

1999 DRAFTING REQUEST

Bill

Received: 10/08/1999

Received By: kunkemd

Wanted: As time permits

Identical to LRB:

For: Legislative Council - JLC

By/Representing: Richard Sweet

This file may be shown to any legislator: NO

Drafter: kunkemd

May Contact:

Alt. Drafters:

Subject: Occupational Reg. - prof lic

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Nonresident physician license

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<del>Jacketed</del>	<u>Required</u>
/1	kunkemd 10/11/1999	ygeller 10/11/1999	mclark 10/11/1999	_____	lrb_docadmin 10/12/1999	lrb_docadminState 10/14/1999	

FE Sent For:

<END>

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/?	kunkemd	11/10/11 jlg	LC cover. MRC 10/8	==			
FE Sent For:			10/11 MRC	<END> MRC/JF 10/11			

RNS:tlu;ksm

3/29/99

1 **AN ACT** to amend 448.02 (1), 448.05 (7) and 448.13 (1) (a); and **to create 440.08 (2)**  
 2 (a) **58m.**, 448.04 (1) (am), 448.05 (3) and 448.06 (1r) of the statutes; **relating to:**  
 3 creating a nonresident physician license.

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

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This draft was prepared for the joint legislative council's special committee **on telemedicine** issues.

Under current law, no person may practice medicine and surgery, or attempt to do so or make a representation as authorized to do so, without a license to practice medicine and surgery granted by the Wisconsin medical examining board. Current law provides an exception for actual consultation or demonstration by licensed physicians of other states or countries with licensed physicians of this state. To receive a license to practice medicine and surgery, a person must satisfy the educational and examination requirements set forth in current law and pay the fee specified by law.

This draft creates a nonresident physician license. The Wisconsin medical examining board is **required** to issue such a license to any person who submits proof that he or she has an unrestricted physician's license in another state and pays the fee set by the draft, which is half the fee otherwise paid by physicians. Other current statutory licensing requirements are made inapplicable to nonresident physician licenses. Under the draft, a person holding a nonresident physician license may practice medicine and surgery only from outside this state on a patient in this state, regardless of the physician's means of communications. "State" is defined in the statutes to include the District of Columbia, the Commonwealth of Puerto Rico and U.S. territories.

4 **SECTION 1.** 440.08 (2) (a) 58m. of the statutes is created to read:  
 5 440.08 (2) (a) 58m. 'Physician, nonresident.' November 1 of each odd-numbered year;  
 6 \$55.

7 **SECTION 2.** 448.02 (1) of the statutes is amended to read:

1           448.02 (1) **LICENSE.** The board may grant licenses, including nonresident physician  
2 licenses and various classes of temporary licenses, to practice medicine and surgery and to  
3 practice as a physician assistant.

4           **SECTION 3.** 448.04 (1) (am) of the statutes is created to read:

5           **448.04 (1) (am) Nonresident physician license.** A person holding a nonresident  
6 physician license may practice medicine and surgery, as defined in s. 448.01 (9), only from  
7 outside **this** state on a patient in this state, regardless of the physician's means of  
8 communication.

9           **SECTION 4.** 448.05 (3) of the statutes is created to read:

10           448.05 (3) **NONRESIDENT PHYSICIAN LICENSE.** Subsections (1) and (2) do not apply to an  
11 applicant for a nonresident physician license. The board shall grant a nonresident physician  
12 license to any person who submits proof that he or she has an unrestricted physician license  
13 in another state and pays the fee in s. 448.08 (2) (a) 58m.

14           **SECTION 5.** 448.05 (7) of the statutes is amended to read:

15           448.05 (7) **APPLICATION.** Application for any class of license or certificate shall be made  
16 as a verified statement in a form provided by the department and at such time and place as the  
17 board may designate, and shall be accompanied by satisfactory evidence setting out the  
18 qualifications imposed by this section. Application for any class of license to practice  
19 medicine and surgery, except a nonresident physician license, also shall be accompanied by  
20 a verified statement that the applicant is familiar with the state health laws and the rules of the  
21 department of health and family services as related to communicable diseases.

22           **SECTION 6.** 448.06 (1r) of the statutes is created to read:

23           448.06 (1r) **NONRESIDENT PHYSICIAN LICENSE.** Subsections (1) and (1 m) do not apply  
24 to an applicant for a nonresident physician license.

1 SECTION 7. 448.13 (1) (a) of the statutes is amended to read:

2 448.13 (1) (a) Each physician shall, in each 2nd year at the time of application for a  
3 certificate of registration under s. 448.07, submit proof of attendance at and completion of  
4 continuing education programs or courses of study approved for at least 30 hours of credit by  
5 the board within the 2 calendar years preceding the calendar year for which the registration  
6 is effective. The board may waive this requirement if it finds that exceptional circumstances  
7 such as prolonged illness, disability or other similar circumstances have prevented a physician  
8 from meeting the requirement. This paragraph does not apply to a Dhvsician holding: a  
9 nonresident Dhvsician license.

10 (END)



D-NOTE

JL

SOON

**1999 BILL**

Regen

1 **AN ACT** to amend 448.02 (1), 448.05 (7) and 448.13 (1) (a); and **to create 440.08**  
2 **(2)** (a) 58m., 448.04 (1) (am), 448.05 (3) and 448.06 (1r) of the statutes; **relating**  
3 **to:** creating a nonresident physician license.

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***Analysis by the Legislative Reference Bureau***

This bill is explained in the NOTE provided by the joint legislative council in the bill.

For further information *see* the **state** fiscal estimate, which will be printed as an appendix to this bill.

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

**PREFATORY NOTE:** This bill was prepared for the joint legislative council's special committee on telemedicine issues.

Under current law, no person may practice medicine and surgery, or attempt to do so or make a representation as authorized to do so, without a license to practice medicine and surgery granted by the Wisconsin medical examining board. Current law provides an exception for actual consultation or demonstration by licensed physicians of other states or countries with licensed physicians of this state. To receive a license to practice medicine and surgery, a person must satisfy the educational and examination requirements set forth in current law and pay the fee specified by law.

This bill creates a nonresident physician license. The Wisconsin medical examining board is required to issue such a license to any person who submits proof that

**BILL**

he or she has an unrestricted physician's license in another state and pays the fee set by the bill, which is half the fee otherwise paid by physicians. Other current statutory licensing requirements are made inapplicable to nonresident physician licenses. Under the bill, a person holding a nonresident physician license may practice medicine and surgery only from outside this state on a patient in this state, regardless of the physician's means of communications. "State" is defined in the statutes to include the District of Columbia, the Commonwealth of Puerto Rico and U.S. territories.

**SECTION 1.** 440.08 (2) (a) 58m. of the statutes is created to read:

440.08 (2) (a) 58m. Physician, nonresident November 1 of each odd-numbered year; \$55.

**SECTION 2.** 448.02 (1) of the statutes is amended to read:

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**BILL**

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 17 disability or other similar circumstances have prevented a physician from meeting  
 18 the requirement. This paragraph does not apply to a nhvician holding a nonresident  
 19 physician license.

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3727/1dn

MDK: :mrc

*JG*

Dick Sweet:

Please note the following about this bill:

1. When a new license is created, DORL usually requests a renewal fee that is equal to the minimum renewal fee that DORL calculates in its biennial fee study for the budget. For the current budget, DORL has calculated a \$47 minimum renewal fee. This bill establishes a \$55 renewal fee for a nonresident physician license. Note that DORL may seek an amendment so that the renewal fee is consistent <sup>with</sup> its biennial fee study.

2. The bill does not affect the exemption under current law for actual consultation or demonstration by licensed physicians of other states or countries with licensed physicians of this state. Therefore, a person who qualifies for the exemption need not obtain either a physician or nonresident physician license. Is this consistent with the committee's intent?

Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: Mark.Kunkel@legis.state.wi.us

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3727/1dn  
MDK;jlg:mrc

October 11, 1999

Dick Sweet:

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Mark D. Kunkel  
Legislative Attorney  
Phone: (608) 266-0131  
E-mail: Mark.Kunkel@legis.state.wi.us

**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

**Date:** 10/12/1999

**To:** Legislative Council - JLC

**Relating to LRB drafting number: LRB-3727**

**Topic**

Nonresident physician license

**Subject(s)**

Occupational Reg. - prof lic

1. **JACKET** the draft for introduction \_\_\_\_\_

in the **Senate** or the **Assembly**  (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW.** prior to introduction \_\_\_\_\_

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases revenues, you must submit a fiscal estimate prior to introduction. If you choose to

introduce the proposal, a fiscal estimate will be requested automatically upon introduction. Requesting the fiscal estimate prior to introduction of the proposal.

If you have any questions, please call 266-3561. If you have any questions

relating to the attached draft, please call 266-3561.

*Could you send the jacket for this to Dick Street Leg. Council 1 C. main, Room 401*

*Thanks -*

Mark D. Kunkel, Legislative Attorney  
Telephone: (608) 266-O 13 1