



**SENATE SUBSTITUTE AMENDMENT 1,
TO 1995 ASSEMBLY BILL 790**

May 7, 1996 - Offered by Senators SCHULTZ, PETAK, ANDREA and BRESKE.

1 **AN ACT to repeal** 15.407 (1) (b), 448.03 (3) (c), 448.04 (1) (d), 448.05 (3) and 448.10
2 (2); **to renumber** 448.01 (1), 448.01 (9g), 448.01 (9m), 448.075 (1) (b) 1., 2. and
3 3. and subchapter IV of chapter 448 [precedes 448.70]; **to renumber and**
4 **amend** 448.01 (7), 448.01 (8), 448.01 (11), 448.03 (4), 448.075 (title), 448.075
5 (1) (intro.), 448.075 (1) (a), 448.075 (1) (b) (intro.) and 448.075 (2); **to amend**
6 15.08 (1m) (b), 15.085 (1m) (b), 15.406 (2) (a) 1., 49.45 (3) (k), 50.09 (6) (b), 50.36
7 (3), 50.39 (3), 146.37 (1g), 146.81 (1) (em), 180.1901 (1m) (br), 227.54, 252.10 (7),
8 252.14 (1) (ar) 4m., 448.01 (2g), 448.01 (2r), 448.01 (5), 448.01 (6), 448.01 (12),
9 448.02 (1), 448.02 (3) (a), 448.02 (4), 448.02 (6), 448.03 (1), 448.03 (2) (intro.),
10 448.03 (2) (c), 448.03 (2) (d), 448.03 (2) (e), 448.03 (3) (f) 3. a., 448.03 (3) (g) 3.
11 a., 448.03 (5) (a), 448.04 (1) (c), 448.04 (3), 448.05 (1) (d), 448.07 (1) (a), 448.07
12 (1) (d), 448.07 (2), 448.08 (1m), 448.08 (2), 448.08 (4), 448.09 (1), 448.09 (2),
13 448.10 (5), 448.11, 448.13 (1), 448.21 (1) (d), 448.40 (1), 448.86 (1), 450.10 (3) (a)
14 5m., 450.11 (8) (b), 632.895 (1) (b) 5. b. and 655.45 (1); and **to create** 15.406 (3),
15 180.1901 (1m) (bk), 448.015 (intro.), 448.02 (8), 448.02 (9), 448.09 (1m), 448.14,
16 subchapter IV of chapter 448 [precedes 448.60] and 450.11 (8) (bm) of the

1 statutes; **relating to:** disciplinary actions against physicians, requiring a
2 report on disciplinary actions against physicians, the regulation of podiatrists,
3 licensure and continuing education requirements for podiatrists, abolishing
4 the podiatry examining council and creating a podiatrists affiliated
5 credentialing board, granting rule-making authority and providing a penalty.

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

6 **SECTION 1.** 15.08 (1m) (b) of the statutes is amended to read:

7 15.08 (1m) (b) The public members of the chiropractic examining board, the
8 dentistry examining board, the hearing and speech examining board, the medical
9 examining board, ~~podiatry examining council~~, occupational therapy examining
10 council, respiratory care practitioners examining council and council on physician
11 assistants, the board of nursing, the nursing home administrator examining board,
12 the veterinary examining board, the optometry examining board, the pharmacy
13 examining board, the examining board of social workers, marriage and family
14 therapists and professional counselors and the psychology examining board shall not
15 be engaged in any profession or occupation concerned with the delivery of physical
16 or mental health care.

17 **SECTION 2.** 15.085 (1m) (b) of the statutes is amended to read:

18 15.085 (1m) (b) The public members of the physical therapists affiliated
19 credentialing board and the podiatrists affiliated credentialing board shall not be
20 engaged in any profession or occupation concerned with the delivery of physical or
21 mental health care.

22 **SECTION 3.** 15.406 (2) (a) 1. of the statutes is amended to read:

23 15.406 (2) (a) 1. Three dietitians who are certified under subch. ~~IV~~ V of ch. 448.

1 **SECTION 4.** 15.406 (3) of the statutes is created to read:

2 15.406 (3) **PODIATRISTS AFFILIATED CREDENTIALING BOARD.** There is created in the
3 department of regulation and licensing, attached to the medical examining board, a
4 podiatrists affiliated credentialing board consisting of the following members
5 appointed for 4-year terms:

6 (a) Three podiatrists who are licensed under subch. IV of ch. 448.

7 (b) One public member.

8 **SECTION 5.** 15.407 (1) (b) of the statutes is repealed.

9 **SECTION 6.** 49.45 (3) (k) of the statutes is amended to read:

10 49.45 (3) (k) If a physician performs a surgical procedure that is within the
11 scope of practice of a podiatrist, as defined in s. 448.01 (7) 448.60 (3), the allowable
12 charge for the procedure may not exceed the charge the department determines is
13 reasonable.

14 **SECTION 7.** 50.09 (6) (b) of the statutes is amended to read:

15 50.09 (6) (b) Allegations of violations of such rights by persons licensed,
16 certified or registered under chs. 441, 446 to 450, 455 and 456 shall be promptly
17 reported by the facility to the appropriate licensing ~~or~~, examining or affiliated
18 credentialing board and to the person against whom the allegation has been made.
19 Any employe of the facility and any person licensed, certified or registered under chs.
20 441, 446 to 450, 455 and 456 may also report such allegations to the board. Such
21 board may make further investigation and take such disciplinary action, within the
22 board's statutory authority, as the case requires.

23 **SECTION 8.** 50.36 (3) of the statutes is amended to read:

24 50.36 (3) (a) Any person licensed to practice medicine and surgery under subch.
25 II of ch. 448 or podiatry under ~~ss. 448.05 and 448.06~~ subch. IV of ch. 448 shall be

1 afforded an equal opportunity to obtain hospital staff privileges and may not be
2 denied hospital staff privileges solely for the reason that the person is an osteopathic
3 physician and surgeon or a podiatrist. Each individual hospital shall retain the right
4 to determine whether the applicant's training, experience and demonstrated
5 competence is sufficient to justify the granting of hospital staff privileges or is
6 sufficient to justify the granting of limited hospital staff privileges.

7 (b) If, as a result of peer investigation or written notice thereof, a hospital staff
8 member who is licensed by the medical examining board or podiatrists affiliated
9 credentialing board, for any reasons that include the quality of or ability to practice,
10 loses his or her hospital staff privileges, has his or her hospital staff privileges
11 reduced or resigns from the hospital staff, the hospital shall so notify the medical
12 examining board or podiatrists affiliated credentialing board, whichever is
13 applicable, within 30 days after the loss, reduction or resignation takes effect.
14 Temporary suspension due to incomplete records need not be reported.

15 (c) If, as a result of peer investigation or written notice thereof, a hospital staff
16 member who is licensed by the medical examining board or podiatrists affiliated
17 credentialing board, for reasons that do not include the quality of or ability to
18 practice, loses his or her hospital staff privileges for 30 days or more, has his or her
19 hospital staff privileges reduced for 30 days or more or resigns from the hospital staff
20 for 30 days or more, the hospital shall so notify the medical examining board or
21 podiatrists affiliated credentialing board, whichever is applicable, within 30 days
22 after the loss, reduction or resignation takes effect. Temporary suspension due to
23 incomplete records need not be reported.

24 **SECTION 9.** 50.39 (3) of the statutes, as affected by 1995 Wisconsin Act 77, is
25 amended to read:

1 50.39 (3) Facilities governed by ss. 45.365, 48.62, 49.70, 49.72, 50.02, 51.09,
2 58.06, 252.073, 252.076 and 252.10, secured correctional facilities as defined in s.
3 938.02 (15m), correctional institutions governed by the department of corrections
4 under s. 301.02 and the offices and clinics of persons licensed to treat the sick under
5 chs. 446, 447 and 448 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do
6 not abridge the rights of the medical examining board, physical therapists affiliated
7 credentialing board, podiatrists affiliated credentialing board, dentistry examining
8 board, pharmacy examining board, chiropractic examining board and board of
9 nursing in carrying out their statutory duties and responsibilities.

10 **SECTION 10.** 146.37 (1g) of the statutes is amended to read:

11 146.37 (1g) Except as provided in s. 153.85, no person acting in good faith who
12 participates in the review or evaluation of the services of health care providers or
13 facilities or the charges for such services conducted in connection with any program
14 organized and operated to help improve the quality of health care, to avoid improper
15 utilization of the services of health care providers or facilities or to determine the
16 reasonable charges for such services, or who participates in the obtaining of health
17 care information under ch. 153, is liable for any civil damages as a result of any act
18 or omission by such person in the course of such review or evaluation. Acts and
19 omissions to which this subsection applies include, but are not limited to, acts or
20 omissions by peer review committees or hospital governing bodies in censuring,
21 reprimanding, limiting or revoking hospital staff privileges or notifying the medical
22 examining board or podiatrists affiliated credentialing board under s. 50.36 or taking
23 any other disciplinary action against a health care provider or facility and acts or
24 omissions by a medical director, as defined in s. 146.50 (1) (j), in reviewing the
25 performance of emergency medical technicians or ambulance service providers.

1 **SECTION 11.** 146.81 (1) (em) of the statutes, as created by 1993 Wisconsin Act
2 443, is amended to read:

3 146.81 (1) (em) A dietitian certified under subch. IV V of ch. 448. This
4 paragraph does not apply after June 30, 1999.

5 **SECTION 12.** 180.1901 (1m) (bk) of the statutes is created to read:

6 180.1901 (1m) (bk) Podiatrists affiliated credentialing board under subch. IV
7 of ch. 448.

8 **SECTION 13.** 180.1901 (1m) (br) of the statutes, as created by 1995 Wisconsin
9 Act 167, is amended to read:

10 180.1901 (1m) (br) Dietitians affiliated credentialing board under subch. IV V
11 of ch. 448. This paragraph does not apply after June 30, 1999.

12 **SECTION 14.** 227.54 of the statutes is amended to read:

13 **227.54 Stay of proceedings.** The institution of the proceeding for review
14 shall not stay enforcement of the agency decision. The reviewing court may order a
15 stay upon such terms as it deems proper, except as otherwise provided in ss. 196.43,
16 448.02 (8) and 551.62.

17 **SECTION 15.** 252.10 (7) of the statutes, as affected by 1993 Wisconsin Act 443,
18 is amended to read:

19 252.10 (7) Drugs necessary for the treatment of mycobacterium tuberculosis
20 shall be purchased by the department from the appropriation under s. 20.435 (1) (e)
21 and dispensed to patients through the public health dispensaries or through health
22 care providers, as defined in s. 146.81 (1), other than social workers, marriage and
23 family therapists or professional counselors certified under ch. 457,
24 speech-language pathologists or audiologists licensed under subch. II of ch. 459,
25 speech and language pathologists licensed by the department of education or, on or

1 after July 1, 1995, and no later than June 30, 1999, dietitians certified under subch.
2 IV V of ch. 448.

3 **SECTION 16.** 252.14 (1) (ar) 4m. of the statutes, as created by 1993 Wisconsin
4 Act 443, is amended to read:

5 252.14 (1) (ar) 4m. A dietitian certified under subch. IV V of ch. 448. This
6 subdivision does not apply after June 30, 1999.

7 **SECTION 17.** 448.01 (1) of the statutes is renumbered 448.015 (1).

8 **SECTION 18.** 448.01 (2g) of the statutes is amended to read:

9 448.01 (2g) "Occupational therapist" means an individual who meets the
10 requirements under s. 448.05 (5m) (a) and is certified by the medical examining
11 board to practice occupational therapy.

12 **SECTION 19.** 448.01 (2r) of the statutes is amended to read:

13 448.01 (2r) "Occupational therapy assistant" means an individual who meets
14 the requirements under s. 448.05 (5m) (b) and is certified by the medical examining
15 board to assist in the practice of occupational therapy under the supervision of an
16 occupational therapist.

17 **SECTION 20.** 448.01 (5) of the statutes is amended to read:

18 448.01 (5) "Physician" means an individual possessing the degree of doctor of
19 medicine or doctor of osteopathy or an equivalent degree as determined by the
20 medical examining board, and holding a license granted by the medical examining
21 board.

22 **SECTION 21.** 448.01 (6) of the statutes is amended to read:

23 448.01 (6) "Physician assistant" means an individual certified by the medical
24 examining board to perform patient services under the supervision and direction of
25 a licensed physician.

1 **SECTION 22.** 448.01 (7) of the statutes is renumbered 448.60 (3) and amended
2 to read:

3 448.60 (3) "Podiatrist" means an individual possessing the degree of doctor of
4 podiatric medicine or doctor of surgical chiropody or equivalent degree as determined
5 by the affiliated credentialing board, and holding a license to practice podiatry or
6 podiatric medicine and surgery granted by the affiliated credentialing board.

7 **SECTION 23.** 448.01 (8) of the statutes is renumbered 448.60 (4) and amended
8 to read:

9 448.60 (4) "Podiatry" or "podiatric medicine and surgery" means that branch
10 or system of treating the sick which is limited to the diagnosis, or mechanical,
11 medical or surgical treatment or treatment by use of drugs, of the feet, but does not
12 include amputations other than digits of the foot or the use of a general anesthetic
13 unless administered by or under the direction of a person licensed to practice
14 medicine and surgery under subch. II. Diagnosis or treatment shall include no
15 portion of the body above the feet except that diagnosis and treatment shall include
16 the tendons and muscles of the lower leg insofar as they shall be involved in
17 conditions of the feet.

18 **SECTION 24.** 448.01 (9g) of the statutes is renumbered 448.015 (2).

19 **SECTION 25.** 448.01 (9m) of the statutes is renumbered 448.015 (3).

20 **SECTION 26.** 448.01 (11) of the statutes is renumbered 448.015 (4) and amended
21 to read:

22 448.015 (4) "Unprofessional conduct" means those acts or attempted acts of
23 commission or omission defined as unprofessional conduct by the board under the
24 authority delegated to the board by s. 15.08 (5) (b) and any act by a physician or
25 ~~podiatrist~~ in violation of ch. 161 or 450.

1 **SECTION 27.** 448.01 (12) of the statutes is amended to read:

2 448.01 **(12)** “Warn” means to privately apprise the holder of a license or
3 certificate of the unprofessional nature of the holder’s conduct and admonish the
4 holder that continued or repeated conduct of such nature may give the medical
5 examining board or an attached affiliated credentialing board cause to reprimand
6 the holder or to limit, suspend or revoke such license or certificate.

7 **SECTION 28.** 448.015 (intro.) of the statutes is created to read:

8 **448.015 Definitions.** (intro.) In this subchapter:

9 **SECTION 29.** 448.02 (1) of the statutes is amended to read:

10 448.02 **(1)** LICENSE. The board may grant licenses, including various classes
11 of temporary licenses, to practice medicine and surgery ~~and to practice podiatric~~
12 ~~medicine and surgery.~~

13 **SECTION 30.** 448.02 (3) (a) of the statutes, as affected by 1995 Wisconsin Act
14 309, is amended to read:

15 448.02 **(3)** (a) The board shall investigate allegations of unprofessional conduct
16 and negligence in treatment by persons holding a license, certificate or limited
17 permit granted by the board. An allegation that a physician has violated s. 253.10
18 (3), 448.30 or 450.13 (2) or has failed to mail or present a medical certification
19 required under s. 69.18 (2) within 21 days after the pronouncement of death of the
20 person who is the subject of the required certificate or that a physician has failed at
21 least 6 times within a 6-month period to mail or present a medical certificate
22 required under s. 69.18 (2) within 6 days after the pronouncement of death of the
23 person who is the subject of the required certificate is an allegation of unprofessional
24 conduct. Information contained in reports filed with the board under s. 49.45 (2) (a)
25 12r., 50.36 (3) (b), 609.17 or 632.715, or under 42 CFR ~~1001.109 (e) and 42 CFR~~

1 ~~1001.124 (a) (3) and (b) 1001.2005~~, shall be investigated by the board. Information
2 contained in a report filed with the board under s. 655.045 (1), as created by 1985
3 Wisconsin Act 29, which is not a finding of negligence or in a report filed with the
4 board under s. 50.36 (3) (c) may, within the discretion of the board, be used as the
5 basis of an investigation of ~~the persons~~ a person named in the reports report. The
6 board may require a person holding a license, certificate or limited permit to undergo
7 and may consider the results of one or more physical, mental or professional
8 competency examinations if the board believes that the results of any such
9 examinations may be useful to the board in conducting its investigation.

10 **SECTION 31.** 448.02 (4) of the statutes is amended to read:

11 448.02 (4) SUSPENSION PENDING HEARING. The board may summarily suspend
12 any license, certificate or limited permit granted by the board for a period not to
13 exceed 30 days pending hearing, when the board has in its possession evidence
14 establishing probable cause to believe that the holder of the license, certificate or
15 limited permit has violated the provisions of this chapter subchapter and that it is
16 necessary to suspend the license, certificate or limited permit immediately to protect
17 the public health, safety or welfare. The holder of the license, certificate or limited
18 permit shall be granted an opportunity to be heard during the determination of
19 probable cause. The board may designate any of its officers to exercise the authority
20 granted by this subsection to suspend summarily a license, certificate or limited
21 permit, but such suspension shall be for a period of time not to exceed 72 hours. If
22 a license, certificate or limited permit has been summarily suspended by the board
23 or any of its officers, the board may, while the hearing is in progress, extend the initial
24 30-day period of suspension for an additional 30 days. If the holder of the license,
25 certificate or limited permit has caused a delay in the hearing process, the board may

1 subsequently suspend the license, certificate or limited permit from the time the
2 hearing is commenced until a final decision is issued or may delegate such authority
3 to the hearing examiner.

4 **SECTION 32.** 448.02 (6) of the statutes is amended to read:

5 448.02 (6) RESTORATION OF LICENSE, CERTIFICATE OR LIMITED PERMIT. The board
6 may restore any license, certificate or limited permit which has been voluntarily
7 surrendered or revoked under any of the provisions of this ~~chapter~~ subchapter, on
8 such terms and conditions as it may deem appropriate.

9 **SECTION 33.** 448.02 (8) of the statutes is created to read:

10 448.02 (8) INJUNCTIONS, STAYS AND ORDERS DURING JUDICIAL REVIEW. No
11 injunction, temporary injunction, stay, restraining order or other order may be
12 issued by a court in any proceeding for judicial review that suspends or stays an order
13 of the board to discipline a physician under sub. (3) (c) or to suspend a physician's
14 license under sub. (4), except upon application to the reviewing court and a
15 determination by the reviewing court that all of the following conditions are met:

16 (a) The board has received notice of the application and has had an opportunity
17 for a hearing on the application.

18 (b) There is a substantial likelihood that the applicant will prevail in the
19 proceeding for review.

20 (c) The applicant will suffer irreparable harm if the order is not suspended or
21 stayed.

22 (d) There is no substantial likelihood of harm to patients of the applicant if the
23 board's order is suspended or stayed.

24 **SECTION 34.** 448.02 (9) of the statutes is created to read:

1 448.02 (9) ADMINISTRATIVE WARNINGS. If, after the board determines that there
2 is substantial evidence of misconduct by the holder of a license, certificate or limited
3 permit, but determines that a disciplinary proceeding should not be commenced
4 against the holder of the license, certificate or limited permit, then the board may
5 close the investigation by the issuance of an administrative warning. If an
6 administrative warning is issued, the holder of the license, certificate or limited
7 permit may obtain a review of the administrative warning through a personal
8 appearance before the board. An administrative warning issued under this
9 subsection shall be private and confidential, does not constitute an adjudication of
10 guilt or the imposition of discipline and may not be used as evidence that the holder
11 of the license, certificate or limited permit is guilty of the alleged misconduct.
12 However, if a subsequent allegation of misconduct by the holder of the license,
13 certificate or limited permit is received by the board, the matter relating to the
14 issuance of the administrative warning may be reopened and disciplinary
15 proceedings may be commenced on the matter, or the administrative warning may
16 be used in any subsequent disciplinary proceeding as evidence that the holder of the
17 license, certificate or limited permit had actual knowledge that certain practices
18 were contrary to law. The board shall promulgate rules establishing a procedure for
19 the issuance and use of administrative warnings. The rules shall include a definition
20 of “substantial evidence of misconduct” for purposes of this subsection.

21 **SECTION 35.** 448.03 (1) of the statutes is amended to read:

22 448.03 (1) LICENSE REQUIRED TO PRACTICE. No person may practice medicine and
23 surgery, or ~~podiatry~~, or attempt to do so or make a representation as authorized to
24 do so, without a license granted by the board.

25 **SECTION 36.** 448.03 (2) (intro.) of the statutes is amended to read:

1 448.03 (2) EXCEPTIONS. (intro.) Nothing in this ~~chapter~~ subchapter shall be
2 construed either to prohibit, or to require, a license or certificate under this ~~chapter~~
3 subchapter for any of the following:

4 **SECTION 37.** 448.03 (2) (c) of the statutes is amended to read:

5 448.03 (2) (c) The activities of a medical student, ~~podiatry student~~, respiratory
6 care student or physician assistant student required for such student's education
7 and training; , or the activities of a medical school graduate required for training as
8 required in s. 448.05 (2).

9 **SECTION 38.** 448.03 (2) (d) of the statutes is amended to read:

10 448.03 (2) (d) Actual consultation or demonstration by licensed physicians or
11 ~~podiatrists~~ or certified respiratory care practitioners of other states or countries with
12 licensed physicians or ~~podiatrists~~ or certified respiratory care practitioners of this
13 state.

14 **SECTION 39.** 448.03 (2) (e) of the statutes is amended to read:

15 448.03 (2) (e) Any person providing patient services as directed, supervised and
16 inspected by a physician or ~~podiatrist~~ who has the power to direct, decide and oversee
17 the implementation of the patient services rendered.

18 **SECTION 40.** 448.03 (3) (c) of the statutes is repealed.

19 **SECTION 41.** 448.03 (3) (f) 3. a. of the statutes is amended to read:

20 448.03 (3) (f) 3. a. The person is licensed or certified as an occupational
21 therapist under the law of another state which has licensure or certification
22 requirements that are determined by the board to be at least as stringent as the
23 requirements of this ~~chapter~~ subchapter.

24 **SECTION 42.** 448.03 (3) (g) 3. a. of the statutes is amended to read:

1 448.03 (3) (g) 3. a. The person is licensed or certified as an occupational therapy
2 assistant under the law of another state which has licensure or certification
3 requirements that are determined by the board to be at least as stringent as the
4 requirements of this ~~chapter~~ subchapter.

5 **SECTION 43.** 448.03 (4) of the statutes is renumbered 448.01 (9s) and amended
6 to read:

7 448.01 (9s) ~~DEFINITION.~~ ~~In this section, “the scene~~ “Scene of an emergency”
8 means ~~areas~~ an area not within the confines of a hospital or other institution which
9 has hospital facilities or the office of a person licensed, certified or holding a limited
10 permit under this chapter.

11 **SECTION 44.** 448.03 (5) (a) of the statutes is amended to read:

12 448.03 (5) (a) No person licensed or certified under this ~~chapter~~ subchapter
13 shall be liable for any civil damages resulting from such person’s refusal to perform
14 sterilization procedures or to remove or aid in the removal of a human embryo or
15 fetus from a person if such refusal is based on religious or moral precepts.

16 **SECTION 45.** 448.04 (1) (c) of the statutes is amended to read:

17 448.04 (1) (c) *Temporary educational permit to practice medicine and surgery.*
18 Application for a temporary educational permit to practice medicine and surgery
19 may be made to the board by a person who meets the requirements of s. 448.05 (2).
20 Such permit may be issued for a period not to exceed one year and may be renewed
21 annually for not more than 4 years. Such permit shall entitle the holder to take
22 postgraduate educational training in a facility approved by the board. The holder
23 of such permit may, under the direction of a person licensed to practice medicine and
24 surgery in this state, perform services requisite to the training authorized by this
25 section. Acting under such direction, the holder of such permit shall also have the

1 right to prescribe drugs other than narcotics and to sign any certificates, reports or
2 other papers for the use of public authorities which are required of or permitted to
3 persons licensed to practice medicine and surgery. The holder of such permit shall
4 confine training and practice to the facility in which the holder is taking the training.
5 The purpose of this paragraph is solely to provide opportunities in this state for the
6 postgraduate education of certain persons having training in medicine and surgery
7 satisfactory to the board, without compliance with the licensure requirements of this
8 ~~chapter~~ subchapter. Nothing in this paragraph changes in any respect the
9 requirements for licensure to practice medicine and surgery in this state. The
10 violation of this paragraph by the holder of such permit shall constitute cause for the
11 revocation of the permit. All holders of such permits shall be subject to such
12 provisions of this ~~chapter~~ subchapter as the board, by rule, determines are
13 appropriate and to any penalties applicable to those with a temporary or regular
14 license to practice medicine and surgery. The board may require an applicant for
15 licensure under this paragraph to appear before a member of the board for an
16 interview and oral examination.

17 **SECTION 46.** 448.04 (1) (d) of the statutes is repealed.

18 **SECTION 47.** 448.04 (3) of the statutes is amended to read:

19 448.04 (3) **DUPLICATE.** Any person holding a license or certificate granted under
20 this ~~chapter~~ subchapter, which is lost, stolen or destroyed, may apply to the board
21 for a duplicate thereof. Such application shall be made in such manner as the board
22 may designate and shall be accompanied by an affidavit setting out the
23 circumstances of loss. The board shall then issue a duplicate bearing on its face the
24 word "duplicate".

25 **SECTION 48.** 448.05 (1) (d) of the statutes is amended to read:

1 448.05 (1) (d) Be found qualified by three-fourths of the members of the board,
2 except that an applicant for a temporary license under s. 448.04 (1) (b) 1. and 3. and
3 ~~(d)~~ must be found qualified by 2 members of the board.

4 **SECTION 49.** 448.05 (3) of the statutes, as affected by 1995 Wisconsin Act 245,
5 is repealed.

6 **SECTION 50.** 448.07 (1) (a) of the statutes is amended to read:

7 448.07 (1) (a) Every person licensed or certified under this ~~chapter~~ subchapter
8 shall register on or before November 1 of each odd-numbered year following issuance
9 of the license or certificate with the board in such manner as the board shall
10 designate and upon forms the board shall provide. The secretary of the board, on or
11 before October 1 of each odd-numbered year, shall mail or cause to be mailed to every
12 person required to register a registration form. The board shall furnish to each
13 person registered under this section a certificate of registration, and the person shall
14 display the registration certificate conspicuously in the office at all times. No person
15 may exercise the rights or privileges conferred by any license or certificate granted
16 by the board unless currently registered as required under this subsection.

17 **SECTION 51.** 448.07 (1) (d) of the statutes, as affected by 1995 Wisconsin Act
18 245, is amended to read:

19 448.07 (1) (d) No registration may be permitted by the secretary of the board
20 in the case of any physician, ~~podiatrist~~, occupational therapist or occupational
21 therapy assistant who has failed to meet the requirements of s. 448.13 or any person
22 whose license, certificate or limited permit has been suspended or revoked and the
23 registration of any such person shall be deemed automatically annulled upon receipt
24 by the secretary of the board of a verified report of such suspension or revocation,
25 subject to the licensee's or permittee's right of appeal. A person whose license,

1 certificate or limited permit has been suspended or revoked and subsequently
2 restored shall be registered by the board upon tendering a verified report of such
3 restoration of the license, certificate or limited permit, together with an application
4 for registration and the registration fee.

5 **SECTION 52.** 448.07 (2) of the statutes is amended to read:

6 448.07 (2) FEES. The fees for examination and licenses granted or renewed
7 under this ~~chapter~~ subchapter are specified in ss. 440.05 and 440.08.

8 **SECTION 53.** 448.075 (title) of the statutes is renumbered 448.655 (title) and
9 amended to read:

10 **448.655** (title) ~~Podiatrists; malpractice~~ **Malpractice liability insurance.**

11 **SECTION 54.** 448.075 (1) (intro.) of the statutes is renumbered 448.655 (1)
12 (intro.) and amended to read:

13 448.655 (1) (intro.) ~~Every~~ A licensed podiatrist shall annually submit to the
14 affiliated credentialing board evidence satisfactory to the affiliated credentialing
15 board of ~~that the podiatrist satisfies~~ one of the following:

16 **SECTION 55.** 448.075 (1) (a) of the statutes is renumbered 448.655 (1) (a) and
17 amended to read:

18 448.655 (1) (a) ~~That the~~ The podiatrist has in effect malpractice liability
19 insurance coverage in the amount of at least \$1,000,000 per occurrence and
20 \$1,000,000 for all occurrences in one year.

21 **SECTION 56.** 448.075 (1) (b) (intro.) of the statutes is renumbered 448.655 (1)
22 (b) (intro.) and amended to read:

23 448.655 (1) (b) (intro.) ~~That the~~ The podiatrist meets all of the following
24 conditions:

25 1. The podiatrist's principal place of practice is not in this state; ~~that the~~

1 2. The podiatrist will not be engaged in the practice of podiatry in this state for
2 more than 240 hours during the following 12 months;~~that the.~~

3 3. The podiatrist has in effect malpractice liability insurance coverage that
4 covers services provided by the podiatrist to patients in this state;~~if the podiatrist~~
5 and which is in one of the following amounts:

6 a. At least the minimum amount of malpractice liability insurance coverage
7 that is required under the laws of the state in which the affiliated credentialing board
8 determines that his or her principal place of practice is located ~~to have in effect a~~
9 ~~minimum amount of malpractice liability insurance coverage, that the podiatrist has~~
10 ~~in effect at least that minimum amount of malpractice liability insurance coverage;~~
11 ~~and, if.~~

12 b. If the podiatrist is not required under the laws of the state in which the
13 affiliated credentialing board determines that his or her principal place of practice
14 is located to have in effect a minimum amount of malpractice liability insurance
15 coverage, ~~that the podiatrist has in effect at least the minimum amount of~~
16 malpractice liability insurance coverage that the affiliated credentialing board
17 determines is necessary to protect the public.

18 (2) For purposes of this paragraph sub. (1), a podiatrist's principal place of
19 practice is not in this state if the affiliated credentialing board determines that,
20 during the following 12 months, any of the following applies:

21 **SECTION 57.** 448.075 (1) (b) 1., 2. and 3. of the statutes are renumbered 448.655
22 (2) (a), (b) and (c).

23 **SECTION 58.** 448.075 (2) of the statutes is renumbered 448.655 (3) and amended
24 to read:

1 448.655 (3) The affiliated credentialing board may suspend, revoke or refuse
2 to issue or renew the license of a podiatrist who fails to procure or to submit proof of
3 the malpractice liability insurance coverage required under sub. (1).

4 **SECTION 59.** 448.08 (1m) of the statutes, as affected by 1995 Wisconsin Act 225,
5 is amended to read:

6 448.08 (1m) FEE SPLITTING. Except as otherwise provided in this section, no
7 person licensed or certified under this ~~chapter~~ subchapter may give or receive,
8 directly or indirectly, to or from any person, firm or corporation any fee, commission,
9 rebate or other form of compensation or anything of value for sending, referring or
10 otherwise inducing a person to communicate with a licensee in a professional
11 capacity, or for any professional services not actually rendered personally or at his
12 or her direction.

13 **SECTION 60.** 448.08 (2) of the statutes is amended to read:

14 448.08 (2) SEPARATE BILLING REQUIRED. Any person licensed under this ~~chapter~~
15 subchapter who renders any medical or surgical service or assistance whatever, or
16 gives any medical, surgical or any similar advice or assistance whatever to any
17 patient, physician or corporation, or to any other institution or organization of any
18 kind, including a hospital, for which a charge is made to such patient receiving such
19 service, advice or assistance, shall, except as authorized by Title 18 or Title 19 of the
20 federal social security act, render an individual statement or account of the charges
21 therefor directly to such patient, distinct and separate from any statement or account
22 by any physician or other person, who has rendered or who may render any medical,
23 surgical or any similar service whatever, or who has given or may give any medical,
24 surgical or similar advice or assistance to such patient, physician, corporation, or to
25 any other institution or organization of any kind, including a hospital.

1 **SECTION 61.** 448.08 (4) of the statutes, as affected by 1995 Wisconsin Act 167,
2 is amended to read:

3 448.08 (4) PROFESSIONAL PARTNERSHIPS AND CORPORATIONS PERMITTED.
4 Notwithstanding any other provision in this section, it is lawful for 2 or more
5 physicians ~~or 2 or more podiatrists~~, who have entered into a bona fide partnership
6 for the practice of medicine ~~or podiatry~~, to render a single bill for such services in the
7 name of such partnership; and it also is lawful for a service corporation to render a
8 single bill for services in the name of the corporation; provided that each individual
9 ~~physician or podiatrist that renders billed services and each individual~~ licensed,
10 registered or certified under ~~subch. III or IV~~ of this chapter or ch. 446, 449, 450, 455,
11 457 or 459 that renders billed services is individually identified as having rendered
12 such services.

13 **SECTION 62.** 448.09 (1) of the statutes is amended to read:

14 448.09 (1) PENALTIES. Anyone violating s. 448.08 (3) may be fined not more than
15 \$250. Anyone violating any other provision of this chapter subchapter may be fined
16 not more than \$10,000 or imprisoned for not more than 9 months or both.

17 **SECTION 63.** 448.09 (1m) of the statutes is created to read:

18 448.09 (1m) FORFEITURE FOR CERTAIN CONDUCT. In addition to the sanctions
19 specified in s. 448.02 (3) (c) and the penalties specified in sub. (1), a physician may
20 be required to forfeit not more than \$25,000 if he or she has been found by a court
21 to have been negligent in treating a patient or if he or she has been found by the board
22 to have engaged in unprofessional conduct or negligence in treatment.

23 **SECTION 64.** 448.09 (2) of the statutes is amended to read:

24 448.09 (2) APPEAL. Any person aggrieved by any action taken under this
25 ~~chapter~~ subchapter by the board, its officers or its agents may apply for judicial

1 review as provided in ch. 227, and shall file notice of such the appeal with the
2 secretary of the board within 30 days. No court of this state may enter an ex parte
3 stay of any action taken by the board under this ~~chapter~~ subchapter.

4 **SECTION 65.** 448.10 (2) of the statutes is repealed.

5 **SECTION 66.** 448.10 (5) of the statutes is amended to read:

6 448.10 (5) MIDWIFERY. Any person who, on May 7, 1953, was practicing
7 midwifery in this state under a certificate of registration issued by the ~~examining~~
8 board may continue to so practice under such certificate but subject to the provisions
9 of ch. 150, 1951 stats., as in effect prior to such date and subject to the other
10 provisions of this ~~chapter~~ subchapter.

11 **SECTION 67.** 448.11 of the statutes is amended to read:

12 **448.11 Injunction.** If it appears upon complaint to the board by any person
13 or if it is known to the board that any person is violating this ~~chapter~~ subchapter, or
14 rules adopted by the board under this ~~chapter~~ subchapter, the board or the attorney
15 general may investigate and may, in addition to any other remedies, bring action in
16 the name and on behalf of the state against any such person to enjoin such person
17 from such violation. The attorney general shall represent the board in all
18 proceedings.

19 **SECTION 68.** 448.13 (1) of the statutes, as affected by 1995 Wisconsin Act 245,
20 is amended to read:

21 448.13 (1) Each physician and ~~each~~ ~~pediatrist~~ shall, in each 2nd year at the
22 time of application for a certificate of registration under s. 448.07, submit proof of
23 attendance at and completion of continuing education programs or courses of study
24 approved for at least 30 hours of credit by the board within the 2 calendar years
25 preceding the calendar year for which the registration is effective. The board may

1 waive this requirement if it finds that exceptional circumstances such as prolonged
2 illness, disability or other similar circumstances have prevented a physician or a
3 podiatrist from meeting the requirement.

4 **SECTION 69.** 448.14 of the statutes is created to read:

5 **448.14 Annual report.** By March 1 of each year, the board shall submit to the
6 chief clerk of each house of the legislature for distribution to the appropriate
7 standing committees under s. 13.172 (3) a report that identifies the average length
8 of time to process a disciplinary case against a physician during the preceding year
9 and the number of disciplinary cases involving physicians pending before the board
10 on December 31 of the preceding year.

11 **SECTION 70.** 448.21 (1) (d) of the statutes is amended to read:

12 448.21 (1) (d) The practice of podiatry within the meaning of s. 448.01 (8)
13 448.60 (4).

14 **SECTION 71.** 448.40 (1) of the statutes is amended to read:

15 448.40 (1) The board may promulgate rules to carry out the purposes of this
16 ~~chapter~~ subchapter.

17 **SECTION 72.** Subchapter IV of chapter 448 [precedes 448.60] of the statutes is
18 created to read:

19 **CHAPTER 448**

20 **SUBCHAPTER IV**

21 **PODIATRISTS**

22 **AFFILIATED CREDENTIALING BOARD**

23 **448.60 Definitions.** (1) "Affiliated credentialing board" means the
24 podiatrists affiliated credentialing board.

25 (2) "Licensee" means a person who is licensed under this subchapter.

1 **(5)** “Unprofessional conduct” means an act or attempted act of commission or
2 omission, as defined by the affiliated credentialing board by rule under s. 448.695 (1),
3 or an act by a podiatrist in violation of ch. 161 or 450.

4 **448.61 License required.** Except as provided in s. 448.62, no person may
5 practice podiatry, designate himself or herself as a podiatrist, use or assume the title
6 “doctor of surgical chiropody”, “doctor of podiatry”, “doctor of podiatric medicine”, or
7 append to the person’s name the words or letters “doctor”, “Dr.”, “D.S.C.”, “D.P.M.”,
8 “foot doctor”, “foot specialist” or any other title, letters or designation which
9 represents or may tend to represent the person as a podiatrist unless the person is
10 licensed under this subchapter.

11 **448.62 Applicability.** This subchapter does not require a license for any of the
12 following:

13 **(1)** A person lawfully practicing within the scope of a license, permit,
14 registration or certification granted by this state or the federal government.

15 **(2)** A person assisting a podiatrist in practice under the direct, on-premises
16 supervision of the podiatrist.

17 **(3)** A podiatry student engaged in activities required for his or her education
18 or training.

19 **(4)** A podiatrist who is licensed to practice podiatry in another state or country
20 and is providing a consultation or demonstration with a podiatrist who is licensed
21 under this subchapter.

22 **(5)** A person performing the gratuitous domestic administration of family
23 remedies.

24 **(6)** A person furnishing medical assistance or first aid at the scene of an
25 emergency.

1 **448.63 Licensure of podiatrists.** (1) Subject to sub. (4), the affiliated
2 credentialing board shall grant a license as a podiatrist to a person who does all of
3 the following:

4 (a) Submits an application for the license to the department on a form provided
5 by the department.

6 (b) Pays the fee specified in s. 440.05 (1).

7 (c) Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory
8 to the affiliated credentialing board that the applicant does not have an arrest or
9 conviction record.

10 (d) Submits evidence satisfactory to the affiliated credentialing board of all of
11 the following:

12 1. That the applicant is a graduate of a school of podiatric medicine and surgery
13 approved by the affiliated credentialing board and possesses a diploma from such
14 school conferring the degree of doctor of podiatric medicine, or equivalent degree as
15 determined by the affiliated credentialing board, unless the affiliated credentialing
16 board waives these requirements under sub. (2).

17 2. That the applicant has completed 12 months of postgraduate training in a
18 program approved by the affiliated credentialing board.

19 (e) Passes an examination under s. 448.64.

20 **(2)** The affiliated credentialing board may waive the requirement under sub.
21 (1) (d) 1. for an applicant who establishes, to the satisfaction of the affiliated
22 credentialing board, all of the following:

23 (a) That he or she is a graduate of a podiatry school.

24 (b) That he or she is licensed as a podiatrist by another licensing jurisdiction
25 in the United States.

1 (c) That the jurisdiction in which he or she is licensed required the licensee to
2 be a graduate of a school approved by the licensing jurisdiction or of a school that the
3 licensing jurisdiction evaluated for education equivalency.

4 (d) That he or she has actively practiced podiatry, under the license issued by
5 the other licensing jurisdiction in the United States, for at least 3 years immediately
6 preceding the date of his or her application.

7 (3) The affiliated credentialing board may promulgate rules providing for
8 various classes of temporary licenses to practice podiatry.

9 (4) The affiliated credentialing board may grant a limited license to an
10 applicant for a license under sub. (1) if the affiliated credentialing board finds that
11 the applicant has not demonstrated adequate education, training or performance on
12 any past examination or in any past practice, and that, based upon considerations
13 of public health and safety, the applicant does not qualify for full licensure under sub.
14 (1).

15 **448.64 Examination.** (1) The affiliated credentialing board shall conduct or
16 arrange for examinations for podiatrist licensure at least semiannually and at times
17 and places determined by the affiliated credentialing board.

18 (2) Except as provided in sub. (3), examinations shall consist of written or oral
19 tests, or both, requiring an applicant to demonstrate minimum competency in
20 subjects substantially related to the practice of podiatry.

21 (3) The affiliated credentialing board may not require an applicant to take an
22 oral examination or an examination to test proficiency in the English language for
23 the sole reason that the applicant was educated at a podiatry school that is not in the
24 United States if the applicant establishes, to the satisfaction of the affiliated
25 credentialing board, that he or she satisfies the requirements under s. 448.63 (2).

1 (4) The affiliated credentialing board may require an applicant who fails to
2 appear for or to complete an examination under this section to reapply for licensure
3 before being admitted to a subsequent examination.

4 (5) An applicant who fails to pass an examination under this section may
5 request reexamination, and may be reexamined not more than twice at not less than
6 4-month intervals, and shall pay a reexamination fee for each reexamination. An
7 applicant who fails to pass an examination on the 2nd such reexamination may not
8 be admitted to further examination until the applicant reapplies for licensure and
9 submits evidence that shows, to the satisfaction of the affiliated credentialing board,
10 that he or she has completed additional education or received additional professional
11 training.

12 **448.65 Issuance of license; expiration and renewal; duplicate license.**

13 (1) The department shall issue a certificate of licensure to each person who is
14 licensed under this subchapter.

15 (2) The renewal date for a license granted under this subchapter, other than
16 a temporary license granted under rules promulgated under s. 448.63 (3), is specified
17 under s. 440.08 (2) (a). Renewal applications shall be submitted to the department
18 on a form provided by the department and shall be accompanied by all of the
19 following:

20 (a) The renewal fee specified in s. 440.08 (2) (a).

21 (b) Proof of completion of continuing education requirements in s. 448.665.

22 (3) A licensee whose license is lost, stolen or destroyed may apply to the
23 department for a duplicate license. Duplicate license applications shall be submitted
24 to the department on a form provided by the department and shall be accompanied
25 by the fee specified under s. 440.05 (7) and an affidavit setting out the circumstances

1 of the loss, theft or destruction of the license. Upon receipt of an application under
2 this subsection, the department shall issue a duplicate license bearing on its face the
3 word "duplicate".

4 **448.66 Malpractice.** A person who practices podiatry without having a
5 license under this subchapter may be liable for malpractice, and his or her ignorance
6 of a duty ordinarily performed by a licensed podiatrist shall not limit his or her
7 liability for an injury arising from his or her practice of podiatry.

8 **448.665 Continuing education.** The affiliated credentialing board shall
9 promulgate rules establishing requirements and procedures for licensees to
10 complete continuing education programs or courses of study in order to qualify for
11 renewal of a license granted under this subchapter. The rules shall require a licensee
12 to complete at least 30 hours of continuing education programs or courses of study
13 within each 2-year period immediately preceding the renewal date specified under
14 s. 440.08 (2) (a). The affiliated credentialing board may waive all or part of these
15 requirements for the completion of continuing education programs or courses of
16 study if the affiliated credentialing board determines that prolonged illness,
17 disability or other exceptional circumstances have prevented a licensee from
18 completing the requirements. This section does not apply to applications for renewal
19 that are due on November 1, 1997.

20 **448.67 Practice requirements. (1) FEE SPLITTING.** No licensee may give or
21 receive, directly or indirectly, to or from any other person any fee, commission, rebate
22 or other form of compensation or anything of value for sending, referring or otherwise
23 inducing a person to communicate with a licensee in a professional capacity, or for
24 any professional services not actually rendered personally by the licensee or at the
25 licensee's direction.

1 **(2) SEPARATE BILLING REQUIRED.** Except as provided in sub. (4), a licensee who
2 renders any podiatric service or assistance whatever, or gives any podiatric advice
3 or any similar advice or assistance whatever, to any patient, podiatrist, physician,
4 partnership or corporation, or to any other institution or organization of any kind,
5 including a hospital, for which a charge is made to a patient, shall, except as
6 authorized by Title 18 or Title 19 of the federal social security act, render an
7 individual statement or account of the charge directly to the patient, distinct and
8 separate from any statement or account by any other podiatrist, physician or other
9 person.

10 **(3) BILLING FOR TESTS PERFORMED BY THE STATE LABORATORY OF HYGIENE.** A
11 licensee who charges a patient, other person or 3rd-party payer for services
12 performed by the state laboratory of hygiene shall identify the actual amount
13 charged by the state laboratory of hygiene and shall restrict charges for those
14 services to that amount.

15 **(4) BILLING BY PROFESSIONAL PARTNERSHIPS AND CORPORATIONS.** If 2 or more
16 podiatrists have entered into a bona fide partnership or formed a service corporation
17 for the practice of podiatry, the partnership or corporation may not render a single
18 bill for podiatry services provided in the name of the partnership or corporation
19 unless each individual licensed, registered or certified under this chapter or ch. 446,
20 449, 450, 455, 457 or 459, who provided services is individually identified on the bill
21 as having rendered those services.

22 **448.675 Disciplinary proceedings and actions. (1) INVESTIGATION;**
23 **HEARING; ACTION.** (a) The affiliated credentialing board shall investigate allegations
24 of unprofessional conduct and negligence in treatment by a licensee. Information
25 contained in reports filed with the affiliated credentialing board under s. 49.45 (2)

1 (a) 12r., 50.36 (3) (b), 609.17 or 632.715, or under 42 CFR 1001.2005, shall be
2 investigated by the affiliated credentialing board. Information contained in a report
3 filed with the affiliated credentialing board under s. 50.36 (3) (c) may, within the
4 discretion of the affiliated credentialing board, be used as the basis of an
5 investigation of a person named in the report. The affiliated credentialing board may
6 require a licensee to undergo and may consider the results of a physical, mental or
7 professional competency examination if the affiliated credentialing board believes
8 that the results of the examination may be useful to the affiliated credentialing board
9 in conducting its investigation.

10 (b) After an investigation, if the affiliated credentialing board finds that there
11 is probable cause to believe that the person is guilty of unprofessional conduct or
12 negligence in treatment, the affiliated credentialing board shall hold a hearing on
13 such conduct. The affiliated credentialing board may require a licensee to undergo
14 and may consider the results of a physical, mental or professional competency
15 examination if the affiliated credentialing board believes that the results of the
16 examination may be useful to the affiliated credentialing board in conducting its
17 hearing. A finding by a court that a podiatrist has acted negligently in treating a
18 patient is conclusive evidence that the podiatrist is guilty of negligence in treatment.

19 A certified copy of the order of a court is presumptive evidence that the finding of
20 negligence in treatment was made. The affiliated credentialing board shall render
21 a decision within 90 days after the date on which the hearing is held or, if subsequent
22 proceedings are conducted under s. 227.46 (2), within 90 days after the date on which
23 those proceedings are completed.

24 (c) After a disciplinary hearing, the affiliated credentialing board may, when
25 it determines that a court has found that a person has been negligent in treating a

1 patient or when it finds a person guilty of unprofessional conduct or negligence in
2 treatment, do one or more of the following: warn or reprimand that person, or limit,
3 suspend or revoke a license granted by the affiliated credentialing board to that
4 person. The affiliated credentialing board may condition the removal of limitations
5 on a license, or the restoration of a suspended or revoked license, upon obtaining
6 minimum results specified by the affiliated credentialing board on a physical, mental
7 or professional competency examination if the affiliated credentialing board believes
8 that obtaining the minimum results is related to correcting one or more of the bases
9 upon which the limitation, suspension or revocation was imposed.

10 (e) A person whose license is limited shall be permitted to continue practice if
11 the person agrees to do all of the following:

- 12 1. Refrain from engaging in unprofessional conduct.
- 13 2. Appear before the affiliated credentialing board or its officers or agents at
14 such times and places designated by the affiliated credentialing board.
- 15 3. Fully disclose to the affiliated credentialing board or its officers or agents the
16 nature of the person's practice and conduct.
- 17 4. Fully comply with the limits placed on his or her practice and conduct by the
18 affiliated credentialing board.
- 19 5. Obtain additional training, education or supervision required by the
20 affiliated credentialing board.
- 21 6. Cooperate with the affiliated credentialing board.

22 (f) Unless a suspended license is revoked during the period of suspension, upon
23 expiration of the period of suspension the affiliated credentialing board shall
24 reinstate the person's license, except that the affiliated credentialing board may, as

1 a condition precedent to the reinstatement of the license, require the person to pass
2 the examinations required for the original grant of the license.

3 (g) The affiliated credentialing board shall comply with rules of procedure for
4 the investigation, hearing and action promulgated by the department under s.
5 440.03 (1).

6 (h) Nothing in this subsection prohibits the affiliated credentialing board, in
7 its discretion, from investigating and conducting disciplinary proceedings on
8 allegations of unprofessional conduct by a licensee when the allegations of
9 unprofessional conduct may also constitute allegations of negligence in treatment.

10 **(2) SUSPENSION PENDING HEARING.** The affiliated credentialing board may
11 summarily suspend a license granted by the affiliated credentialing board for a
12 period not to exceed 30 days pending hearing if the affiliated credentialing board has
13 in its possession evidence establishing probable cause to believe that the licensee has
14 violated the provisions of this subchapter and that it is necessary to suspend the
15 license immediately to protect the public health, safety or welfare. The licensee shall
16 be granted an opportunity to be heard during the determination of whether or not
17 probable cause exists. The affiliated credentialing board may designate any of its
18 officers to exercise the authority granted by this subsection to suspend summarily
19 a license, for a period not exceeding 72 hours. If a license has been summarily
20 suspended by the affiliated credentialing board or any of its officers, the affiliated
21 credentialing board may, while the hearing is in progress, extend the initial period
22 of suspension for not more than an additional 30 days. If the licensee has caused a
23 delay in the hearing process, the affiliated credentialing board may subsequently
24 suspend the license from the time the hearing is commenced until a final decision is
25 issued or may delegate such authority to the hearing examiner.

1 **(3) VOLUNTARY SURRENDER.** A licensee may voluntarily surrender his or her
2 license to the secretary of the affiliated credentialing board, but the secretary may
3 refuse to accept the surrender if the affiliated credentialing board has received an
4 allegation of unprofessional conduct against the licensee. The affiliated
5 credentialing board may negotiate stipulations in consideration for accepting the
6 surrender of a license.

7 **(4) RESTORATION OF LICENSE, CERTIFICATE OR LIMITED PERMIT.** The affiliated
8 credentialing board may restore a license which has been voluntarily surrendered
9 or revoked under this subchapter on such terms and conditions as it considers
10 appropriate.

11 **448.68 Hospital reports. (1)** Within 30 days after receipt of a report under
12 s. 50.36 (3) (c), the affiliated credentialing board shall notify the licensee, in writing,
13 of the substance of the report. The licensee and the licensee's authorized
14 representative may examine the report and may place into the record a statement,
15 of reasonable length, of the licensee's view of the correctness or relevance of any
16 information in the report. The licensee may institute an action in circuit court to
17 amend or expunge any part of the licensee's record related to the report.

18 **(2)** If the affiliated credentialing board determines that a report submitted
19 under s. 50.36 (3) (c) is without merit or that the licensee has sufficiently improved
20 his or her conduct, the affiliated credentialing board shall remove the report from the
21 licensee's record. If no report about a licensee is filed under s. 50.36 (3) (c) for 2
22 consecutive years, the licensee may petition the affiliated credentialing board to
23 remove any prior reports, which did not result in disciplinary action, from his or her
24 record.

1 **(3)** Upon the request of a hospital, the affiliated credentialing board shall
2 provide the hospital with all information relating to a licensee's loss, reduction or
3 suspension of staff privileges from other hospitals and all information relating to the
4 licensee's being found guilty of unprofessional conduct. In this subsection, "hospital"
5 has the meaning specified under s. 50.33 (2).

6 **448.685 Injunctive relief.** If the affiliated credentialing board has reason to
7 believe that a person is violating this subchapter or a rule promulgated under this
8 subchapter, the affiliated credentialing board, the department, the attorney general
9 or the district attorney of the proper county may investigate and may, in addition to
10 any other remedies, bring an action in the name and on behalf of this state to enjoin
11 the person from the violation.

12 **448.69 Penalties; appeal. (1) PENALTIES.** (a) Except as provided in par. (b),
13 a person who violates any provision of this subchapter or a rule promulgated under
14 this subchapter may be fined not more than \$10,000 or imprisoned for not more than
15 9 months or both.

16 (b) A person who violates s. 448.67 (3) may be fined not more than \$250.

17 **(2) APPEAL.** A person aggrieved by an action taken under this subchapter by
18 the affiliated credentialing board, its officers or its agents may apply for judicial
19 review as provided in ch. 227, and shall file notice of such appeal with the secretary
20 of the affiliated credentialing board within 30 days. No court of this state may enter
21 an ex parte stay of an action taken by the affiliated credentialing board under this
22 subchapter.

23 **448.695 Rules.** (1) The affiliated credentialing board shall promulgate rules
24 defining the acts or attempted acts of commission or omission that constitute
25 unprofessional conduct under s. 448.60 (5).

1 (2) The affiliated credentialing board may promulgate rules to carry out the
2 purposes of this subchapter.

3 **SECTION 73.** Subchapter IV of chapter 448 [precedes 448.70] of the statutes, as
4 created by 1993 Wisconsin Act 443, is renumbered subchapter V of chapter 448
5 [precedes 448.70].

6 **SECTION 74.** 448.86 (1) of the statutes, as created by 1993 Wisconsin Act 443,
7 is amended to read:

8 448.86 (1) The department shall issue a certificate to each individual who is
9 certified under this ~~chapter~~ subchapter.

10 **SECTION 75.** 450.10 (3) (a) 5m. of the statutes, as created by 1993 Wisconsin Act
11 443, is amended to read:

12 450.10 (3) (a) 5m. A dietitian certified under subch. ~~IV~~ V of ch. 448. This
13 subdivision does not apply after June 30, 1999.

14 **SECTION 76.** 450.11 (8) (b) of the statutes is amended to read:

15 450.11 (8) (b) The medical examining board, insofar as this section applies to
16 physicians ~~or podiatrists~~.

17 **SECTION 77.** 450.11 (8) (bm) of the statutes is created to read:

18 450.11 (8) (bm) The podiatrists affiliated credentialing board, insofar as this
19 section applies to podiatrists.

20 **SECTION 78.** 632.895 (1) (b) 5. b. of the statutes, as created by 1993 Wisconsin
21 Act 443, is amended to read:

22 632.895 (1) (b) 5. b. A dietitian certified under subch. ~~IV~~ V of ch. 448, if the
23 nutrition counseling is provided on or after July 1, 1995, and no later than June 30,
24 1999.

25 **SECTION 79.** 655.45 (1) of the statutes is amended to read:

1 655.45 (1) For the quarter beginning on July 1, 1986, and for each quarter
2 thereafter, the director of state courts shall file reports complying with sub. (2) with
3 the medical examining board, the physical therapists affiliated credentialing board,
4 the podiatrists affiliated credentialing board, the board of nursing and the
5 department, respectively, regarding health care providers licensed by the respective
6 bodies.

7 **SECTION 80. Nonstatutory provisions.**

8 (1) INITIAL APPOINTMENTS. Notwithstanding the length of terms specified in
9 section 15.406 (3) (intro.) of the statutes, as created by this act, the initial members
10 of the podiatrists affiliated credentialing board shall be appointed by the first day of
11 the 4th month beginning after the effective date of this subsection for the following
12 terms:

13 (a) One podiatrist, for a term expiring on July 1, 1997.

14 (b) One podiatrist, for a term expiring on July 1, 1998.

15 (c) The public member, for a term expiring on July 1, 1999.

16 (d) One podiatrist, for a term expiring on July 1, 2000.

17 (2) PODIATRISTS AFFILIATED CREDENTIALING BOARD; TRANSITIONAL PROVISIONS.

18 (a) *Definitions.* In this subsection:

19 1. “Affiliated credentialing board” means the podiatrists affiliated
20 credentialing board.

21 2. “Examining board” means the medical examining board.

22 (b) *Transitional provisions.* During the period beginning on the effective date
23 of this paragraph and ending on the first day of the 7th month beginning after the
24 effective date of this paragraph, the examining board shall cooperate with the
25 affiliated credentialing board in providing orderly and efficient transfers under this

1 subsection. On the first day of the 7th month beginning after the effective date of this
2 paragraph, all of the following apply:

3 1. The assets and liabilities of the examining board pertaining to the
4 regulation of podiatrists shall become the assets and liabilities of the affiliated
5 credentialing board.

6 2. All tangible personal property, including records, of the examining board
7 pertaining to the regulation of podiatrists is transferred to the affiliated
8 credentialing board.

9 3. All rules pertaining to the regulation of podiatrists that have been
10 promulgated by the examining board and that are in effect shall become rules of the
11 affiliated credentialing board and shall remain in effect until their specified
12 expiration dates or until amended or repealed by the affiliated credentialing board.
13 All orders pertaining to the regulation of podiatrists that have been issued by the
14 examining board and that are in effect shall become orders of the affiliated
15 credentialing board and shall remain in effect until their specified expiration dates
16 or until modified or rescinded by the affiliated credentialing board.

17 4. Any matter relating to the regulation of podiatrists that is pending with the
18 examining board is transferred to the affiliated credentialing board, and all
19 materials submitted to or actions taken by the examining board with respect to the
20 pending matter are considered to have been submitted to or taken by the affiliated
21 credentialing board.

22 5. Notwithstanding section 448.63 (1) of the statutes, as created by this act,
23 a person who, on the day before the first day of the 7th month beginning after the
24 effective date of this subdivision, is licensed as a podiatrist by the examining board
25 under subchapter II of chapter 448 of the statutes is considered to be licensed under

1 subchapter IV of chapter 448 of the statutes, as created by this act, without meeting
2 any of the requirements of section 448.63 of the statutes, as created by this act, and
3 the department of regulation and licensing shall issue to the person, as appropriate,
4 a certificate of licensure under section 448.65 (1) of the statutes, as created by this
5 act, or a temporary license under section 448.63 (3) of the statutes, as created by this
6 act.

7 (3) STAFF FOR MEDICAL EXAMINING BOARD. The authorized FTE positions for the
8 department of regulation and licensing are increased by 1.5 PR program assistant
9 positions and 1.5 PR legal assistant positions on July 1, 1996, to be funded from the
10 appropriation under section 20.165 (1) (g) of the statutes, for the purpose of providing
11 staff only to the medical examining board.

12 (4) USE OF AUTHORIZED POSITIONS. The department of regulation and licensing
13 may not use the positions authorized under subsection (3) to supplant positions in
14 the department that are being used immediately prior to the effective date of this
15 subsection to provide staff to the medical examining board.

16 **SECTION 81. Initial applicability.**

17 (1) The treatment of sections 227.54 and 448.02 (8) of the statutes first applies
18 to reviews of decisions of the medical examining board that are rendered on the
19 effective date of this subsection.

20 (2) The treatment of section 448.09 (1m) of the statutes first applies to findings
21 of negligence in treatment or unprofessional conduct by physicians based on acts or
22 omissions that occur on the effective date of this subsection.

23 **SECTION 82. Effective dates.** This act takes effect on the first day of the 7th
24 month beginning after publication, except as follows:

