

STATEMENT OF SCOPE

Podiatry Affiliated Credentialing Board

Rule No.: Pod 1

Relating to: Examination requirements

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

None.

2. Detailed description of the objective of the proposed rule:

The purpose of the proposed rule is to bring current Wisconsin Administrative Code in line with recent legislation, specifically 2013 Wisconsin Act 114.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Pursuant to the enactment of 2013 Wisconsin Act 114, the Department of Safety and Professional Services and its attached boards may no longer require any person to complete any postsecondary education before the person is eligible to take an examination for a credential. In accordance with this legislation, the Podiatry Affiliated Credentialing Board must revise the administrative rules to allow applicants seeking licensure as a podiatrist to take their credentialing exam before completing any postsecondary education. The proposed rule will implement this change by amending Wisconsin Administrative Code Chapter Pod 1.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.08 (5) (b), Stats., provides examining boards, “shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .” The proposed rule seeks to provide guidance within the profession on applicant’s eligibility for licensure examination.

Section 227.11 (2) (a), Stats., discuss the parameters of an agency’s rule-making authority by stating that an agency, “may promulgate rules interpreting provisions of any statute enforced or administered by the agency . . .but a rule is not valid if the rule exceeds the bounds of correct interpretation. . .” This section allows an agency to promulgate administrative rules which interpret the statute it enforces or administers as long as the proposed rule does not exceed proper interpretation of the statute.

Section 440.071 (1), Stats., provides that, “the department or a credentialing board or other board in the department may not require a person to complete any postsecondary education or other program before the person is eligible to take an examination for a credential the department or credentialing board or other board in the department grants or issues.”

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule :

State employees will spend approximately 50 hours developing the proposed rule.

6. List with description of all entities that may be affected by the proposed rule :

The proposed rule will affect applicants for licensure as a podiatrist.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule :

None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule is likely to have minimal or no economic impact on small businesses.

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