.

In addition SB 191 changes the name of the Podiatrists Affiliated Credentialing Board to the Podiatry Affiliated Credentialing Board.

Doctors of Podiatric Medicine are highly trained medical professionals who have completed three or four years of undergraduate study, a four year academic degree program and a minimum two years of postgraduate training or residency before applying for a license to practice in Wisconsin. In addition, practicing podiatrists must take 50 hours of continuing education every two years to maintain their license.

It is important to note that SB 191 does not in any way change the definition of podiatry or podiatric medicine and surgery or expand the scope of practice for doctors of podiatric medicine.

Senate Bill 191 does – based on the training and expertise of doctors of podiatric medicine – allow them to provide services they are qualified to perform and extend to them statutory protections enjoyed by many other health care providers.

I hope SB 191 will have your support.





Wisconsin Society of Podiatric Medicine, Inc.

August 18, 2009

Members of the Senate Committee on Health, Health Insurance  
State Capitol  
Madison, WI 53707

RE: SB-191 Statutory Updates Related to Podiatry

Dear Senators:

**The Wisconsin Society of Podiatric Medicine is writing to voice its strong support for the passage of SB-191.** SB-191 is a "clean-up" bill that adds "podiatry" to various statutory sections where an express reference to podiatry was overlooked. SB-191 provides greater protections to the patient, encourages podiatrist to provide volunteer emergency healthcare services and creates health care efficiencies.

- How does SB-191 further protect patients?
  - SB-191 recognizes a patient's right to prevent a podiatrist from disclosing any communications regarding the patient's care.
  - SB-191 allows cooperative associations to contract with podiatrist for expert medical treatment regarding the foot, ankle and lower leg.
  - SB-191 allows a medical assistance client the ability to choose a podiatrist for specialized treatment.
  
- How does SB-191 create healthcare efficiencies and less hassle for the patient?
  - SB-191 allows a patient to utilize the services of a foot and ankle expert to not only treat the injury but to also certify the injury for different government agencies and insurance companies. This reduces time-consuming and costly trips to different health care providers for the same injury.
  - SB-191 allows a podiatrist to certify injuries in order for a patient to acquire a specialty hunting permit; issue a physically fit certificate for driving instructors; diagnose an injury for the Department of Veterans Affairs; and to certify an injury for insurance purposes. The podiatrist's certification would of course be limited to their specialized scope of practice as to the foot and ankle.

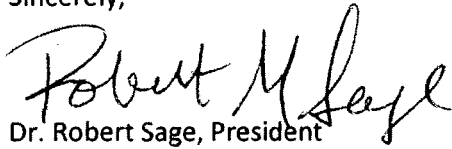
Lastly, this bill grants podiatrists Good Samaritan immunity while rendering voluntary health care services to a participant in an athletic event or contest at a school. With the numerous foot and ankle injuries that occur during athletic events, the inclusion of podiatrist care in this protection makes sound sense.

It is important to note that the Legislative Council has confirmed that SB-191 does not change the scope of a podiatrist's practice. The bill before you only expressly adds "podiatrists" to an existing statutory list of health care providers that is contained in each provision being amended.

*member american podiatric medical association*

Our statewide membership thanks you for your consideration of our comments.

Sincerely,

A handwritten signature in black ink that reads "Robert M. Sage". The signature is written in a cursive style with a large, prominent "R" and "S".

Dr. Robert Sage, President

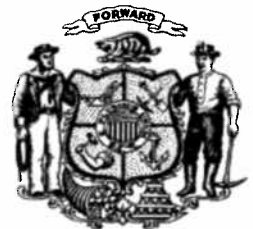
Wisconsin Society of Podiatric Medicine

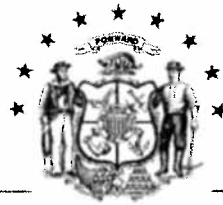
(608) 362-0758

[bobsage@charter.net](mailto:bobsage@charter.net)



# WISCONSIN STATE LEGISLATURE





## TED ZIGMUNT STATE REPRESENTATIVE

August 18, 2009

To: Senate Committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue  
RE: Testimony for SB 191

Passage of SB 191 is critical to Wisconsin's public health.

Podiatrists are highly trained medical professionals who have completed three or four years of undergraduate study, a four year academic degree program, and a minimum two years of postgraduate training or residency before applying for a license to practice in Wisconsin. Practicing podiatrists must take 50 hours of continuing education every two years to maintain their license.

Podiatrists treat a number of common and potentially serious afflictions: Arthritis, Bursitis, Diabetes (if foot conditions caused by diabetes are not promptly and properly treated by a podiatrist, it could lead to amputation), Gout, Tendonitis, Ulceration and many more. This is why adding doctors of podiatric medicine to the list of health care providers in a number of our state statutes relating to the practice of health care and patient protection, is so important. AB 273 accomplishes this.

This bill will protect patients and lead to better and more accessible treatment for them. Here are a few important examples:

- Protect the confidentiality of patients of doctors of podiatric medicine in the same manner it is for patients of physicians, chiropractors and psychologists.
- Allow cooperative associations to contract with doctors of podiatric medicine, as they are currently allowed to with physicians, chiropractors, optometrists and dentists.
- Allow doctors of podiatric medicine to diagnose injuries for Department of Veterans Affairs patients and identify physical disability for special hunting permits as other providers are authorized to do.
- Allow a medical assistance patient to choose a doctor of podiatric medicine as a provider for treatment unless DHS limits the choice.

Please vote in favor of SB 191.

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