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**PHYSICIAN LICENSURE WORKGROUP  
OF THE  
MEDICAL EXAMINING BOARD  
Teleconference/Virtual Meeting  
Room 121C, 1400 East Washington Avenue, Madison  
Contact: Tom Ryan (608) 266-2112  
October 27, 2014**

*The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.*

**AGENDA**

**11:00 A.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

**A) Adoption of Agenda (1)**

**B) Legislative/Administrative Rule Matters – Discussion and Consideration:**

- 1) Proposals to Create New Medical Licensure Provisions Pursuant to 2013 Wisconsin Act 240 **(2-13)**

**C) Public Comments**

**ADJOURNMENT**

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request: Shawn Leatherwood, Admin. Rule Coordinator		2) Date When Request Submitted: <b>October 13, 2014</b>	
		Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 08 work days before the meeting for all others</li> </ul>	
3) Name of Board, Committee, Council, Sections:  <b>Medical Examining Board-Physician Licensure Workgroup</b>			
4) Meeting Date: <b>October 27, 2014</b>	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? <b>A. Approval of Agenda</b> <b>B. Proposals to create new medical licensure provisions pursuant to 2013 Wisconsin Act 240</b> <b>C. Public Comments</b>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing?  <input type="checkbox"/> Yes by _____ (name)  <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:  N/A	
10) Describe the issue and action that should be addressed:			
11) <b>Shawn Leatherwood</b> Signature of person making this request		Authorization	<b>October 13, 2014</b> Date
Supervisor (if required)			Date
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)			Date
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

# State of Wisconsin



2013 Senate Bill 579

Date of enactment: April 8, 2014  
Date of publication\*: April 9, 2014

## 2013 WISCONSIN ACT 240

AN ACT to repeal 448.04 (1) (b) 2., 448.04 (1) (c), 448.065, 448.10 (1), (4) and (5), 448.10 (2m) and 448.10 (3m); to renumber 448.10 (1m); to amend 440.08 (2) (a) (intro.), 448.02 (1), 448.02 (3) (a), 448.02 (3) (b), 448.02 (3) (c), 448.02 (3) (e), 448.02 (3) (h), 448.02 (4) (a), 448.02 (4) (b), 448.02 (5), 448.02 (6), 448.02 (8) (a), 448.02 (8) (b), 448.02 (8) (c), 448.05 (1) (c), 448.05 (1) (d), 448.05 (6) (a), 448.06 (title), 448.06 (1), 448.06 (1), 448.07 (1) (d), 448.08 (1) (a), 448.08 (1) (a) and 462.01 (4); to repeal and recreate 448.05 (2); and to create 448.04 (1) (ac), 448.04 (1) (bg) and (bm), 448.05 (2c), 448.05 (6) (at), 448.063 and 448.10 (1m), (2m) and (3m) of the statutes; relating to: licensure of physicians; providing an exemption from emergency rule procedures; and granting rule-making authority.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 440.08 (2) (a) (intro.) of the statutes is amended to read:

440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04, 444.03, 444.11, 447.04 (2) (c) 2., 448.065, 449.17 (1m) (d), and 449.18 (2) (d) and subch. II of ch. 448, the renewal dates for credentials are as follows:

SECTION 2. 448.02 (1) of the statutes is amended to read:

448.02 (1) LICENSE. The board may grant licenses, including various classes of temporary licenses, to practice medicine and surgery, to practice as an administrative physician, to practice perfusion, to practice as an anesthesiologist assistant, and to practice as a physician assistant.

SECTION 3. 448.02 (3) (a) of the statutes is amended to read:

448.02 (3) (a) The board shall investigate allegations of unprofessional conduct and negligence in treatment by

persons holding a license, ~~or certificate or limited permit~~ granted by the board. An allegation that a physician has violated s. 253.10 (3), 448.30 or 450.13 (2) or has failed to mail or present a medical certification required under s. 69.18 (2) within 21 days after the pronouncement of death of the person who is the subject of the required certificate or that a physician has failed at least 6 times within a 6-month period to mail or present a medical certificate required under s. 69.18 (2) within 6 days after the pronouncement of death of the person who is the subject of the required certificate is an allegation of unprofessional conduct. Information contained in reports filed with the board under s. 49.45 (2) (a) 12r., 50.36 (3) (b), 609.17 or 632.715, or under 42 CFR 1001.2005, shall be investigated by the board. Information contained in a report filed with the board under s. 655.045 (1), as created by 1985 Wisconsin Act 29, which is not a finding of negligence or in a report filed with the board under s. 50.36 (3) (c) may, within the discretion of the board, be used as the basis of an investigation of a person named in the report. The board may require a person holding a license, ~~or certificate or limited permit~~ to undergo and may con-

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

sider the results of one or more physical, mental or professional competency examinations if the board believes that the results of any such examinations may be useful to the board in conducting its investigation.

SECTION 4. 448.02 (3) (b) of the statutes is amended to read:

448.02 (3) (b) After an investigation, if the board finds that there is probable cause to believe that the person is guilty of unprofessional conduct or negligence in treatment, the board shall hold a hearing on such conduct. The board may use any information obtained by the board or the department under s. 655.17 (7) (b), as created by 1985 Wisconsin Act 29, in an investigation or a disciplinary proceeding, including a public disciplinary proceeding, conducted under this subsection and the board may require a person holding a license, ~~or certificate or limited permit~~ to undergo and may consider the results of one or more physical, mental or professional competency examinations if the board believes that the results of any such examinations may be useful to the board in conducting its hearing. A unanimous finding by a panel established under s. 655.02, 1983 stats., or a finding by a court that a physician has acted negligently in treating a patient is conclusive evidence that the physician is guilty of negligence in treatment. A finding that is not a unanimous finding by a panel established under s. 655.02, 1983 stats., that a physician has acted negligently in treating a patient is presumptive evidence that the physician is guilty of negligence in treatment. A certified copy of the findings of fact, conclusions of law and order of the panel or the order of a court is presumptive evidence that the finding of negligence in treatment was made. The board shall render a decision within 90 days after the date on which the hearing is held or, if subsequent proceedings are conducted under s. 227.46 (2), within 90 days after the date on which those proceedings are completed.

SECTION 5. 448.02 (3) (c) of the statutes is amended to read:

448.02 (3) (c) Subject to par. (cm), after a disciplinary hearing, the board may, when it determines that a panel established under s. 655.02, 1983 stats., has unanimously found or a court has found that a person has been negligent in treating a patient or when it finds a person guilty of unprofessional conduct or negligence in treatment, do one or more of the following: warn or reprimand that person, or limit, suspend or revoke any license, ~~or certificate or limited permit~~ granted by the board to that person. The board may condition the removal of limitations on a license, ~~or certificate or limited permit~~ or the restoration of a suspended or revoked license, ~~or certificate or limited permit~~ upon obtaining minimum results specified by the board on one or more physical, mental or professional competency examinations if the board believes that obtaining the minimum results is related to correcting one or more of the bases upon which the limitation, suspension or revocation was imposed.

SECTION 6. 448.02 (3) (e) of the statutes is amended to read:

448.02 (3) (e) A person whose license, ~~or certificate or limited permit~~ is limited under this subchapter shall be permitted to continue practice upon condition that the person will refrain from engaging in unprofessional conduct; that the person will appear before the board or its officers or agents at such times and places as may be designated by the board from time to time; that the person will fully disclose to the board or its officers or agents the nature of the person's practice and conduct; that the person will fully comply with the limits placed on his or her practice and conduct by the board; that the person will obtain additional training, education or supervision required by the board; and that the person will cooperate with the board.

SECTION 7. 448.02 (3) (h) of the statutes is amended to read:

448.02 (3) (h) Nothing in this subsection prohibits the board, in its discretion, from investigating and conducting disciplinary proceedings on allegations of unprofessional conduct by persons holding a license, ~~or certificate or limited permit~~ granted by the board when the allegations of unprofessional conduct may also constitute allegations of negligence in treatment.

SECTION 8. 448.02 (4) (a) of the statutes is amended to read:

448.02 (4) (a) The board may summarily suspend any license, ~~or certificate, or limited permit~~ granted by the board when the board has in its possession evidence establishing probable cause to believe that the holder of the license, ~~or certificate, or limited permit~~ has violated the provisions of this subchapter and that it is necessary to suspend the license, ~~or certificate, or limited permit~~ immediately to protect the public health, safety, or welfare. The holder of the license, ~~or certificate, or limited permit~~ shall be granted an opportunity to be heard during the determination of probable cause. The board chair and 2 board members designated by the chair or, if the board chair is not available, the board vice-chair and 2 board members designated by the vice-chair, shall exercise the authority granted by this paragraph to suspend summarily a license, ~~or certificate, or limited permit~~ in the manner provided under par. (b).

SECTION 9. 448.02 (4) (b) of the statutes is amended to read:

448.02 (4) (b) An order of summary suspension shall be served upon the holder of the license, ~~or certificate, or limited permit~~ in the manner provided in s. 801.11 for service of summonses. The order of summary suspension shall be effective upon service or upon actual notice of the summary suspension given to the holder of the license, ~~or certificate, or limited permit~~ or to the attorney of the license, ~~permit, or limited permit certificate~~ holder, whichever is sooner. A notice of hearing commencing a disciplinary proceeding shall be issued no more than 10

days following the issuance of the order of summary suspension. The order of summary suspension remains in effect until the effective date of a final decision and order in the disciplinary proceeding against the holder or until the order of summary suspension is discontinued by the board following a hearing to show cause. The holder of the license, ~~or certificate, or limited permit~~ shall have the right to request a hearing to show cause why the order of summary suspension should not be continued and the order of summary suspension shall notify the holder of the license, ~~or certificate, or limited permit~~ of that right. If a hearing to show cause is requested by the holder of the license, ~~or certificate, or limited permit~~, the hearing shall be scheduled on a date within 20 days of receipt by the board of the request for the hearing to show cause.

SECTION 10. 448.02 (5) of the statutes is amended to read:

448.02 (5) VOLUNTARY SURRENDER. The holder of any license, ~~or certificate or limited permit~~ granted by the board may voluntarily surrender the license, ~~or certificate or limited permit~~ to the secretary of the board, but the secretary may refuse to accept the surrender if the board has received allegations of unprofessional conduct against the holder of the license, ~~or certificate or limited permit~~. The board may negotiate stipulations in consideration for accepting the surrender of licenses.

SECTION 11. 448.02 (6) of the statutes is amended to read:

448.02 (6) RESTORATION OF LICENSE, ~~OR CERTIFICATE OR LIMITED PERMIT~~. The board may restore any license, ~~or certificate or limited permit~~ which ~~that~~ has been voluntarily surrendered or revoked under any of the provisions of this subchapter, on such terms and conditions as it may deem appropriate.

SECTION 12. 448.02 (8) (a) of the statutes is amended to read:

448.02 (8) (a) After an investigation by the board under sub. (3) (a) or by the department under s. 440.03 (3m) or (5), the board may issue a private and confidential administrative warning to a holder of a license, ~~or certificate or limited permit~~ if the board determines that there is evidence of misconduct by him or her. The board may issue an administrative warning under this paragraph only if the board determines that no further action is warranted because the matter involves a first occurrence of minor misconduct and the issuance of an administrative warning adequately protects the public by putting the holder of the license, ~~or certificate or limited permit~~ on notice that any subsequent misconduct may result in disciplinary action. The board shall review the determination if the holder of the license, ~~or certificate or limited permit~~ makes a personal appearance before the board. Following the review, the board may affirm, rescind or modify the administrative warning. A holder of a license, ~~or certificate or limited permit~~ may seek judi-

cial review under ch. 227 of an affirmation or modification of an administrative warning by the board.

SECTION 13. 448.02 (8) (b) of the statutes is amended to read:

448.02 (8) (b) An administrative warning issued under par. (a) does not constitute an adjudication of guilt or the imposition of discipline and may not be used as evidence that the holder of a license, ~~or certificate or limited permit~~ is guilty of misconduct.

SECTION 14. 448.02 (8) (c) of the statutes is amended to read:

448.02 (8) (c) Notwithstanding par. (b), if the board receives a subsequent allegation of misconduct about a holder of a license, ~~or certificate or limited permit~~ to whom the board issued an administrative warning under par. (a), the board may reopen the matter that resulted in the issuance of the administrative warning or use the administrative warning in any subsequent disciplinary hearing under sub. (3) (b) as evidence that he or she had actual knowledge that the misconduct that was the basis for the administrative warning was contrary to law.

SECTION 15. 448.04 (1) (ac) of the statutes is created to read:

448.04 (1) (ac) *Administrative physician license.* The board may grant an administrative physician license to an applicant who satisfies the requirements under s. 448.05 (2c). The board shall issue a license under this paragraph subject to the same terms as a license issued under par. (a), except that, notwithstanding any other provision of law that permits a physician to engage in any act that constitutes the practice of medicine and surgery, the holder of a license issued under this paragraph may not engage in the practice of medicine and surgery except as otherwise authorized under s. 448.03 (2) and may not practice as provided in s. 448.035.

SECTION 16. 448.04 (1) (b) 2. of the statutes is repealed.

SECTION 17. 448.04 (1) (bg) and (bm) of the statutes are created to read:

448.04 (1) (bg) *Restricted license to practice medicine and surgery as a visiting physician.* 1. The board may grant a restricted license to practice medicine and surgery as a visiting physician to an applicant who satisfies the requirements under s. 448.05 (2) (e).

2. The holder of a license issued under this paragraph may engage in the practice of medicine and surgery only at the medical education facility, medical research facility, or medical college where the license holder is teaching, researching, or practicing, and only in accordance with the terms and restrictions established by the board.

3. Subject to subd. 4., a license issued under this paragraph is valid for one year and may be renewed at the discretion of the board.

4. A license issued under this paragraph remains valid only while the license holder is actively engaged in

teaching, researching, or practicing medicine and surgery and is lawfully entitled to work in the United States.

(bm) *Resident educational license to practice medicine and surgery.* 1. The board may grant a resident educational license to practice medicine and surgery to an applicant who satisfies the requirements under s. 448.05 (2) (d).

2. Subject to subd. 3., a license issued under this paragraph is valid for one year and may be renewed for additional one-year terms while the license holder is enrolled in the postgraduate training program under s. 448.05 (2) (d) 1.

3. A license issued under this paragraph remains valid only while the license holder is actively engaged in the practice of medicine and surgery in the postgraduate training program under s. 448.05 (2) (d) 1. and is lawfully entitled to work in the United States.

4. The holder of a license issued under this paragraph may engage in the practice of medicine and surgery only in connection with his or her duties under the postgraduate training program under s. 448.05 (2) (d) 1.

SECTION 18. 448.04 (1) (c) of the statutes is repealed.

SECTION 19. 448.05 (1) (c) of the statutes is amended to read:

448.05 (1) (c) Achieve a passing grade in the any examinations required in this section.

SECTION 20. 448.05 (1) (d) of the statutes is amended to read:

448.05 (1) (d) Be found qualified by three-fourths of the members of the board, except that an applicant for a temporary license or certificate under s. 448.04 (1) (b) 1. and 3., (e), and (g), or (i) or a resident educational license under s. 448.04 (1) (bm) must be found qualified by 2 members of the board.

SECTION 21. 448.05 (2) of the statutes is repealed and recreated to read:

448.05 (2) LICENSE TO PRACTICE MEDICINE AND SURGERY. (a) Except as provided in pars. (b) to (e), an applicant for any class of license to practice medicine and surgery must supply evidence satisfactory to the board of all of the following:

1. That the applicant is a graduate of and possesses a diploma from a medical or osteopathic college that is accredited by the Liaison Committee on Medical Education, the American Osteopathic Association, or a successor organization and that is approved by the board.

2. That the applicant satisfies one of the following:

a. The applicant has successfully completed and received credit for 24 months of postgraduate training in one or more programs accredited by the Accreditation Council for Graduate Medical Education, the American Osteopathic Association, or a successor organization.

b. The applicant is currently enrolled in a postgraduate training program accredited by the Accreditation Council for Graduate Medical Education, the American Osteopathic Association, or a successor organization; the

applicant has successfully completed and received credit for 12 consecutive months of postgraduate training in that program; and the applicant has received an unrestricted endorsement from the postgraduate training program director that includes confirmation that the applicant is expected to continue in the program and complete at least 24 months of postgraduate training.

3. That the applicant satisfies any other requirement established by the board by rule for issuing the license.

(b) Except as provided in pars. (c) to (e), an applicant for a license to practice medicine and surgery who is a graduate of a foreign medical college must supply evidence satisfactory to the board of all of the following:

1. That the applicant is a graduate of and possesses a diploma from a foreign medical college credentialed by an agency approved by the board.

2. That the applicant has obtained certification by the Educational Council for Foreign Medical Graduates or a successor organization.

3. That the applicant has passed all steps of the United States Medical Licensing Examination administered by the National Board of Medical Examiners and the Federation of State Medical Boards, or their successor organizations.

4. That the applicant satisfies one of the following:

a. The applicant has successfully completed and received credit for 24 months of postgraduate training in one or more programs accredited by the Accreditation Council for Graduate Medical Education, the American Osteopathic Association, or a successor organization.

b. The applicant is currently enrolled in a postgraduate training program accredited by the Accreditation Council for Graduate Medical Education, the American Osteopathic Association, or a successor organization; the applicant has successfully completed and received credit for 12 consecutive months of postgraduate training in that program; and the applicant has received an unrestricted endorsement from the postgraduate training program director that includes confirmation that the applicant is expected to continue in the program and complete at least 24 months of postgraduate training.

5. That the applicant satisfies any other requirement established by the board by rule for issuing the license.

(c) The board may promulgate rules specifying circumstances in which the board, in cases of hardship or in cases in which the applicant possesses a medical license issued by another jurisdiction, may grant a waiver from any requirement under par. (a) or (b). The board may grant such a waiver only in accordance with those rules.

(d) An applicant for a resident educational license under s. 448.04 (1) (bm) shall provide the board with all of the following:

1. Proof that the applicant has been accepted into a postgraduate training program accredited by the Accreditation Council for Graduate Medical Education, the

American Osteopathic Association, or a successor organization.

2. Written confirmation from the institution sponsoring the postgraduate training program into which the applicant has been accepted confirming that the applicant has been or will be appointed to a position in the program.

3. Proof that the applicant is a graduate of and possesses a diploma from a medical or osteopathic college that is approved by the board.

(e) An applicant for a restricted license to practice medicine and surgery as a visiting physician under s. 448.04 (1) (bg) shall provide the board with all of the following:

1. Proof that the applicant is a graduate of and possesses a diploma from a medical or osteopathic college that is approved by the board.

2. Proof that the applicant is licensed to practice medicine and surgery outside this state.

3. Proof that the applicant teaches medicine, engages in medical research, or practices medicine and surgery outside this state.

4. Documentation that the applicant intends to teach, research, or practice medicine and surgery at a medical education facility, medical research facility, or medical college in this state, which must include a signed letter from the dean or president of the facility or college.

5. Proof that the applicant satisfies any other requirement established by the board by rule for issuing the license.

SECTION 22. 448.05 (2c) of the statutes is created to read:

448.05 (2c) ADMINISTRATIVE PHYSICIAN LICENSE. An applicant for an administrative physician license must supply evidence satisfactory to the board that he or she satisfies the requirements for a license to practice medicine and surgery under sub. (2) (a) or (b), subject to any waiver granted under sub. (2) (c), other than any requirement established by the board by rule relating to the active practice of medicine and surgery.

SECTION 23. 448.05 (6) (a) of the statutes is amended to read:

448.05 (6) (a) Except as provided in pars. (am) and (ar), ~~and (at)~~, the board shall examine each applicant it finds eligible under this section in such subject matters as the board deems applicable to the class of license or certificate which the applicant seeks to have granted. Examinations may be both written and oral. In lieu of its own examinations, in whole or in part, the board may make such use as it deems appropriate of examinations prepared, administered, and scored by national examining agencies, or by other licensing jurisdictions of the United States or Canada. The board shall specify passing grades for any and all examinations required.

SECTION 24. 448.05 (6) (at) of the statutes is created to read:

448.05 (6) (at) When examining an applicant for a license to practice medicine and surgery or an administrative physician license under par. (a), the board may only use examinations prepared, administered, and scored by national examining agencies, except that the board may interview an individual applicant as needed to determine information specific to that applicant.

SECTION 25. 448.06 (title) of the statutes is amended to read:

448.06 (title) License, ~~or certificate or limited permit granted, denied.~~

SECTION 26. 448.06 (1) of the statutes is amended to read:

448.06 (1) GRANT OF LICENSE, CERTIFICATE, OR LIMITED PERMIT. ~~If Subject to s. 448.05 (1) (d), if three-fourths of the members of the board find that an applicant who has passed the required examinations is qualified, the board shall so notify the applicant and shall grant the license, certificate, or limited permit.~~

SECTION 27. 448.06 (1) of the statutes, as affected by 2013 Wisconsin Act ... (this act), is amended to read:

448.06 (1) GRANT OF LICENSE, ~~OR CERTIFICATE, OR LIMITED PERMIT.~~ Subject to s. 448.05 (1) (d), if three-fourths of the members of the board find that an applicant who has passed the required examinations is qualified, the board shall so notify the applicant and shall grant the license, ~~or certificate, or limited permit.~~

SECTION 28. 448.063 of the statutes is created to read:

448.063 Notification requirements for certain licenses. (1) If the holder of a license granted under the authority of s. 448.05 (2) (a) 2. b. or (b) 4. b. subsequently discontinues his or her postgraduate training program at any time prior to the completion of the program, the program director shall notify the board, providing full details of the cause of the discontinuance and the holder's plans, if any, for completion of the postgraduate training program. The board shall review the matter and may take any appropriate action.

(2) If the holder of a license granted under s. 448.04 (1) (bg) ceases to teach, research, or practice medicine and surgery at the medical education facility, medical research facility, or medical college where he or she is visiting, the medical education facility, medical research facility, or medical college shall notify the board. The board shall review the matter and may take any appropriate action.

SECTION 29. 448.065 of the statutes is repealed.

SECTION 30. 448.07 (1) (d) of the statutes is amended to read:

448.07 (1) (d) No registration may be permitted by the secretary of the board in the case of any physician or perfusionist who has failed to meet the requirements of s. 448.13 or any person whose license, ~~or certificate, or limited permit~~ has been suspended or revoked and the registration of any such person shall be deemed automati-

cally annulled upon receipt by the secretary of the board of a verified report of such suspension or revocation, subject to the licensee's or permittee's person's right of appeal. A person whose license, or certificate, or limited permit has been suspended or revoked and subsequently restored shall be registered by the board upon tendering a verified report of such restoration of the license, or certificate, or limited permit, together with an application for registration and the registration fee.

**SECTION 31.** 448.08 (1) (a) of the statutes is amended to read:

448.08 (1) (a) "Hospital" means an institution providing 24-hour continuous service to patients confined therein which is primarily engaged in providing facilities for diagnostic and therapeutic services for the surgical and medical diagnosis, treatment and care, of injured or sick persons, by or under the supervision of a professional staff of physicians and surgeons, and which is not primarily a place of rest for the aged, drug addicts or alcoholics, or a nursing home. Such hospitals may charge patients directly for the services of their employee nurses, nonphysician anesthetists, physical therapists and medical assistants other than physicians or dentists, and may engage on a salary basis interns and residents who are participating in an accredited training program under the supervision of the medical staff, and persons with a resident educational license issued under s. 448.04 (1) (bm) or a temporary educational certificate issued under s. 448.04 (1) (c), 2011 stats.

**SECTION 32.** 448.08 (1) (a) of the statutes, as affected by 2013 Wisconsin Act ... (this act), is amended to read:

448.08 (1) (a) "Hospital" means an institution providing 24-hour continuous service to patients confined therein which is primarily engaged in providing facilities for diagnostic and therapeutic services for the surgical and medical diagnosis, treatment and care, of injured or sick persons, by or under the supervision of a professional staff of physicians and surgeons, and which is not primarily a place of rest for the aged, drug addicts or alcoholics, or a nursing home. Such hospitals may charge patients directly for the services of their employee nurses, nonphysician anesthetists, physical therapists and medical assistants other than physicians or dentists, and may engage on a salary basis interns and residents who are participating in an accredited training program under the supervision of the medical staff, and persons with a resident educational license issued under s. 448.04 (1) (bm) or a temporary educational certificate issued under s. 448.04 (1) (c), 2011 stats.

**SECTION 33.** 448.10 (1), (4) and (5) of the statutes are repealed.

**SECTION 34.** 448.10 (1m), (2m) and (3m) of the statutes are created to read:

448.10 (1m) Notwithstanding s. 448.05 (2), a person who, on the effective date of this subsection ... [LRB inserts date], possessed a valid license to practice medi-

cine and surgery under s. 448.05 (2) or 448.065, 2011 stats., may retain, practice under, and continue to renew that license, subject to any other provisions in this subchapter or any rules promulgated by the board governing a license to practice medicine and surgery.

(2m) A person who, on the effective date of this subsection ... [LRB inserts date], possessed a valid temporary license to practice medicine and surgery under s. 448.04 (1) (b) 2., 2011 stats., may retain, practice under, and continue to renew that license in accordance with s. 448.04 (1) (b) 2., 2011 stats., subject to any other provisions in this subchapter or any rules promulgated by the board governing that license.

(3m) A person who, on the effective date of this subsection ... [LRB inserts date], possessed a valid temporary educational permit to practice medicine and surgery under s. 448.04 (1) (c), 2011 stats., may retain, practice under, and continue to renew that permit in accordance with s. 448.04 (1) (c), 2011 stats., subject to any other provisions in this subchapter or any rules promulgated by the board governing that permit, or may apply for a resident educational license under s. 448.04 (1) (bm).

**SECTION 35.** 448.10 (1m) of the statutes, as created by 2013 Wisconsin Act ... (this act), is renumbered 448.10.

**SECTION 36.** 448.10 (2m) of the statutes, as created by 2013 Wisconsin Act ... (this act), is repealed.

**SECTION 37.** 448.10 (3m) of the statutes, as created by 2013 Wisconsin Act ... (this act), is repealed.

**SECTION 38.** 462.01 (4) of the statutes is amended to read:

462.01 (4) "Physician" means a person licensed to practice medicine and surgery under s. 448.04 (1) (a) or (b), or (bg).

**SECTION 39. Nonstatutory provisions.**

(1) Using the procedure under section 227.24 of the statutes, the medical examining board may promulgate rules under section 448.40 (1) of the statutes that are necessary to implement the changes in this act and rules under section 448.05 (2) (c), as affected by this act, for the period before the effective date of any permanent rules promulgated under section 448.40 (1) of the statutes, but not to exceed the period authorized under section 227.24 (1) (c) of the statutes, subject to extension under section 227.24 (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the board is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

**SECTION 40. Initial applicability.**

(1) The treatment of section 448.05 (6) (a) and (at) of the statutes first applies to an applicant who is admitted to examination for a license to practice medicine and sur-

gery by the medical examining board under section 448.05 (2) of the statutes, as affected by this act, on the effective date of this subsection.

(2) The treatment of section 448.05 (2) of the statutes first applies to an application for a license to practice medicine and surgery under section 448.05 (2) of the statutes, as affected by this act, that is received by the medical examining board on the effective date of this subsection.

**SECTION 41. Effective dates.** This act takes effect on the first day of the 12th month beginning after publica-

tion, except as follows:

(1) The treatment of sections 448.02 (3) (a), (b), (c), (e), and (h), (4) (a) and (b), (5), (6), and (8) (a), (b), and (c), 448.06 (title) and (1) (by SECTION 27), 448.07 (1) (d), and 448.08 (1) (a) (by SECTION 32) of the statutes, the repeal of section 448.10 (2m) and (3m) of the statutes, and the renumbering of section 448.10 (1m) of the statutes take effect on the first day of the 36th month beginning after publication.

Med 1.02(3)

A verified certificate showing satisfactory completion by the applicant of 12 months' postgraduate training in a facility approved by the board. The board recognizes as approved those facilities and training programs recognized as approved at the time of the applicant's service therein by the council on medical education of the American medical association, or the American osteopathic association, or the liaison committee on graduate medical education, or the national joint committee on approval of pre-registration physician training programs of Canada, or successors. If an applicant is a graduate of a foreign medical school not approved by the board and if such applicant has not completed 12 months' postgraduate training in a facility approved by the board, but such applicant has had other professional experience which the applicant believes has given that applicant education and training substantially equivalent, such applicant may submit to the board documentary evidence thereof. The board will review such documentary evidence and may make such further inquiry including a personal interview of the applicant as the board deems necessary to determine that such substantial equivalence in fact exists. The burden of proof of such equivalence shall lie upon the applicant. If the board finds such equivalence, the board may accept this in lieu of requiring that applicant to have completed 12 months' postgraduate training in a program approved by the board.

**Comment [SNL1]:** This language will be amended to reflect the 24 month requirement.

**Comment [SNL2]:** This language will be changed to reflect the 24 month requirement

**Comment [SNL3]:** Change to 24 months of required training

### Chapter Med 3 VISITING PROFESSOR LICENSE

**Comment [SNL4]:** Change to Visiting Physician License

**Med 3.01 Authority and purpose.** The rules in this chapter are adopted by the medical examining board pursuant to the authority delegated by ss. 15.08 (5), 227.11 and 448.40, Stats., and govern application for temporary license to practice medicine and surgery under s. 448.04 (1) (b) 2., Stats., (hereinafter "visiting professor license"), and also govern practice thereunder.

**Comment [SNL5]:** Add restricted license to practice medicine and surgery as a visiting physician under 448.04 (1) (bg)

**Comment [SNL6]:** Change to physician

**Med 3.02 Applications, credentials, and eligibility.** An applicant who is a graduate of a foreign medical school located outside of the United States or Canada or osteopathic college that is approved by the board and who is invited to serve on the academic staff of a medical school in this state as a visiting professor-physician may apply to the board for a temporary visiting professor-physician license and shall submit to the board the all of following:

**Comment [SNL7]:** Add language

(1) A completed and verified application form for this purpose as required in s. Med 1.02 (1). (1m) Documentary evidence of licensure to practice medicine and surgery outside of this state.

**Comment [SNL8]:** Add which includes proof that the applicant has graduated from and possesses a diploma from a medical or osteopathic college that is approved by the board.

(2) A signed letter from the appointing authority- dean or president of a medical school, facility or college in this state indicating that the applicant has been invited to serve on the academic staff of such medical school as a visiting professor intends to teach, research, or practice medicine and surgery at a medical education facility, medical research facility or medical college in this state.

**Comment [SNL9]:** Add 1(m)

(3) A curriculum vitae setting out the applicant's education and qualifications and a verified photographic copy of the diploma (with translation) conferring the degree of doctor of medicine granted to the applicant by such school.

- ~~(4) A photograph of the applicant as required in s. Med 1.02 (4).~~
- (5) A verified statement that the applicant is familiar with the state health laws and the rules of the department of health services as related to communicable diseases.
- ~~(6) Documentary evidence of noteworthy attainment in a specialized field of medicine.~~
- (7) Documentary evidence of post-graduate training completed in the United States ~~and/or~~ or foreign countries.
- (8) Oral interview conducted by the board.
- (9) Documentary evidence that the applicant teaches medicine, engages in medical research, or practices medicine and surgery outside of this state.

Comment [SNL10]: Add 9

**Med 3.03 Fees.** The required fees must accompany the application, and all remittances must be made payable to the Wisconsin department of safety and professional services.

**Med 3.04 Practice limitations.** The holder of a temporary visiting professor license may practice medicine and surgery as defined in s. 448.01 (9), Stats., providing such practice is entirely limited to ~~the duties of the academic position to which the holder of such license is appointed.~~

Comment [SNL11]: Add physician

Comment [SNL12]: Add the medical education facility, medical research facility, or the medical college where the license holder is teaching, researching, or practicing, and only in accordance with the terms and restrictions established by the board.

**Med 3.05 Expiration and renewal.** A temporary visiting professor license shall expire 2 years after the date of its issuance, and may be renewed for additional 2 year periods at the discretion of the board.

Comment [SNL13]: A visiting professor license is valid for one year and may be renewed at the discretion of the board and as long as the license holder is actively engaged in teaching, researching, or practicing medicine and surgery and is lawfully entitled to work in the United States.

**Med 3.06 Examination and interview.** Applicants shall participate in an oral interview conducted by the board, and shall complete an open book examination on statutes and rules governing the practice of medicine and surgery in Wisconsin.

## Chapter Med 5 ~~TEMPORARY EDUCATIONAL PERMIT TO PRACTICE~~ MEDICINE AND SURGERY

Comment [SNL14]: New title: Resident Educational License To Practice Medicine and Surgery

**Med 5.01 Authority and purpose.** The rules in this chapter are adopted by the medical examining board pursuant to the authority delegated by ss. 15.08 (5), 227.11 and 448.40, Stats., and govern application for ~~temporary educational permit~~ resident educational license to practice medicine and surgery under s. ~~448.04 (1) (c), Stats.,~~ s. 448.04 (1) (bm), Stats., (hereinafter "~~temporary educational permit~~" "resident educational license"), and also govern practice thereunder.

**Med 5.02 Applications, credentials, and eligibility.** An applicant who has been appointed to a postgraduate training program in a facility in this state approved by the board under the provisions of s. Med 1.02 (3) may apply to the board for a ~~temporary educational permit~~ resident educational license to practice medicine and surgery and shall submit to the board all of the following:

~~(1) A completed and verified application form supplied by the board for this purpose. These application forms are furnished by the board to the directors of training programs in approved facilities in this state and are available to the applicant from such directors.~~

(2) Documentary evidence that the applicant is a graduate of a medical or osteopathic school that is approved by the board.

~~(3) The documentary evidence and credentials required under s. Med 1.02 (2), (4) and (5) that the applicant has been accepted into a postgraduate training program accredited by the Accreditation Council for Graduate Medical Education, the American Osteopathic Association, or a successor organization.~~

(4) A signed letter from a dean or president of a medical school, facility or college confirming that the applicant has been or will be appointed to a position in a postgraduate training program.

**Med 5.03 Fees.** The required fees must accompany the application, and all remittances must be made payable to the Wisconsin department of safety and professional services.

**Med 5.035 Examination.** Applicants shall complete an open book examination on statutes and rules governing the practice of medicine and surgery in Wisconsin.

**Med 5.04 Practice limitations.** The holder of a ~~temporary educational permit~~ resident educational license to practice medicine and surgery may, under the direction of a person licensed to practice medicine and surgery in this state, perform services requisite to the training program in which that ~~holder licensee~~ is serving. Acting under such direction, the ~~holder of such temporary educational permit licensee~~ shall also have the right to prescribe drugs ~~other than narcotics~~ and to sign any certificates, reports or other papers for the use of public authorities which are required of or permitted to persons licensed to practice medicine and surgery. The ~~holder of such temporary resident educational permit licensee~~ shall confine ~~his or her~~ their training and entire practice to the facility in which the ~~permit~~ license holder is taking the training and to the duties of such training.

**Med 5.05 Revocation.** Violation by the holder of a ~~temporary educational permit~~ resident educational license to practice medicine and surgery of any of the provisions of this chapter or of any of the provisions of the Wisconsin Administrative Code or of ch. 448, Stats., which apply to persons licensed to practice medicine and surgery shall be cause for the revocation of ~~such temporary educational permit~~ the license.

**Med 5.06 Expiration and renewal.** ~~Temporary educational permits~~ A resident educational license granted under this chapter shall expire one year from date of issuance is valid for one year and may be renewed for additional one-year terms as long as the license holder is in enrolled in a postgraduate training program . The resident educational license to practice

medicine and surgery will remain valid as long as the licensee is actively engaged in the practice of medicine and surgery in a postgraduate training program and is lawfully entitled to work in the United States and for cause shown to the satisfaction of the board may be renewed annually for not more than 4 such renewals, and the renewal fee shall be paid for each such renewal.

### **Chapter Med 23 Administrative Physician License**

**Med 23.01 Authority and purpose.** The rules in this chapter are adopted by the medical examining board pursuant to the authority delegated by ss. 15.08 (5), 227.11 and 448.40, Stats., and govern application for administrative physician license under s.448.04 (1) (ac), Stats., and also govern practice thereunder.

**Med 23.02 Applications, credentials and eligibility.** An applicant for an administrative physician license must be a graduate of a medical school and meet the same qualifications for licensure as applicants applying under s.448.05 (1) and (2) and must meet all of the following:

- (1) Have held an unrestricted license to practice medicine or surgery for 5 years.

**Med 23.03 Fees.** The required fees must accompany the application, and all remittances must be made payable to the Wisconsin department of safety and professional services.

**Med 23.04 Practice limitations.** The Board may issue an administrative license to an applicant whose primary responsibilities are those of an administrative or academic nature; such as professional managerial, administrative, or supervisory activities. The holder of an administrative physician license may not examine, care for or treat patients, prescribe drugs or controlled substances, delegate medical acts, issue opinions regarding medical necessity or conduct clinical trials on humans.

**Med 23.05 Expiration and renewal.** An administrative physician license shall expire every 2 years after the date of its issuance, and may be renewed for additional 2 year periods at the discretion of the board.

**Med 23.06 Examination and interview.** In accordance with Med 1.06 applicants may be required to complete an oral examination at the discretion of the board.