

Chapter Med 12

PROCEDURES FOR INVESTIGATION AND HEARING

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Note: Chapter Med 12 as it existed on October 31, 1976 was repealed and a new chapter Med 12 was created effective November 1, 1976; repealed, Register, January, 1979, No. 277, eff. 2-1-79. A new chapter Med 12 was created effective September 1, 1979.

Med 12.01 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), 227.08, 448.02 (3), and 448.40, Stats., and govern the investigative procedures of the board.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

Med 12.02 Definitions. For the purpose of these rules:

- (1) "Board" means the medical examining board.
- (2) "Licensee" means a person who holds any license, permit, certificate, or registration issued by the board.
- (3) "Respondent" means the licensee under investigation.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79.

Med 12.03 Investigation and institution of proceedings. (1) Upon receipt by the secretary of the board of information alleging unprofessional conduct on the part of a licensee, the secretary shall cause an investigation to be made by an agent or agents of the board to ascertain the probable facts of the matter. Each investigation shall be under the general supervision and direction of the secretary or another member of the board designated for that purpose by the secretary or chairman of the board. The member of the board who supervises and directs a particular investigation may in the course thereof exercise the full authority of the board to hold investigative hearings and subpoena witnesses to testify under oath in any proceeding. When an investigative hearing is scheduled it shall be preceded by a reasonable notice to the respondent specifying the general nature of the investigation. The member of the board who supervises and directs a particular investigation shall not participate in any adjudicatory function of the board regarding matters arising out of that particular investigation. Upon completion of the investigation the investigating member shall present the results of that investigation before the board for determination by the board of whether probable cause exists to support the filing of a complaint alleging unprofessional conduct.

(2) (a) Whenever pursuant to s. 655.08, Stats., the board receives findings from the patient's compensation panel that a licensee has acted negligently and that the negligence caused injury or death to the patient the board shall determine whether there is probable cause to believe that the licensee was guilty of unprofessional conduct. If probable cause is found, the board shall notify the licensee in writing of the findings of the patient's compensation panel and the findings of the board and shall

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explain that the licensee will be found guilty of unprofessional conduct unless the licensee objects. The board may warn or reprimand that person, or limit, suspend or revoke any license or certificate granted by the board to that person.

(b) A licensee shall have 20 days from service of the notice by certified mail to file written objections to the findings. If no objections are filed within the time limit, the findings of the panel and the board may be taken as true and the board may enter its conclusions of law and order without further notice or hearing. If objections are filed they shall take the form of an answer as set out in RL 2.09 Wis. Adm. Code and the findings shall stand as the complaint under RL 2.06 Wis. Adm. Code. Thereafter notice of hearing shall be given as required in RL 2.07 Wis. Adm. Code and the remainder of RL 2 Wis. Adm. Code shall apply except as to the complaint and answer.

History: Cr. Register, August, 1979, No. 284, eff. 9-1-79; am. (1), Register, June, 1981, No. 306, eff. 7-1-81.

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