

STATE OF WISCONSIN  
PODIATRY AFFILIATED CREDENTIALING BOARD

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IN THE MATTER OF RULEMAKING :  
PROCEEDINGS BEFORE THE :  
PODIATRY AFFILIATED : NOTICE OF PUBLIC HEARING  
CREDENTIALING BOARD :  
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NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Podiatry Affiliated Credentialing Board in §227.11 (2) (a) and 448.665, Wis. Stats., and interpreting § 448.665, Wis. Stats., the Podiatry Affiliated Credentialing Board will hold a public hearing at the time and place indicated below to consider an order to amend Pod 3.01 and 3.04, relating to continuing education audits of podiatrists.

**Hearing Date, Time and Location**

<b>Date:</b>	<b>June 17, 2014</b>
<b>Time:</b>	<b>11:00 A.M.</b>
<b>Location:</b>	<b>1400 East Washington Avenue Room 121A Madison, Wisconsin</b>

**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 Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708. Written comments must be received at or before the public hearing to be included in the record of rule-making proceedings.

Analysis prepared by the Department of Safety and Professional Services.

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**ANALYSIS**

**Statutes interpreted:**

s. 448.665, Stats.

**Statutory authority:**

s. 227.11 (2) (a) and 448.665, Stats.

**Explanation of agency authority:**

Pursuant to s. 227.11 (2) (a), Stats. the Podiatry Affiliated Credentialing Board (Board) is generally empowered by the legislature to promulgate rules that will provide guidance within the profession and rules that interpret the statutes it enforces or administers. Section 448.665, Stats., empowers the Board to, “promulgate rules establishing requirements and procedures for licensees to complete continuing education programs or courses of study in order to qualify for renewal of a license granted under this subchapter.” The proposed rule seeks to carry out this mandate by promulgating rules setting forth the time period for conducting continuing education audits and by specifying the time period for retaining documentary evidence of compliance with the continuing education requirement.

**Related statute or rule:**

None.

**Plain language analysis:**

This proposed rule is focused on specifying the time period for conducting audits of licensee’s compliance with the continuing education requirement in Wis. Admin. Code § Pod 3 and specifying the time period licensees must maintain evidence of compliance. Currently, the rule requires, “any podiatrist to submit evidence to the board of his or her compliance with continuing education requirements during the preceding biennium.” Wis. Admin. Code § Pod 3.04. The rule does not state when audits are to take place or how long a licensee must maintain evidence of compliance with the continuing education requirement. This proposed rule identifies when audits of continuing education will take place and how long evidence of compliance with the required continuing education must be maintained.

SECTION 1. identifies when compliance with the continuing education requirement must be reported.

SECTION 2. identifies when audits are to take place and the amount of time in which certificates of completion of continuing education must be kept.

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

None.

**Comparison with rules in adjacent states:**

**Illinois:** Illinois does not set a specific time frame for conducting audits or maintaining certificates of compliance with continuing education. It is the responsibility of each licensee to maintain evidence of compliance with continuing education requirements and provide evidence of such upon request pursuant to a random audit. ILL. ADMIN. CODE tit. 68 §. 1360.70 d) 2).

**Iowa:** Even though Iowa defines the term “audit” in 645 IAC 225., the code is silent with regards to a specific time period for auditing continuing education compliance and maintaining evidence of compliance.

**Michigan:** The Department of Licensing and Regulatory Affairs, Bureau of Health Care Services conducts an audit at the conclusion of each renewal period to verify compliance with continuing education requirements. In accordance with Mich. Admin. Code r. 338.3711 (2), licensees are responsible for maintaining evidence of compliance

**Minnesota:** Licensees must provide the board with proof of attendance in a continuing education program within the renewal period. The evidence must be in the form of a certificate, descriptive receipt, or affidavit. MINN. Rules 6900.0300 Subp. 4.

#### **Summary of factual data and analytical methodologies:**

The Board reviewed its rules and determined that a set time was required for auditing licensees’ compliance with continuing education requirements. No other factual data or analytical methodologies were used. The Board ensures the accuracy, integrity, objectivity and consistency of data were used in preparing the proposed rule and related analysis

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

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 [Tom.Engels@wisconsin.gov](mailto:Tom.Engels@wisconsin.gov), or by calling (608) 266-8608.

#### **Fiscal estimate and Economic Impact Analysis:**

The Fiscal Estimate and Economic Impact Analysis are attached.

#### **Agency contact person:**

Shawn Leatherwood, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4438; email at [Shancethea.L Leatherwood@wisconsin.gov](mailto:Shancethea.L Leatherwood@wisconsin.gov).

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

Comments may be submitted to Shawn Leatherwood, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708, or by email to Shancethea.Leachwood@wisconsin.gov. Comments must be received at or before the public hearing to be held on June 17, 2014 to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. Pod 3.01 is amended to read:

**Pod 3.01 Continuing podiatric medical education required; waiver.** (1) Each podiatrist required to complete the biennial training requirement under s. 448.665, Stats., shall, in the each second year at the time of making application for a certificate of registration as required under s. 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 each 2-year period immediately preceding the renewal date specified under s. 440.08 (2) (a), Stats.

SECTION 2. Pod 3.04 is amended to read:

**Pod 3.04** The board may conduct a random audit of all licensees on a biennial basis for compliance with continuing education requirements. The board may require any podiatrist to submit evidence to the board of his or her compliance with continuing education requirements during the preceding biennium for the purpose of conducting an audit. Licensees shall retain certificates of continuing education attendance for a minimum period of 4 years.

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.

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(END OF TEXT OF RULE)

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COPIES OF RULE

Copies of this proposed rule are available upon request to Shawn Leatherwood, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708, by email at Shancethea.Leachwood@wisconsin.gov or on our website at <http://dsps.wi.gov/Default.aspx?Page=44e541e8-abdd-49da-8fde-046713617e9e>.