

# REVISED STATEMENT OF SCOPE

## Podiatry Affiliated Credentialing Board

**Rule No.:** Pod 3

**Relating to:** Continuing Podiatric Medical Education

**Rule Type:** Permanent

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

N/A

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

The primary objective of the proposed rule is to promote best practices for prescribing controlled substances. The proposed rule would establish requirements for the completion of continuing education hours relating to prescribing controlled substances as a portion of the biennial training requirements for podiatrists.

Another objective of the proposed rule is to reflect the provision of 2017 Wisconsin Act 59 specifying that, except as otherwise permitted in chs. 440 to 480, Stats., an examining board or affiliated credentialing board attached to an examining board may require a credential holder to submit proof of completion of continuing education programs or courses only if a complaint is made against the credential holder.

The Board will also review and possibly revise the provisions in ss. Pod 3.03 (2) and 3.04 relating to retention of evidence of completion of continuing education requirements and will review the remainder of the chapter to ensure conformity with current drafting standards.

### **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:**

Section 448.665, Stats., and ch. Pod 3 address the requirements for continuing podiatric medical education. The proposed rule would establish requirements for the completion of continuing education related to prescribing controlled substances. The alternative to this change is to leave ch. Pod 3 as written, which does not address the growing concern with prescription drug abuse.

Section Pod 3.04 provides the Podiatry Affiliated Credentialing Board may conduct a random audit of any licensee on a biennial basis to determine compliance with continuing education requirements, and may require any podiatrist to submit evidence to the board of his or her compliance with continuing education requirements during the preceding biennium for conducting an audit. The proposed rules will revise these provisions, as the underlying statutes no longer provide this authority.

Sections Pod 3.03 (2) and 3.04 provide different standards for the retention of evidence of completion of continuing education requirements. The Board will review and possibly revise these sections.

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

Section 15.08 (5) (b), Stats., provides affiliated credentialing boards “shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 448.665, Stats., provides the Podiatry Affiliated Credentialing Board “shall 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.”

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

**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 60 hours developing the proposed rule.

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

Individuals licensed in Wisconsin as podiatrists.

**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 will have minimal to no economic impact on small businesses and the state’s economy as a whole.

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