

STATE OF WISCONSIN
PODIATRY AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	PODIATRY AFFILIATED
PODIATRY AFFILIATED	:	CREDENTIALING BOARD
CREDENTIALING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 20-040)

PROPOSED ORDER

An order of the Podiatry Affiliated Credentialing Board to create ch. Pod 9, relating to physician assistants.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 448.21 (4), Stats.

Statutory authority:

Sections 15.085 (5) (b) and 448.695 (2) and (4) (a) and (b), Stats.

Explanation of agency authority:

Section 15.085 (5) (b), Stats., provides an affiliated credentialing board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 448.695 (2), Stats., provides “[t]he affiliated credentialing board may promulgate rules to carry out the purposes of this subchapter.”

Section 448.695 (4) (a), Stats., provides the Podiatry Affiliated Credentialing Board shall promulgate rules establishing “[p]ractice standards for a physician assistant practicing podiatry as provided in s. 448.21 (4).”

Section 448.695 (4) (b), Stats., provides the Podiatry Affiliated Credentialing Board shall promulgate rules establishing “[r]equirements for a podiatrist who is supervising a physician assistant as provided in s. 448.21 (4).”

Related statute or rule:

Chapter Med 8 provides practice standards for a physician assistant practicing podiatry and requirements for a podiatrist who is supervising a physician assistant.

Plain language analysis:

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.

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

None.

Comparison with rules in adjacent states:**Illinois:**

The Illinois Physician Assistant Practice Act (225 ILCS 95) does not permit a physician assistant to be supervised by or to work in a collaborative relationship with a podiatric physician.

Iowa:

The Iowa statutes do not permit a physician assistant to be supervised by or to work in a collaborative relationship with a podiatrist (Iowa Code § 148C.4).

Michigan:

The Michigan Public Health Code allows a physician assistant to work under a practice agreement with a podiatrist (MCL 333.18047). A practice agreement may not include as a duty or responsibility of the physician assistant or podiatrist an act, task, or function that the physician assistant or podiatrist is not qualified to perform by education, training, or experience and that is not within the scope of the license held by the physician assistant or podiatrist.

Minnesota:

The Minnesota Physician Assistant Practice Act (Minnesota Statutes, Chapter 147A) does not permit a physician assistant to be supervised by or to work in a collaborative relationship with a podiatrist.

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of 2017 Wisconsin Act 227 and obtaining input and feedback from the Podiatry Affiliated Credentialing Board and the Council on Physician Assistants.

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

The proposed rules were posted for a period of 14 days for public comment on the economic impact of the proposed rules, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Effect on small business:

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 Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held at 9:00 a.m. on October 15, 2020, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Chapter Pod 9 is created to read:

CHAPTER POD 9

PHYSICIAN ASSISTANTS

Pod 9.01 Authority and scope. The rules in this chapter are adopted by the podiatry affiliated credentialing board pursuant to the authority delegated by ss. 15.085 (5) (b) and 448.695 (2) and (4), Stats., and 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.

Pod 9.02 Definition. In this chapter, “nonsurgical patient services” means assisting in surgery, making patient rounds, recording patient progress notes, compiling and recording detailed narrative case summaries, 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.

Pod 9.03 Practice standards for a physician assistant practicing podiatry. The practice standards for a physician assistant practicing podiatry are as provided under s. 448.21, Stats., and ss. Med 8.01 (2), 8.07, 8.09, and 8.10. The medical care a physician assistant may provide when practicing podiatry includes assisting a supervising podiatrist in a hospital or facility, as defined in s. 50.01 (1m), Stats., by providing nonsurgical patient services.

Pod 9.04 Requirements for a podiatrist supervising a physician assistant. The requirements for a podiatrist who is supervising a physician assistant are as provided under s. 448.21, Stats., and ss. Med 8.01 (2), 8.07, 8.09, and 8.10.

SECTION 2. 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.

(END OF TEXT OF RULE)

This Proposed Order of the Podiatry Affiliated Credentialing Board is approved for submission to the Governor and Legislature.

Dated _____

Agency _____

Chairperson
Podiatry Affiliated Credentialing Board