

1991 Senate Bill 499

Date of enactment: **April 14, 1992**
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1991 WISCONSIN ACT 186

AN ACT to amend 448.02 (3) (b) of the statutes, relating to: the deadline for the rendering of a disciplinary decision by the medical examining board.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is introduced by the law revision committee under s. 13.83 (1) (c) 1., stats., to codify the decision of the court of appeals in *Sweet v. Medical Examining Board*, 147 Wis. 2d 539, 433 N.W.2d 614 (1988). After careful consideration of that decision, the law revision committee has determined that this bill makes statutory changes that are desirable as a matter of public policy in order to clarify the date on which the time limitation on a decision by the medical examining board after a disciplinary hearing commences to run.

SECTION 1. 448.02 (3) (b) of the statutes is amended to read:

448.02 (3) (b) After an investigation, if the board finds that there is probable cause to believe that the person is guilty of unprofessional conduct or negligence in treatment, the board shall hold a hearing on such conduct. The board may use any information obtained by the board or the department under s. 655.17 (7) (b), as created by 1985 Wisconsin Act 29, in an investigation or a disciplinary proceeding, including a public disciplinary proceeding, conducted under this subsection and the board

may require a person holding a license, certificate or limited permit to undergo and may consider the results of one or more physical, mental or professional competency examinations if the board believes that the results of any such examinations may be useful to the board in conducting its hearing. A unanimous finding by a panel established under s. 655.02, 1983 stats., or a finding by a court that a physician has acted negligently in treating a patient is conclusive evidence that the physician is guilty of negligence in treatment. A finding that is not a unanimous finding by a panel established under s. 655.02, 1983 stats., that a physician has acted negligently in treating a patient is presumptive evidence that the physician is guilty of negligence in treatment. A certified copy of the findings of fact, conclusions of law and order of the panel or the order of a court is presumptive evidence that the finding of negligence in treatment was made. The board shall render a decision within 90 days ~~following completion of the hearing~~ after the date on which the hearing is held or, if subsequent proceedings are conducted under s. 227.46 (2), within 90 days after the date on which those proceedings are completed.