

## Chapter Med 9

## DENIAL OF LICENSE: NOTICE AND HEARING

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**Note:** Chapter Med 9 as it existed on October 31, 1976 was repealed and a new chapter Med 9 was created effective November 1, 1976.

**Med 9.01 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, and 448.40, Stats., and govern notice of denial of license and hearings thereon.

**History:** Cr. Register, October, 1976, No. 250, eff. 11-1-76.

**Med 9.02 Definitions.** For the purposes of these rules:

- (1) "Board" means the medical examining board.
- (2) "License" means any license, permit, certificate, or registration issued by the board.
- (3) "Applicant" means any individual who has applied to the board for license.

**History:** Cr. Register, October, 1976, No. 250, eff. 11-1-76.

**Med 9.03 Denial.** An applicant shall be denied a license if he does not meet the standards or requirements for licensure set forth in ch. 448, Stats, or chapters Med 1 to 12, Wis. Adm. Code.

**History:** Cr. Register, October, 1976, No. 250, eff. 11-1-76.

**Med 9.04 Notice and explanation.** Upon denial of an application for license, the board shall notify the applicant in writing. If the reason for denial is the applicant's failure to achieve a passing grade in any required examination, the board shall state the grades achieved by the applicant in the case of a written examination and the reason for failure in case of an oral examination. If the denial of application for license is for any reason other than the applicant's failure to achieve a passing grade in the written examination, the applicant shall have a right to a hearing on the denial if written request therefore is filed with the board within 20 days after service of denial or is waived. The board shall make available to the applicant all materials in its possession which were used in reaching the decision to deny the license. If the decision was based upon the failure of the applicant to pass an oral examination, the board shall make available to the applicant any existing notes, recordings or transcripts relating to the oral examination. The applicant shall not be permitted to question the board members who conducted the examination. The burden of proving eligibility for licensure shall remain on the applicant.

**History:** Cr. Register, October, 1976, No. 250, eff. 11-1-76; am. Register, August, 1979, No. 284, eff. 9-1-79.

**Med 9.05 Service.** Service of the notice of denial may be made by certified mail addressed to the applicant at the last address filed by the

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applicant in writing with the board. Service by mail is complete on the date of mailing. Service may be proved by affidavit.

**History:** Cr. Register, October, 1976, No. 250, eff. 11-1-76.

**Med 9.06 Hearing.** If a hearing is requested by the applicant, the board shall conduct such hearing as soon thereafter as is practicable.

**History:** Cr. Register, October, 1976, No. 250, eff. 11-1-76.