

1213

CHAPTER 342

1969 Senate Bill 583

Date published:  
January 30, 1970

**CHAPTER 342, LAWS OF 1969**

AN ACT to amend 15.405 (7), 147.01 (2), 147.15, 147.151 (2), 147.17 (1), 147.175 (2) and (6), 147.185 (2) and (4), 147.19 (1) and 154.04; and to create 147.173 of the statutes, relating to change in the medical examining licensing and regulation law.

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

SECTION 1. 15.405 (7) of the statutes is amended to read:

15.405 (7) There is created a medical examining board in the department of regulation and licensing. The medical examining board shall consist of 8 members appointed for staggered 4-year terms *which shall commence on May 1. The terms of 2 members shall expire annually on April 30.* Seven of the members shall be licensed doctors of medicine; one member shall be a licensed doctor of osteopathy. No person may be appointed to the examining board who is an instructor, stockholder or members of, or financially interested in, any school, college or university having a medical department, or of any school of osteopathy. The secretary may receive such additional compensation as the examining board directs.

SECTION 2. 147.01 (2) of the statutes is amended to read:

147.01 (2) Sections 147.01 to 147.12, ~~inclusive,~~ shall not apply to or affect persons making application for examination to hold a certificate, under ~~chapter~~ *ch. 152*, as a dental hygienist nor shall the above sections apply to *former commissioned physicians of the medical corps of one of the armed services or of the federal health service of the United States or to graduates of a foreign medical school who are either admitted for examination or for whom a written examination is waived under s. 147.15 (1m) or to optometrists;* ~~provided further, that the.~~ The exemption contained in this subsection shall likewise apply to all those who prior to July 1, 1952, file an application for a license to practice dentistry under ~~the provisions of chapter ch. 152.~~

SECTION 3. 147.15 of the statutes is amended to read:

147.15 (1) Application may be made at the time and place designated by the *examining* board or at a regular meeting. Applicants for license to practice medicine and surgery shall present satisfactory evidence of good moral and professional character, and of having completed a preliminary education equivalent to graduation from an accredited high school of this state, and also a diploma from a reputable professional college. Applicants for license to practice medicine and surgery shall present to the board a diploma from a reputable medical or osteopathic college with standards of education and training substantially equivalent to the university of Wisconsin medical school, approved and recognized by the *examining* board. Before approving and recognizing any such college or school, the *examining* board shall conduct an investigation and during the course thereof shall hold a public hearing, with notice to all interested parties, at which any person may be heard. The *examining* board may designate an agent, including one or more board members, to conduct a portion or all of such investigation to determine the facts upon which the board shall make its findings. The findings and any action taken by the *examining* board with reference to approval or recognition of a school or college may be reviewed as provided in ch. 227. The applicant shall also present satisfactory evidence of having completed a college course in physics, chemistry and biology, substantially equivalent to the premedical course at the university of Wisconsin. Each applicant shall file a verified statement that he is

familiar with the state health laws and the rules of the state board of health *department of health and social services* relating to communicable diseases. The application shall be accompanied by a fee, to be fixed by the *examining* board at not more than \$45 and \$5 additional for license is issued \$100. An immigrant applicant shall present satisfactory evidence that he has filed a ~~declaration of intention to become a citizen of~~ *been accepted as an immigrant* by the United States, or that he has been permitted to enter or remain in this country under a special act of congress, and if his professional education was completed in a foreign college, the application shall be accompanied by a fee of \$75, and the further fee of \$5 upon the issuance of license shall not be required \$100. Applicants shall pay also the cost of translation into English by for the *examining* board of documents and papers in a foreign language.

(1m) Where an applicant is a graduate of a foreign medical school which has not been approved or recognized by the *examining* board under sub. (1), but the *examining* board has reason to believe that the applicant may have professional qualifications, as of the date of his application, through recognized postgraduate work done in this country, or through professional experience, or both, which have given him premedical training substantially equivalent to that offered in the premedical course at the university of Wisconsin, or professional training substantially equivalent to that of the medical school of that university, or both, as provided in sub. (1), the *examining* board may make such further inquiry, including a personal interview, as satisfies the *examining* board that he has such equivalent premedical and medical training. If a majority of the *examining* board is so satisfied, it may waive the educational prerequisites imposed by sub. (1), and admit the applicant to examination under s. 147.16. If the applicant has established his professional qualifications by examination in another state with which *examining* board has reciprocity, a written examination for such applicant may be waived under s. 147.17 (1). In the course of making such additional inquiry, it may in each instance ask the dean of any medical school approved and recognized by it to examine, or have examined, the premedical and medical qualifications of such applicant, and to state in writing whether such applicant, at the time of his examination, had received such premedical and medical school training, or its equivalent, as would meet the present standards for graduation of the professional school headed by such dean. If in the opinion of such examiner the application has had the equivalent of a full course of premedical and medical training offered by the school of which the examiner is a faculty member, his statement shall so state. Unless the desn designated by the *examining* board to make such examination of qualifications, or a faculty member appointed by him reports affirmatively, the *examining* board shall not exempt such applicant from the educational prerequisites imposed by sub. (1). In lieu of the foregoing inquiry into the premedical and medical qualifications of such an applicant the *examining* board may accept, either in whole or in part, the marks received by such applicant in examinations conducted by the educational council for foreign medical graduates. The fee for examining the ~~pre-professional~~ *preprofessional* and professional qualifications of such applicant shall be based upon the time required of the *examining* board, or its designated agent. In no event shall it be less than \$100 nor more than \$300. ~~Not more than 50 applicants a year shall be accepted for licensing under this subsection.~~ *An applicant who satisfies all requirements of this subsection, and who, additionally, presents the evidence required of an immigrant applicant for permanent license under sub. (1), shall be issued a temporary license to practice medicine, which shall expire 2 years after its date of issue. Such temporary 2-year license may be renewed twice. The holder of such a license who is in good standing with the examining board at the end of such period shall be issued a permanent license, under s. 147.17 (1) upon obtaining*

*citizenship and provided he was a continuous resident of the state during such period.*

(2) An applicant for a permanent license by examination to practice medicine and surgery who is a graduate of Marquette university school of medicine, or of the university of Wisconsin medical school, or who is already licensed to practice medicine and surgery in another state and desires licensure by reciprocity in Wisconsin, and who, more than 30 days prior to the date set by the *examining* board for the holding of its next examination for licensure, has met all the requirements of sub. (1), in the case of graduates of the Marquette university school of medicine, or of the university of Wisconsin medical school, or who has met all the requirements of s. 147.17 (1), except examination by the ~~examining~~ board in the case of an applicant already licensed in another state, or an honorably discharged ~~surgeon of the armed services~~ *commissioned physician of the medical corps of one of the armed services or of the federal health service of the United States, or of the federal public health service*, who shall file a sworn and authenticated copy of his discharge; ~~provided that such discharge was within one year of such application for license by reciprocity,~~ and whose application for license has been accepted by any 2 officers of the board, may, at his request, and on the written findings of the *examining* board, acting through any 2 of its officers, that an emergency need exists for medical personnel in a particular area, be granted a temporary license to practice medicine and surgery in the particular area as to which such findings were made. In determining that an emergency exists, such officers shall consider the particular health standards of the area, and the possible detrimental effects resulting from not filling the reported need for additional medical personnel. Such temporary license will expire by its terms 30 days after the next examination for a permanent license is given or on the date following his examination on which the *examining* board grants or denies such applicant a permanent license, whichever occurs first; but the temporary license shall automatically expire on the first day the *examining* board begins its examination of applicants after issuing such license, unless its holder submits to examination on such date. The holder of a temporary license shall not be entitled to the refund of the fee which accompanied his application for permanent licensure as required by sub. (1), whether or not he takes the examination for permanent licensure. To the extent necessary to give effect to its provisions, but only while a temporary license granted under this subsection remains in force, this subsection shall be construed as suspending all provisions of the statutes which require permanent licensure for the practice of medicine and surgery, and as suspending the operation of ss. 147.02 and 147.04 as to any temporary licensee, if prior to the time he was ~~issued~~ *granted* a temporary license hereunder, the holder thereof had applied for a certificate of registration in the basic sciences and paid the fee provided by s. 147.05, and the ~~state board of examiners in the basic sciences~~ *examining board* had accepted such application. A temporary license shall be issued only once to the same person. The fee for such license is \$25. *In its discretion, the examining board may grant a temporary license for a period not to exceed 90 days to a nonresident physician who is serving on a full-time or temporary basis in a camp or other recreational facility or to a physician temporarily maintaining the practice of a sick or disabled physician. In either case, the physician to whom such a temporary license is granted must satisfy the examining board that he is needed in the area in which he wishes to serve and that he is licensed in a state with which the examining board has medical reciprocity. For cause shown to the satisfaction of the examining board, his temporary license in the discretion of the examining board may be renewed for additional periods of 90 days each in the case of a physician serving on a temporary basis. The fee for such temporary license is \$25.*

CHAPTER 342

1216

SECTION 4. 147.151 (2) of the statutes is amended to read:

147.151 (2) The purpose of this section is solely to provide opportunities in this state for the postgraduate education of certain persons having training in medicine and surgery satisfactory to the *examining* board, without compliance with the licensure requirements of this chapter. Nothing herein contained shall be construed as changing in any respect the requirements for licensure to practice medicine and surgery in this state. The violation of the provisions hereof by the holder of such a certificate shall constitute cause for the revocation thereof. *To the extent found applicable and appropriate, all holders of such certificates shall be subject to all provisions of this chapter, and to any penalties applicable to those with a temporary or permanent license to practice medicine and surgery in this state.*

SECTION 5. 147.17 (1) of the statutes is amended to read:

147.17 (1) If 6 members find the applicant for license qualified, it shall so notify him and shall issue a license to practice medicine and surgery, signed by the president and secretary-treasurer and attested by the seal upon receiving satisfactory evidence that the applicant has completed a hospital internship of at least 12 months in a reputable medical or osteopathic hospital. Before granting a license by reciprocity, the *examining* board shall conduct an investigation as provided in s. 147.15 to determine whether the requirements for licensure in the state in which the applicant for reciprocity is licensed are equivalent to those of this state. If it finds that the requirements in another state are equivalent to those of this state, the *examining* board may issue a license to practice medicine and surgery without written examination to a person holding a license to practice medicine and surgery, or osteopathy and surgery, in such other state, upon presentation of the license and a diploma from a reputable professional college approved and recognized by the *examining* board, or an honorably discharged ~~surgeon of the armed services~~ *commissioned physician of the medical corps of one of the armed services or of the federal health service of the United States, or of the federal public health service,* upon filing of a sworn and authenticated copy of his discharge; ~~provided that such discharge was within one year of such application for license by reciprocity.~~ In lieu of its own examination, the *examining* board may accept, either in whole or in part, the certificate of the national board of medical examiners *or of the Flex examination.* Fee for license with or without written examination shall be fixed by the board at not less than the reciprocity fee in the state whose license the applicant presents, and in no case less than \$100. A person licensed before 1916 to practice osteopathy shall be licensed to practice surgery upon presenting satisfactory evidence of having completed a course in surgery at a reputable osteopathic college, requiring not less than 20 months' actual attendance, and the regular examination of the *examining* board in surgery, and being found qualified by 6 members. The *examining* board may deny the application of one not 21 years of age. No certificate of registration shall be considered equivalent to a license.

SECTION 6. 147.173 of the statutes is created to read:

147.173 RESIDENT LICENSE. (1) Any person accepted in a resident training program in a hospital which maintains standards for training residents acceptable to the examining board may make application for a resident's license under this section. A resident's license shall be equivalent to a permanent license to practice medicine and surgery. Section 147.17 except for the fee prescribed therein applies to licenses, granted by the examining board under this section.

(2) Application for licenses under this section shall be as provided in s. 147.15 (1), except that the fee shall be \$10 and the applicant shall provide the examining board with a certificate showing that he has been

accepted in a resident training program as provided in sub. (1). The findings and any action taken by the examining board with reference to acceptance of resident training programs may be reviewed in accordance with ch. 227.

(3) All fees paid under this section shall be credited toward a subsequent application of the licensee under this section for a permanent license to practice medicine and surgery. The license issued under this section shall be renewable annually for a fee of \$10, at the discretion of the examining board, but no license may be renewed more than 5 times.

SECTION 7. 147.175 (2) and (6) of the statutes are amended to read:

147.175 (2) Each registrant shall pay for such registration a fee to be fixed by the ~~Wisconsin state board of medical examiners~~ *medical examining board* for each given year, which fee shall not exceed \$10 in any year. Those who register after January ~~31~~ *1* of a given year shall pay whatever fee has been fixed for that year. *The annual registration fee shall be independent of and in addition to any examination or licensing fee authorized by any other provision of this chapter.*

(6) The provisions of this section shall not be applicable to any ~~physician while serving in the armed forces~~ *commissioned physicians of the medical corps of one of the armed services of the United States or of an allied government.*

SECTION 8. 147.185 (2) and (4) of the statutes are amended to read:

147.185 (2) An applicant for a certificate of registration as a physical therapist shall file written application on forms ~~provided~~ *prescribed* by the *examining board*. The applicant shall present satisfactory evidence that he is at least 20 years of age, is of good moral character, has obtained a high school education or its equivalent, and has been graduated from a school of physical therapy with standards of education and training substantially equivalent to that of the university of Wisconsin. ~~He shall pay to the board \$25 and present himself for examination at the first meeting thereafter at which examinations are to be held. Following the acceptance of his application for a certificate, such applicant shall present himself for examination at the next meeting of the examining board at which an examination is scheduled. The examination fee is \$25, which shall be paid in advance of the examination, which fee shall be independent of the annual registration fee authorized by sub. (4).~~

(4) If the *examining board* finds the applicant qualified it shall ~~issue~~ *grant* a certificate of registration which shall expire on ~~February 1~~ *December 31* of each year and shall be renewed only upon application to the *examining board*. Each registrant shall pay for such registration a fee to be fixed by the *examining board* for each given year, which ~~fee shall be in addition to the examination fee under s. 197.185 (2) and shall not exceed \$5~~ *\$10* in any year; ~~provided that those who register after January 31 of a given year shall likewise pay whatever fee has been fixed for that year without proration for a late registrant.~~ If the applicant has failed to renew his certificate for a period of at least 5 years, the *examining board* shall require the applicant to take a refresher course approved by the *examining board* before issuing a renewal certificate if, after oral examination, the committee recommends to the *examining board* that such refresher course is necessary. If the applicant for reregistration has been guilty of conduct that would afford a ground for revocation under s. 147.20 the board may so find and refuse to reregister such applicant. Every registration made as provided in this section shall be presumptive evidence in all courts and other places that the person named therein is legally registered for the year covered by such registration.

SECTION 9. 147.19 (1) of the statutes is amended to read:

147.19 (1) Sections 147.14 to 147.18, shall not apply to commissioned ~~surgeons of the army, navy, federal health service,~~ *physicians of the medical*

*corps of one of the armed services or the federal health service of the United States or to medical or osteopathic physicians of other states or countries in actual consultation with resident licensed practitioners of this state, nor to the gratuitous prescribing and administering of family remedies or to treatment rendered in an emergency.*

SECTION 10. 154.04 of the statutes is amended to read:

154.04 If the *examining* board finds the applicant qualified, it shall issue a certificate of registration which shall expire on ~~February 1~~ *December 31* of each year. Each registrant shall pay for such registration a fee to be fixed by the ~~Wisconsin state board of medical examiners~~ *medical examining board* for each given year; which fee shall not exceed ~~\$5~~ *\$10* in any year; ~~provided that those who register after January 31 of a given year shall likewise pay whatever fee has been fixed for that year without proration for a late registrant.~~ If the applicant for reregistration has been guilty of conduct that would afford a ground for revocation under s. 154.05, the examining board may so find and refuse to reregister such applicant.

SECTION 11. TRANSITIONAL PROVISIONS. (1) If this act and chapter —, laws of 1969 (Senate Bill 353) are enacted into law, then:

(a) The amendment made into SECTION 2 of this act to section 147.01 (2) of the statutes shall be deemed to be an amendment to section 445.01 (3) of the statutes.

(b) The amendment made in SECTION 3 of this act to section 147.15 of the statutes shall be deemed to be an amendment to section 448.03 of the statutes.

(c) The amendment made in SECTION 4 of this act to section 147.151 (2) of the statutes shall be deemed to be an amendment to section 448.04 (2) of the statutes.

(d) The amendment made in SECTION 5 of this act to section 147.17 (1) of the statutes shall be deemed to be an amendment to section 448.06 (1) of the statutes.

(e) The amendment made in SECTION 7 of this act to section 147.175 (2) and (6) of the statutes shall be deemed to be an amendment to section 448.07 (2) and (6) of the statutes.

(f) The amendment made in SECTION 8 of this act to section 147.185 (2) and (4) of the statutes shall be deemed to be an amendment to section 448.09 (2) and (4) of the statutes.

(g) The amendment made in SECTION 9 of this act to section 147.19 (1) of the statutes shall be deemed to be an amendment to section 448.16 (1) of the statutes.

(h) The amendment made in SECTION 10 of this act to section 154.04 of the statutes shall be deemed to be an amendment to section 448.13 of the statutes.

(2) If this act and chapter —, laws of 1969 (Senate Bill 353) are enacted into law, then section 147.173 of the statutes, as created by SECTION 6 of this act, is renumbered section 448.065 of the statutes.

Approved December 31, 1969.

---