

Report From Agency

**STATE OF WISCONSIN
PODIATRY AFFILIATED CREDENTIALING BOARD**

IN THE MATTER OF RULEMAKING : REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE : CR 20-040
PODIATRY AFFILIATED :
CREDENTIALING BOARD :

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

As required under s. 448.695 (4) Stats., as created by 2017 Wisconsin Act 227, the proposed rules establish practice standards for a physician assistant practicing podiatry as provided in s. 448.21 (4), Stats., and requirements for a podiatrist who is supervising a physician assistant as provided in s. 448.21 (4), Stats.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Podiatry Affiliated Credentialing Board held a public hearing on October 15, 2020. The Board received written comments from Roger Lovelace, PA-C, President of the Wisconsin Academy of Physician Assistants (WAPA). Mr. Lovelace's comments are specific to the definition of "nonsurgical patient services" under s. Pod 9.02, and express concern the definition as drafted does not adequately reflect the capabilities of physician assistants. Specifically, WAPA requests the wording "accurately writing or executing orders" be replaced with "writing orders and other actions and procedures in accordance with the education, training, experience, and credentialing of the physician assistant."

In response to the above comments, the Board has revised the definition of "nonsurgical patient services" as requested by WAPA, with the addition of a reference to the scope of the practice of a physician assistant under s. Med 8.07. Specifically, the wording "accurately writing or executing orders" has been replaced with "writing orders, and

other actions and procedures in accordance with s. Med 8.07 and the education, training, experience, and credentialing of the physician assistant.”

VI. RESPONSE TO MEDICAL EXAMINING BOARD AND LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

The proposed rule was submitted to the Medical Examining Board on July 15, 2020. The Medical Examining Board expressed its support of the proposed rule, and had no comments for the Podiatry Affiliated Credentialing Board to consider.

The Legislative Council had the following recommendation concerning the proposed rule:

“The agency could consider removing the definition in s. Pod 9.02 and the second sentence in s. Pod 9.03. The second sentence of the proposed text for s. Pod 9.03, together with the proposed definition for ‘nonsurgical patient services’, is duplicative of the language given in s. Med 8.07 (2) (e). That section provides that: ‘[m]edical care a physician assistant may provide include[s]... [a]ssisting the supervising physician in a hospital or facility, as defined in s. 50.01 (1m), Stats., by assisting in surgery, making patient rounds, recording patient progress notes, compiling and recording detailed narrative case summaries, and accurately writing or executing orders.’. That provision is already incorporated into the first sentence of s. Pod 9.03 by cross-reference. Accordingly, the second sentence, together with the definition, are duplicative of the cross-reference made in the first sentence, and could be omitted.”

The Board did not modify the proposed rule in response to this recommendation. Section 448.21 (4), Stats., limits the practice of podiatry by a physician assistant to providing “nonsurgical patient services,” a term the statutes and ch. Med 8 do not define. Section Pod 9.02 defines “nonsurgical patient services,” which clarifies the scope of a physician assistant’s practice of podiatry. In addition, s. Med 8.07 (2) (e) does not explicitly permit a physician assistant to assist a supervising podiatrist in a hospital or facility. Section Pod 9.03 clarifies this is permitted.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

N/A