

STATE OF WISCONSIN
PODIATRISTS AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF RULE-MAKING :
PROCEEDINGS BEFORE THE : NOTICE OF PUBLIC HEARING
PODIATRISTS AFFILIATED : Clearinghouse Rule 06-056
CREDENTIALING BOARD :

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Podiatrists Affiliated Credentialing Board in ss. 15.085 (5) (b), 227.11 (2), 448.665 and 448.695 (2), Stats., and interpreting s. 448.665, Stats, the Podiatrists Affiliated Credentialing Board will hold a public hearing at the time and place indicated below to consider an order to amend Pod 1.02 (2), 1.09 (4), 3.01 (1) and (2), and 3.02 (1) (intro.) relating to waiver of continuing podiatric medical education.

Hearing Date, Time and Location

Date: September 26, 2006
Time: 9:30 A.M.
Location: 1400 East Washington Avenue
(Enter at 55 North Dickinson Street)
Room 121A
Madison, Wisconsin

APPEARANCES AT THE HEARING:

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Regulation and Licensing, Office of Legal Counsel, P.O. Box 8935, Madison, Wisconsin 53708. Written comments must be received by September 26, 2006, to be included in the record of rule-making proceedings.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutory authority:

Sections 15.085 (5) (b), 227.11 (2), 448.665 and 448.695 (2), Stats.

Explanation of agency authority:

The Podiatrists Affiliated Credentialing Board has the authority under s. 448.665, Stats., to promulgate rules relating to continuing education.

Related statute or rule:

There are no other related statutes or rules other than those listed above.

Plain language analysis:

Chapter Pod 3 sets forth the requirements for obtaining continuing education for podiatrists. Each biennium, podiatrists are required to obtain 50 hours of acceptable continuing education. Under the current rule, licensees may apply to the board for a waiver of this requirement provided they become ill, have a disability, or another similar circumstance. This proposed rule-making is intended to provide greater flexibility because it permits the board to consider postponing the continuing education requirements and to consider other circumstances besides disability or illness in making its determinations.

SECTION 1 amends the statutory citation for “controlled substance” to the correct cite.

SECTION 2 amends an incorrect statutory citation to the correct citation.

SECTION 3 amends an incorrect statutory citation. It also amends the requirements for obtaining a waiver of continuing education requirements by permitting the board to consider each request individually on its merits and to allow it to grant a postponement, partial waiver, or total waiver of the requirements.

SECTION 4 amends an incorrect statutory citation to the correct citation.

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

There is no existing or proposed federal regulation.

Comparison with rules in adjacent states:

Iowa

First time licensees are not required to complete continuing education as a prerequisite for license renewal. An exemption is allowed for disability or illness.

Illinois

The board may recommend a waiver for good cause, which includes illness or hardship as defined by rule. The rule requires a finding of “extreme hardship,” including full time service in the Armed Forces, incapacitating illness with physician documentation, physical inability to travel to continuing education sites, or other similar extenuating circumstances.

Michigan

A 60 day late renewal period is allowed. The board has defined guidelines setting forth the policy the board will follow in granting waivers. Disability, military service, absence from the continental United States, or circumstances beyond the control of the applicant is deemed sufficient for waiver by the board.

Minnesota

In the initial licensure period, a fraction of the 30 hours required must be satisfied, represented by the ratio of the number of days the license is held in the initial licensure period to 730 days. A six month extension of the reporting deadline is allowed and two consecutive extensions may be granted for “good cause,” which includes unforeseen hardships such as illness, family emergency and military call-up.

Summary of factual data and analytical methodologies:

Continuing education rules for other professions regulated by boards connected to the Department of Regulation and Licensing allow for hardship exceptions and exemptions for initial licensees in their first full cycle of licensure. These provisions make reasonable allowances for not completing the continuing education requirements.

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

There are no additional recordkeeping or bookkeeping requirements for small businesses, the rule does not increase reporting requirements, and no professional skill, training or credential is required beyond those that must currently be maintained.

Section 227.137, Stats., requires an “agency” to prepare an economic impact report before submitting the proposed rule-making order to the Wisconsin Legislative Council. The Department of Regulation and Licensing is not included as an “agency” in this section.

Anticipated costs incurred by private sector:

The department finds that this rule has no significant fiscal effect on the private sector.

Fiscal estimate:

The department finds that this rule will have no significant fiscal impact.

Effect on small business:

These proposed rules will have no significant 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 larry.martin@drl.state.wi.us, or by calling (608) 266-8608.

Agency contact person:

Pamela Haack, Paralegal, Department of Regulation and Licensing, Office of Legal Counsel, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708-8935. Telephone: (608) 266-0495. Email: pamela.haack@drl.state.wi.us.

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

Comments may be submitted to Pamela Haack, Paralegal, Department of Regulation and Licensing, 1400 East Washington Avenue, Room 152, P.O. Box 8935, Madison, Wisconsin 53708-8935, or by email at pamela.haack@drl.state.wi.us. Comments must be received on or before September 26, 2006 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Pod 1.02 (2) is amended to read:

Pod 1.02 (2) "Controlled substance" has the meaning under s. ~~961.10~~ 961.01 (4), Stats.

SECTION 2. Pod 1.09 (4) is amended to read:

Pod 1.09 (4) The holder of a locum tenens license to practice podiatric medicine and surgery shall practice podiatric medicine and surgery as defined in s. ~~448.01(8)~~ 448.60 (4), Stats., providing the practice is confined to the geographical area for which the license is issued.

SECTION 3. Pod 3.01 (1) and (2) are amended to read:

Pod 3.01 Continuing podiatric medical education required; waiver. (1) Each podiatrist required to complete the biennial training requirement under s. ~~448.465~~ 448.665, Stats., shall, in each second year at the time of making application for a certificate of registration as required under s. ~~448.465~~ 448.665, Stats., sign a statement on the application for registration certifying that the podiatrist has completed at least 50 hours of acceptable continuing educational programs relevant to the practice of podiatric medicine within the 2 calendar years immediately preceding the calendar year for which application for registration is made.

(2) A licensee may apply to the board for a postponement or waiver of the requirements of this chapter on the grounds of prolonged illness or disability, or other similar circumstances, and each case shall be individually considered on its merits by the board grounds constituting hardship. The board shall consider each request individually on its merits and may grant a postponement, partial waiver, or total waiver of the requirements.

SECTION 4. Pod 3.02 (1) (intro.) is amended to read:

Pod 3.02 Acceptable continuing medical educational programs. (1) (intro.) In satisfaction of the biennial training requirement under s. ~~448.465~~ 448.665, Stats., the board shall accept an educational program approved at the time of the podiatrist's attendance by any of the following: