



Carol Roessler
STATE SENATOR

September 17, 2003

To: Member of the Senate Committee on Health, Children, Families, Aging and Long Term Care.

From: Senator Carol Roessler, Chair

Re: Clearinghouse Rule 03-072 relating to accepting examinations from the Medical Council of Canada

CR 03-072 has been referred to the Senate Committee on Health, Children, Families, Aging and Long Term Care Committee. The proposed rule would create another avenue for licensure and endorsement. Currently, applicants who have passed all three components of the examination of the Medical Council of Canada taken **on or after** January 1, 1978 will be accepted in lieu of requiring further written or computer-based examinations. With the proposed rule applicants who have passed all three components of the examination of the Medical Council of Canada taken **on or before** January 1, 1978 will be accepted in lieu of requiring any further written or computer-based examinations.

If you would like the Committee to hold a hearing on CR 03-072, please contact Jennifer Halbur in my office at 266-5300 by Friday September 26th.

Jim Doyle
Governor

**WISCONSIN DEPARTMENT OF
REGULATION & LICENSING**

1400 E Washington Ave
PO Box 8935
Madison WI 53708-8935
Email: web@drl.state.wi.us
Voice: 608-266-2112
FAX: 608-267-0644
TTY: 608-267-2416

Donsia Strong Hill
Secretary



September 15, 2003

LETTER OF TRANSMITTAL

TO: Senate Chief Clerk
Attention: Donald J. Scheider
17 West Main Street, Room 401
Risser Justice Building
Madison, Wisconsin 53702

FROM: Joel Garb, Paralegal
Department of Regulation and Licensing
Office of Administrative Rules
1400 East Washington Avenue, Room 171
Madison, Wisconsin 53702

The attached rule jacket containing a report to the legislature standing committee is being resubmitted for delivery to the President of the Senate pursuant to section 227.19 (4) (b) 4., Stats.

Please stamp or sign a copy of this letter to acknowledge receipt. If you have any questions concerning the final draft form or desire additional information, please contact me at 266-0495.

Thank you.

03-072



LGRC
FORM 2

WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Richard Sweet
Clearinghouse Assistant Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 03-072

AN ORDER to amend Med 1.06 (3) (f) 1., 2. and 3.; and to create Med 1.06 (3) (f) 4, relating to accepting examinations from the Medical Council of Canada.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

07-16-2003 RECEIVED BY LEGISLATIVE COUNCIL.

08-07-2003 REPORT SENT TO AGENCY.

RNS:LR



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 03-072

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 2002.]

2. Form, Style and Placement in Administrative Code

Section Med 1.06 (3) (f) 2., currently ends in the word “or” because there are only three subunits in the current rule. Because a fourth subunit is added in the proposed rule, the “or” is now misplaced. The semicolons at the end of the subunits should be stricken and each should end with a period; and s. Med 1.06 (3) (f) (intro.) should be amended to reflect that the subunits represent alternatives. Ending all subunits of a rule with a period, rather than a semicolon, facilitates insertion or deletion of subunits in the future without having to move the word “or” in the next-to-the-last subunit. [s. 1.03, Manual.]

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : MEDICAL EXAMINING BOARD
MEDICAL EXAMINING BOARD : ADOPTING RULES
: CLEARINGHOUSE RULE 03-)

PROPOSED ORDER

An order of the Medical Examining Board to amend Med 1.06 (3) (f) (intro.), 1., 2. and 3.; and to create Med 1.06 (3) (f) 4., relating to accepting examinations from the Medical Council of Canada.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) and 448.40 (1), Stats.

Statutes interpreted: 448.05 (6), Stats.

Section 1 amends s. Med 1.06 (3) (f) (intro.) to reflect that the subunits represent alternatives

Section 2 amends the rule to reflect the capitalization of proper names.

Currently, s. Med 1.06 (3) (f) 3. provides that applicants who have passed all 3 components of the examination of the Medical Council of Canada taken on or after January 1, 1978, will be accepted in lieu of requiring further written or computer-based examinations. Section 3 creates s. Med 1.06 (3) (f) 4., which provides that applicants who have passed all 3 components of the examination of the Medical Council of Canada before January 1, 1978, will be accepted in lieu of requiring further written or computer-based examinations. The proposed rule change will provide another avenue for licensure by endorsement.

TEXT OF RULE

SECTION 1. Med 1.06 (3) (f) (intro.) is amended to read:

Med 1.06 (3) (f) (intro.) An applicant who has passed all 3 components of any of the examinations of the following boards and councils may submit to the board verified documentary evidence thereof, and the board will accept this in lieu of requiring further written or computer-based examination of the applicant.

SECTION 2. Med 1.06 (3) (f) 1., 2. and 3. are amended to read:

Med 1.06 (3) (f) 1. National ~~board of medical examiners~~ Board of Medical Examiners;

2. National ~~board of examiners of osteopathic physicians and surgeons~~ Board of Examiners of Osteopathic Physicians and Surgeons; ~~or~~.

3. Medical ~~council~~ Council of Canada, if the examination is taken on or after January 1, 1978.

SECTION 3. Med 1.06 (3) (f) 4. is created to read:

Med 1.06 (3) (f) 4. Medical Council of Canada, if the examination was taken before January 1, 1978, and the applicant is board certified at the time of application by a specialty board acceptable to the board.

(END OF TEXT OF RULE)

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.

Dated _____ Agency _____
Chairperson
Medical Examining Board

FISCAL ESTIMATE

This rule adds an additional category of licensed Canadian physicians that can be licensed in Wisconsin by endorsement. This category will apply to fewer than 12 physicians.

The Department of Regulation and Licensing will revise the reprint books of the Administrative Code. Revising code books costs \$500.00 for staff time and materials to revise the printed code and post on the Department's web site.

There may also be a slight, indeterminate, cost to revise credentialing checklist procedures.

INITIAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will be reviewed by the department through its Small Business Review Advisory Committee to determine whether there will be an economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Wis. Stat.

g:\rules\med22.doc
7/15/03

**STATE OF WISCONSIN
MEDICAL EXAMINING BOARD**

**IN THE MATTER OF RULE-MAKING : REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE : ON CLEARINGHOUSE RULE 03-056
MEDICAL EXAMINING BOARD : (s. 227.19 (3), Stats.)**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

None

III. FISCAL ESTIMATES:

This rule adds an additional category of licensed Canadian physicians that can be licensed in Wisconsin by endorsement. This category will apply to fewer than 12 physicians.

The Department of Regulation and Licensing will revise the reprint books of the Administrative Code. Revising code books costs \$500.00 for staff time and materials to revise the printed code and post on the Department's web site.

There may also be a slight, indeterminate, cost to revise credentialing checklist procedures.

IV. STATEMENT EXPLAINING NEED:

Currently, s. Med 1.06 (3) (f) 3. provides that applicants who have passed all 3 components of the examination of the Medical Council of Canada taken on or after January 1, 1978, will be accepted in lieu of requiring further written or computer-based examinations. Section 2 creates s. Med 1.06 (3) (f) 4., which provides that applicants who have passed all 3 components of the examination of the Medical Council of Canada before January 1, 1978, will be accepted in lieu of requiring further written or computer-based examinations. The proposed rule change will provide another avenue for licensure by endorsement.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on August 20, 2003. Dr. Michael Hart of the University of Wisconsin Department of Pathology spoke and submitted a written statement in favor of the rule.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

The recommendations suggested in the Clearinghouse Report were accepted in whole.

Form, Style and Placement in Administrative Code

Requested changes were made.

VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:

These rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

Med 1.06 CR03-072 (Canada) Leg report 9-12-03