

## Chapter Pod 2

## UNPROFESSIONAL CONDUCT

Pod 2.01 Definition.

**Pod 2.01 Definition.** The term “unprofessional conduct” is defined to mean and include but not be limited to the following, or aiding or abetting the same:

(1) Violating or attempting to violate any provision or term of subch. IV of ch. 448, Stats., or of any valid rule of the board.

(2) Violating or attempting to violate any term, provision, or condition of any order of the board.

(3) Knowingly making or presenting or causing to be made or presented any false, fraudulent, or forged statement, writing, certificate, diploma, or other thing in connection with any application for a license.

(4) Practicing fraud, forgery, deception, collusion, or conspiracy in connection with any examination for a license.

(5) Engaging or attempting to engage in practice under any license under any given name or surname other than that under which originally licensed or registered to practice in this or any other state. This subsection does not apply to change of name resulting from marriage, divorce, or order by a court of record.

(6) Engaging or attempting to engage in the unlawful practice of podiatric medicine and surgery or treating the sick.

(7) Any practice or conduct which tends to constitute a danger to the health, welfare, or safety of a patient or the public.

(8) Practicing or attempting to practice under any license when unable to do so with reasonable skill and safety to patients.

(9) Practicing or attempting to practice under any license beyond the scope of that license.

(10) Offering, undertaking, or agreeing to treat or cure a disease or condition by a secret means, method, device, or instrumentality; or refusing to divulge to the board upon demand the means, method, device, or instrumentality used in the treatment of a disease or condition.

(11) Representing that a manifestly incurable disease or condition can be or will be permanently cured; or that a curable disease or condition can be cured within a stated time, if such is not the fact.

(12) Knowingly making any false statement, written or oral, in practicing under any license, with fraudulent intent; or obtaining or attempting to obtain any professional fee or compensation of any form by fraud or deceit.

(13) Willfully divulging a privileged communication or confidence entrusted by a patient or deficiencies in the character of patients observed in the course of professional attendance, unless lawfully required to do so.

(14) Engaging in uninvited, in-person solicitation of actual or potential patients who, because of their particular circumstances, are vulnerable to undue influence, or engaging in false, misleading or deceptive advertising.

(15) Administering, dispensing, prescribing, supplying, or obtaining controlled substances as defined in s. 961.01 (4), Stats., other than in the course of legitimate professional practice, or as otherwise prohibited by law.

(16) Having a license, certificate, permit, registration, or other practice credential granted by another state or by any agency of the federal government to practice medicine and surgery, which becomes limited, restricted, suspended, or revoked, or having been subject to other adverse action by the state licensing authority or by any agency of the federal government, including but not limited to the denial or limitation of an original credential, or the surrender of a credential, whether or not accompanied by findings of negligence or unprofessional conduct.

(17) Conviction of any crime which may relate to practice under any license, or of violation of any federal or state law regulating the possession, distribution, or use of controlled substances as defined in s. 961.01 (4), Stats. A certified copy of a judgment of a court of record showing such conviction, within this state or without, shall be presumptive evidence thereof.

(18) Prescribing, ordering, dispensing, administering, supplying, selling, or giving any amphetamine, sympathomimetic amine drug or compound designated as a schedule II controlled substance pursuant to the provisions of s. 961.16 (5), Stats., to or for any person except for use as an adjunct to opioid analgesic compounds for treatment of cancer-related pain.

(19) Aiding or abetting the unlicensed practice of podiatric medicine or representing that unlicensed persons practicing under supervision are licensed.

(20) Failure of a licensee whose principal place of practice is in this state to submit to the board on or before June 30 of each year evidence that the podiatrist has in effect malpractice liability insurance coverage in the amount of at least \$1,000,000 per occurrence and \$1,000,000 for all occurrences in one year.

(21) Using in advertising the term “board certified” or a similar phrase of like meaning by a licensee unless certified by the American Board of Foot and Ankle Surgery or the American Board of Podiatric Medicine, and unless disclosure is made in the advertising of the complete name of the board which conferred the certification.

(22) Violating or aiding and abetting the violation of any law or administrative rule or regulation, the circumstances of which substantially relate to the circumstances of the practice of podiatric medicine and surgery.

(23) Failure by a licensee to maintain patient health care records consistent with the requirements of ch. Pod 6.

(24) Performing deceptive, misleading, or fraudulent treatment, evaluation, or medical or surgical services.

**History:** Cr. Register, January, 2000, No. 529, eff. 2–1–00; CR 15–075: cr. (24) Register July 2016 No. 727, eff. 8–1–16; CR 22–018: am. (21) Register July 2023 No. 811, eff. 8–1–23.