

2013 DRAFTING REQUEST

Bill

Received: 2/5/2014 Received By: mduchek
Wanted: As time permits Same as LRB: -2237
For: Leah Vukmir (608) 266-2512 By/Representing: Dean Cady
May Contact: Drafter: mduchek
Subject: Occupational Reg. - prof lic Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Vukmir@legis.wisconsin.gov
Carbon copy (CC) to: michael.gallagher@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Changes to physician licensure requirements in chapter 448

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	mduchek 2/5/2014	evinz 2/5/2014	jfrantze 2/5/2014	_____	mbarman 2/5/2014	sbasford 2/6/2014	State

FE Sent For:

<END>

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INTRO

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/1	mduchek	lee 2/5/14		<u>2/5</u>			State

FE Sent For:

<END>

Duchek, Michael

From: Cady, Dean
Sent: Wednesday, February 05, 2014 3:03 PM
To: Scholz, AJ
Cc: Duchek, Michael
Subject: MEB bill

Hey AJ I just got off the phone with Mike Duchek over at LRB requesting a Senate companion to the MEB bill he drafted for Representative Severson.

Would you mind shooting Mike an Email.

Thank a mil.

deano

Duchek, Michael

From: Scholz, AJ
Sent: Wednesday, February 05, 2014 3:04 PM
To: Duchek, Michael
Cc: Cady, Dean
Subject: RE: MEB bill

Hey Mike,

Could you please put together a Senate companion for LRB 2237 for Sen. Vukmir's office.

Thanks for your help!

AJ Scholz

Office of Representative Erik Severson
608-267-2365
221 North, State Capitol

From: Cady, Dean
Sent: Wednesday, February 05, 2014 3:03 PM
To: Scholz, AJ
Cc: Duchek, Michael
Subject: MEB bill

Hey AJ I just got off the phone with Mike Duchek over at LRB requesting a Senate companion to the MEB bill he drafted for Representative Severson.

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Thankx a mil.

deano



TODAY

State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-228711

4204/1

MED:jld:rs

Companion
RMR

2013 BILL

(no changes)

regen

1 AN ACT ^{regen} *to repeal* 448.04 (1) (b) 2., 448.04 (1) (c), 448.065, 448.10 (1), (4) and (5),
2 448.10 (2m) and 448.10 (3m); *to renumber* 448.10 (1m); *to amend* 440.08 (2)
3 (a) (intro.), 448.02 (1), 448.02 (3) (a), 448.02 (3) (b), 448.02 (3) (c), 448.02 (3) (e),
4 448.02 (3) (h), 448.02 (4) (a), 448.02 (4) (b), 448.02 (5), 448.02 (6), 448.02 (8) (a),
5 448.02 (8) (b), 448.02 (8) (c), 448.05 (1) (c), 448.05 (1) (d), 448.05 (6) (a), 448.06
6 (title), 448.06 (1), 448.06 (1), 448.07 (1) (d), 448.08 (1) (a), 448.08 (1) (a) and
7 462.01 (4); *to repeal and recreate* 448.05 (2); and *to create* 448.04 (1) (ac),
8 448.04 (1) (bg) and (bm), 448.05 (2c), 448.05 (6) (at), 448.063 and 448.10 (1m),
9 (2m) and (3m) of the statutes; **relating to:** licensure of physicians; providing
10 an exemption from emergency rule procedures; and granting rule-making
11 authority.

Analysis by the Legislative Reference Bureau

Under current law, physicians are licensed under the authority of the Medical Examining Board (MEB), a credentialing board attached to the Department of Safety and Professional Services. A physician's credential to practice is known as a license to practice medicine and surgery. This bill makes various changes regarding

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the licenses to practice medicine and surgery and related credentials issued by the MEB. Significant changes in the bill are described as follows:

REGULAR LICENSES TO PRACTICE MEDICINE AND SURGERY***Current law***

Current law provides that an applicant for any class of license to practice medicine and surgery must supply evidence satisfactory to the MEB that the applicant is a graduate of and possesses a diploma from a medical or osteopathic college approved by the MEB and has completed postgraduate training of 12 months in a facility approved by the MEB. Current law also contains provisions for issuing licenses to practice medicine and surgery to graduates of foreign medical schools that are not approved by the MEB. Such a graduate of a foreign medical school may be admitted to examination for a license to practice medicine and surgery if he or she satisfies certain requirements.

The bill — licensure of accredited medical and osteopathic college graduates

The bill repeals the provisions described above and replaces them with the following requirements that an applicant other than a graduate of a foreign medical college must satisfy in order to be eligible for a regular license to practice medicine and surgery:

1. That the applicant is a graduate of and possesses a diploma from a medical or osteopathic college that is accredited by the Liaison Committee on Medical Education, the American Osteopathic Association, or a successor organization and that is approved by the MEB.

2. That the applicant either: a) has successfully completed and received credit for 24 months of postgraduate training in one or more programs accredited by the Accreditation Council for Graduate Medical Education, the American Osteopathic Association, or a successor organization; or b) be currently enrolled in a postgraduate training program accredited by the Accreditation Council for Graduate Medical Education, the American Osteopathic Association, or a successor organization; has successfully completed and received credit for 12 consecutive months of postgraduate training in that program; and has received an unrestricted endorsement from the postgraduate training program director that includes confirmation that the applicant is expected to continue in the program and complete at least 24 months of postgraduate training.

3. That the applicant satisfies any other requirement established by the MEB by rule.

The bill — licensure of graduates of foreign medical colleges

The bill repeals the provisions described above and replaces them with the following requirements that an applicant who is a graduate of a foreign medical college must satisfy in order to be eligible for a regular license to practice medicine and surgery:

1. That the applicant be a graduate of and possess a diploma from a foreign medical college credentialed by an agency approved by the MEB.

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2. That the applicant has obtained certification by the Educational Council for Foreign Medical Graduates or a successor organization.

3. That the applicant has passed all steps of the United States Medical Licensing Examination administered by the National Board of Medical Examiners and the Federation of State Medical Boards, or their successor organizations.

4. That the applicant has successfully completed and received credit for 24 months of postgraduate training in one or more programs accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association or a successor organization, the last 12 months of which were completed in a single program.

5. That the applicant satisfies any other requirement established by the MEB by rule for issuing the license.

The bill — exceptions

The bill allows the MEB to promulgate rules specifying circumstances in which the MEB, in cases of hardship or in cases in which the applicant possesses a medical license issued by another jurisdiction, may grant a waiver from any requirement described above for a regular license to practice medicine and surgery. The MEB may grant such a waiver only in accordance with those rules.

The bill also grandfathers existing holders of a regular license to practice medicine and surgery so that they may retain and continue to renew their licenses notwithstanding the requirements in the bill described above.

CREDENTIALS FOR MEDICAL RESIDENTS***Current law — temporary educational permits***

Under current law, the MEB may grant a temporary educational permit to practice medicine and surgery (TEP) to a person who meets the requirements for a license to practice medicine and surgery, other than required examinations. A TEP may be issued for a period not to exceed one year and may be renewed annually for not more than four years. A TEP permits the holder to take postgraduate educational training in a facility approved by the MEB, and the holder of a TEP may, under the direction of a licensed physician, perform services requisite to that training, but must confine training and practice to the facility in which the holder is taking the training.

The bill — resident educational licenses

The bill repeals the provisions for granting a TEP and replaces them with provisions allowing the MEB to grant a resident educational license (REL). An applicant must, under the bill, satisfy the following requirements in order to be granted an REL:

1. Provide proof that he or she has been accepted into a postgraduate training program accredited by the Accreditation Council for Graduate Medical Education, the American Osteopathic Association, or a successor organization.

2. Provide written confirmation from the institution sponsoring the postgraduate training program into which he or she has been accepted confirming the appointment to that program.

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3. Provide proof that he or she is a graduate of and possesses a diploma from a medical or osteopathic college that is approved by the MEB.

The bill provides that an REL is valid for one year and may be renewed for additional one-year terms while the REL holder is enrolled in his or her postgraduate training program. The bill also provides that an REL remains valid only while the REL holder is actively engaged in the practice of medicine and surgery in his or her postgraduate training program and is lawfully entitled to work in the United States. Finally, the bill provides that the holder of an REL may engage in the practice of medicine and surgery only in connection with his or her duties under his or her postgraduate training program.

The bill grandfathers existing TEP holders so that they may retain and renew their TEPs for up to three years following enactment of the bill.

LICENSES FOR VISITING PHYSICIANS***Current law — temporary licenses for visiting professors***

Under current law, an applicant who is a graduate of a foreign medical school and who, because of noteworthy professional attainment, is invited to serve on the academic staff of a medical college in this state as a visiting professor, may be granted a temporary license to practice medicine and surgery (visiting professor license). A visiting professor license remains in force only while the holder is serving full time on the academic staff of a medical college and the license holder's practice is limited to the duties of the academic position.

The bill — restricted licenses to practice as a visiting physician

The bill repeals the provisions for granting a visiting professor license and replaces them with provisions allowing the MEB to grant a restricted license to practice medicine and surgery as a visiting physician (visiting physician license). An applicant must, under the bill, satisfy the following requirements in order to be granted a visiting physician license:

1. Provide proof that he or she is a graduate of and possesses a diploma from a medical or osteopathic college that is approved by the board.

2. Provide proof that he or she teaches medicine, engages in medical research, or practices medicine and surgery outside this state.

3. Provide proof that the applicant is licensed to practice medicine and surgery outside this state.

4. Provide documentation that he or she intends to teach, research, or practice medicine and surgery at a medical education facility, medical research facility, or medical college in this state, which must include a signed letter from the dean or president of the facility or college.

5. Provide proof that he or she satisfies any other requirement established by the MEB by rule for issuing the license.

The bill provides that the holder of a visiting physician license may engage in the practice of medicine and surgery only at the medical education facility, medical research facility, or medical college where he or she is teaching, researching, or practicing, and only in accordance with the terms and restrictions established by the MEB. The bill provides that a visiting physician license is valid for one year and may be renewed at the discretion of the MEB. Finally, the bill provides that a visiting

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physician license remains valid only while the license holder is actively engaged in teaching, researching, or practicing medicine and surgery and is lawfully entitled to work in the United States.

The bill grandfathers existing visiting professor license holders so that they may retain and renew their visiting professor licenses for up to three years following enactment of the bill.

ADMINISTRATIVE PHYSICIAN LICENSE

The bill allows the MEB to grant a new type of license known under the bill as an administrative physician license (APL). The MEB may grant an APL to an applicant who satisfies the requirements for a regular license to practice medicine and surgery, other than any requirement established by the MEB relating to the active practice of medicine and surgery.

The bill provides that the holder of an APL may not, under that APL, take any action that constitutes the practice of medicine and surgery.

EXAMINATIONS FOR A LICENSE TO PRACTICE MEDICINE AND SURGERY

The bill provides that, when examining an applicant for a license to practice medicine and surgery or an APL, the MEB may only use examinations prepared, administered, and scored by national examining agencies, subject to the exception that the MEB may interview an individual applicant as needed to determine information specific to that applicant.

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

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

1 **SECTION 1.** 440.08 (2) (a) (intro.) of the statutes is amended to read:

2 440.08 (2) (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04,
3 444.03, 444.11, 447.04 (2) (c) 2., 448.065, 449.17 (1m) (d), and 449.18 (2) (d) and
4 subch. II of ch. 448, the renewal dates for credentials are as follows:

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

6 448.02 (1) **LICENSE.** The board may grant licenses, including various classes
7 of temporary licenses, to practice medicine and surgery, to practice as an
8 administrative physician, to practice perfusion, to practice as an anesthesiologist
9 assistant, and to practice as a physician assistant.

BILL**SECTION 3**

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

2 448.02 (3) (a) The board shall investigate allegations of unprofessional conduct
3 and negligence in treatment by persons holding a license, or certificate or limited
4 permit granted by the board. An allegation that a physician has violated s. 253.10
5 (3), 448.30 or 450.13 (2) or has failed to mail or present a medical certification
6 required under s. 69.18 (2) within 21 days after the pronouncement of death of the
7 person who is the subject of the required certificate or that a physician has failed at
8 least 6 times within a 6-month period to mail or present a medical certificate
9 required under s. 69.18 (2) within 6 days after the pronouncement of death of the
10 person who is the subject of the required certificate is an allegation of unprofessional
11 conduct. Information contained in reports filed with the board under s. 49.45 (2) (a)
12 12r., 50.36 (3) (b), 609.17 or 632.715, or under 42 CFR 1001.2005, shall be
13 investigated by the board. Information contained in a report filed with the board
14 under s. 655.045 (1), as created by 1985 Wisconsin Act 29, which is not a finding of
15 negligence or in a report filed with the board under s. 50.36 (3) (c) may, within the
16 discretion of the board, be used as the basis of an investigation of a person named in
17 the report. The board may require a person holding a license, or certificate or limited
18 permit to undergo and may consider the results of one or more physical, mental or
19 professional competency examinations if the board believes that the results of any
20 such examinations may be useful to the board in conducting its investigation.

21 **SECTION 4.** 448.02 (3) (b) of the statutes is amended to read:

22 448.02 (3) (b) After an investigation, if the board finds that there is probable
23 cause to believe that the person is guilty of unprofessional conduct or negligence in
24 treatment, the board shall hold a hearing on such conduct. The board may use any
25 information obtained by the board or the department under s. 655.17 (7) (b), as

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1 created by 1985 Wisconsin Act 29, in an investigation or a disciplinary proceeding,
2 including a public disciplinary proceeding, conducted under this subsection and the
3 board may require a person holding a license, or certificate ~~or limited permit~~ to
4 undergo and may consider the results of one or more physical, mental or professional
5 competency examinations if the board believes that the results of any such
6 examinations may be useful to the board in conducting its hearing. A unanimous
7 finding by a panel established under s. 655.02, 1983 stats., or a finding by a court that
8 a physician has acted negligently in treating a patient is conclusive evidence that the
9 physician is guilty of negligence in treatment. A finding that is not a unanimous
10 finding by a panel established under s. 655.02, 1983 stats., that a physician has acted
11 negligently in treating a patient is presumptive evidence that the physician is guilty
12 of negligence in treatment. A certified copy of the findings of fact, conclusions of law
13 and order of the panel or the order of a court is presumptive evidence that the finding
14 of negligence in treatment was made. The board shall render a decision within 90
15 days after the date on which the hearing is held or, if subsequent proceedings are
16 conducted under s. 227.46 (2), within 90 days after the date on which those
17 proceedings are completed.

18 **SECTION 5.** 448.02 (3) (c) of the statutes is amended to read:

19 448.02 (3) (c) Subject to par. (cm), after a disciplinary hearing, the board may,
20 when it determines that a panel established under s. 655.02, 1983 stats., has
21 unanimously found or a court has found that a person has been negligent in treating
22 a patient or when it finds a person guilty of unprofessional conduct or negligence in
23 treatment, do one or more of the following: warn or reprimand that person, or limit,
24 suspend or revoke any license, or certificate ~~or limited permit~~ granted by the board
25 to that person. The board may condition the removal of limitations on a license, or

BILL**SECTION 5**

1 certificate ~~or limited permit~~ or the restoration of a suspended or revoked license, or
2 certificate ~~or limited permit~~ upon obtaining minimum results specified by the board
3 on one or more physical, mental or professional competency examinations if the
4 board believes that obtaining the minimum results is related to correcting one or
5 more of the bases upon which the limitation, suspension or revocation was imposed.

6 **SECTION 6.** 448.02 (3) (e) of the statutes is amended to read:

7 448.02 (3) (e) A person whose license, or certificate ~~or limited permit~~ is limited
8 under this subchapter shall be permitted to continue practice upon condition that the
9 person will refrain from engaging in unprofessional conduct; that the person will
10 appear before the board or its officers or agents at such times and places as may be
11 designated by the board from time to time; that the person will fully disclose to the
12 board or its officers or agents the nature of the person's practice and conduct; that
13 the person will fully comply with the limits placed on his or her practice and conduct
14 by the board; that the person will obtain additional training, education or
15 supervision required by the board; and that the person will cooperate with the board.

16 **SECTION 7.** 448.02 (3) (h) of the statutes is amended to read:

17 448.02 (3) (h) Nothing in this subsection prohibits the board, in its discretion,
18 from investigating and conducting disciplinary proceedings on allegations of
19 unprofessional conduct by persons holding a license, or certificate ~~or limited permit~~
20 granted by the board when the allegations of unprofessional conduct may also
21 constitute allegations of negligence in treatment.

22 **SECTION 8.** 448.02 (4) (a) of the statutes is amended to read:

23 448.02 (4) (a) The board may summarily suspend any license, or certificate, ~~or~~
24 ~~limited permit~~ granted by the board when the board has in its possession evidence
25 establishing probable cause to believe that the holder of the license, or certificate, ~~or~~

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1 ~~limited permit~~ has violated the provisions of this subchapter and that it is necessary
2 to suspend the license, or certificate, ~~or limited permit~~ immediately to protect the
3 public health, safety, or welfare. The holder of the license, or certificate, ~~or limited~~
4 ~~permit~~ shall be granted an opportunity to be heard during the determination of
5 probable cause. The board chair and 2 board members designated by the chair or,
6 if the board chair is not available, the board vice-chair and 2 board members
7 designated by the vice-chair, shall exercise the authority granted by this paragraph
8 to suspend summarily a license, or certificate, ~~or limited permit~~ in the manner
9 provided under par. (b).

10 **SECTION 9.** 448.02 (4) (b) of the statutes is amended to read:

11 448.02 (4) (b) An order of summary suspension shall be served upon the holder
12 of the license, or certificate, ~~or limited permit~~ in the manner provided in s. 801.11 for
13 service of summons. The order of summary suspension shall be effective upon service
14 or upon actual notice of the summary suspension given to the holder of the license,
15 or certificate, ~~or limited permit~~ or to the attorney of the license, ~~permit, or limited~~
16 ~~permit~~ certificate holder, whichever is sooner. A notice of hearing commencing a
17 disciplinary proceeding shall be issued no more than 10 days following the issuance
18 of the order of summary suspension. The order of summary suspension remains in
19 effect until the effective date of a final decision and order in the disciplinary
20 proceeding against the holder or until the order of summary suspension is
21 discontinued by the board following a hearing to show cause. The holder of the
22 license, or certificate, ~~or limited permit~~ shall have the right to request a hearing to
23 show cause why the order of summary suspension should not be continued and the
24 order of summary suspension shall notify the holder of the license, or certificate, ~~or~~
25 ~~limited permit~~ of that right. If a hearing to show cause is requested by the holder

BILL**SECTION 9**

1 of the license, or certificate, ~~or limited permit~~, the hearing shall be scheduled on a
2 date within 20 days of receipt by the board of the request for the hearing to show
3 cause.

4 **SECTION 10.** 448.02 (5) of the statutes is amended to read:

5 448.02 (5) VOLUNTARY SURRENDER. The holder of any license, or certificate ~~or~~
6 ~~limited permit~~ granted by the board may voluntarily surrender the license, or
7 certificate ~~or limited permit~~ to the secretary of the board, but the secretary may
8 refuse to accept the surrender if the board has received allegations of unprofessional
9 conduct against the holder of the license, or certificate ~~or limited permit~~. The board
10 may negotiate stipulations in consideration for accepting the surrender of licenses.

11 **SECTION 11.** 448.02 (6) of the statutes is amended to read:

12 448.02 (6) RESTORATION OF LICENSE, OR CERTIFICATE ~~OR LIMITED PERMIT~~. The board
13 may restore any license, or certificate ~~or limited permit~~ which that has been
14 voluntarily surrendered or revoked under any of the provisions of this subchapter,
15 on such terms and conditions as it may deem appropriate.

16 **SECTION 12.** 448.02 (8) (a) of the statutes is amended to read:

17 448.02 (8) (a) After an investigation by the board under sub. (3) (a) or by the
18 department under s. 440.03 (3m) or (5), the board may issue a private and
19 confidential administrative warning to a holder of a license, or certificate ~~or limited~~
20 ~~permit~~ if the board determines that there is evidence of misconduct by him or her.
21 The board may issue an administrative warning under this paragraph only if the
22 board determines that no further action is warranted because the matter involves
23 a first occurrence of minor misconduct and the issuance of an administrative
24 warning adequately protects the public by putting the holder of the license, or
25 certificate ~~or limited permit~~ on notice that any subsequent misconduct may result

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1 in disciplinary action. The board shall review the determination if the holder of the
2 license, or certificate ~~or limited permit~~ makes a personal appearance before the
3 board. Following the review, the board may affirm, rescind or modify the
4 administrative warning. A holder of a license, or certificate ~~or limited permit~~ may
5 seek judicial review under ch. 227 of an affirmation or modification of an
6 administrative warning by the board.

7 **SECTION 13.** 448.02 (8) (b) of the statutes is amended to read:

8 448.02 (8) (b) An administrative warning issued under par. (a) does not
9 constitute an adjudication of guilt or the imposition of discipline and may not be used
10 as evidence that the holder of a license, or certificate ~~or limited permit~~ is guilty of
11 misconduct.

12 **SECTION 14.** 448.02 (8) (c) of the statutes is amended to read:

13 448.02 (8) (c) Notwithstanding par. (b), if the board receives a subsequent
14 allegation of misconduct about a holder of a license, or certificate ~~or limited permit~~
15 to whom the board issued an administrative warning under par. (a), the board may
16 reopen the matter that resulted in the issuance of the administrative warning or use
17 the administrative warning in any subsequent disciplinary hearing under sub. (3)
18 (b) as evidence that he or she had actual knowledge that the misconduct that was the
19 basis for the administrative warning was contrary to law.

20 **SECTION 15.** 448.04 (1) (ac) of the statutes is created to read:

21 448.04 (1) (ac) *Administrative physician license.* The board may grant an
22 administrative physician license to an applicant who satisfies the requirements
23 under s. 448.05 (2c). The board shall issue a license under this paragraph subject
24 to the same terms as a license issued under par. (a), except that, notwithstanding any
25 other provision of law that permits a physician to engage in any act that constitutes

BILL**SECTION 15**

1 the practice of medicine and surgery, the holder of a license issued under this
2 paragraph may not engage in the practice of medicine and surgery except as
3 otherwise authorized under s. 448.03 (2) and may not practice as provided in s.
4 448.035.

5 **SECTION 16.** 448.04 (1) (b) 2. of the statutes is repealed.

6 **SECTION 17.** 448.04 (1) (bg) and (bm) of the statutes are created to read:

7 448.04 (1) (bg) *Restricted license to practice medicine and surgery as a visiting*
8 *physician.* 1. The board may grant a restricted license to practice medicine and
9 surgery as a visiting physician to an applicant who satisfies the requirements under
10 s. 448.05 (2) (e).

11 2. The holder of a license issued under this paragraph may engage in the
12 practice of medicine and surgery only at the medical education facility, medical
13 research facility, or medical college where the license holder is teaching, researching,
14 or practicing, and only in accordance with the terms and restrictions established by
15 the board.

16 3. Subject to subd. 4., a license issued under this paragraph is valid for one year
17 and may be renewed at the discretion of the board.

18 4. A license issued under this paragraph remains valid only while the license
19 holder is actively engaged in teaching, researching, or practicing medicine and
20 surgery and is lawfully entitled to work in the United States.

21 (bm) *Resident educational license to practice medicine and surgery.* 1. The
22 board may grant a resident educational license to practice medicine and surgery to
23 an applicant who satisfies the requirements under s. 448.05 (2) (d).

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1 2. Subject to subd. 3., a license issued under this paragraph is valid for one year
2 and may be renewed for additional one-year terms while the license holder is
3 enrolled in the postgraduate training program under s. 448.05 (2) (d) 1.

4 3. A license issued under this paragraph remains valid only while the license
5 holder is actively engaged in the practice of medicine and surgery in the
6 postgraduate training program under s. 448.05 (2) (d) 1. and is lawfully entitled to
7 work in the United States.

8 4. The holder of a license issued under this paragraph may engage in the
9 practice of medicine and surgery only in connection with his or her duties under the
10 postgraduate training program under s. 448.05 (2) (d) 1.

11 **SECTION 18.** 448.04 (1) (c) of the statutes is repealed.

12 **SECTION 19.** 448.05 (1) (c) of the statutes is amended to read:

13 448.05 (1) (c) Achieve a passing grade in the any examinations required in this
14 section.

15 **SECTION 20.** 448.05 (1) (d) of the statutes is amended to read:

16 448.05 (1) (d) Be found qualified by three-fourths of the members of the board,
17 except that an applicant for a temporary license or certificate under s. 448.04 (1) (b)
18 1. and 3., (e), ~~and (g), or (i)~~ or a resident educational license under s. 448.04 (1) (bm)
19 must be found qualified by 2 members of the board.

20 **SECTION 21.** 448.05 (2) of the statutes is repealed and recreated to read:

21 448.05 (2) LICENSE TO PRACTICE MEDICINE AND SURGERY. (a) Except as provided
22 in pars. (b) to (e), an applicant for any class of license to practice medicine and surgery
23 must supply evidence satisfactory to the board of all of the following:

24 1. That the applicant is a graduate of and possesses a diploma from a medical
25 or osteopathic college that is accredited by the Liaison Committee on Medical

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1 Education, the American Osteopathic Association, or a successor organization and
2 that is approved by the board.

3 2. That the applicant satisfies one of the following:

4 a. The applicant has successfully completed and received credit for 24 months
5 of postgraduate training in one or more programs accredited by the Accreditation
6 Council for Graduate Medical Education, the American Osteopathic Association, or
7 a successor organization.

8 b. The applicant is currently enrolled in a postgraduate training program
9 accredited by the Accreditation Council for Graduate Medical Education, the
10 American Osteopathic Association, or a successor organization; the applicant has
11 successfully completed and received credit for 12 consecutive months of
12 postgraduate training in that program; and the applicant has received an
13 unrestricted endorsement from the postgraduate training program director that
14 includes confirmation that the applicant is expected to continue in the program and
15 complete at least 24 months of postgraduate training.

16 3. That the applicant satisfies any other requirement established by the board
17 by rule for issuing the license.

18 (b) Except as provided in pars. (c) to (e), an applicant for a license to practice
19 medicine and surgery who is a graduate of a foreign medical college must supply
20 evidence satisfactory to the board of all of the following:

21 1. That the applicant is a graduate of and possesses a diploma from a foreign
22 medical college credentialed by an agency approved by the board.

23 2. That the applicant has obtained certification by the Educational Council for
24 Foreign Medical Graduates or a successor organization.

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1 3. That the applicant has passed all steps of the United States Medical
2 Licensing Examination administered by the National Board of Medical Examiners
3 and the Federation of State Medical Boards, or their successor organizations.

4 4. That the applicant has successfully completed and received credit for 24
5 months of postgraduate training in one or more programs accredited by the
6 Accreditation Council for Graduate Medical Education or the American Osteopathic
7 Association or a successor organization, the last 12 months of which were completed
8 in a single program.

9 5. That the applicant satisfies any other requirement established by the board
10 by rule for issuing the license.

11 (c) The board may promulgate rules specifying circumstances in which the
12 board, in cases of hardship or in cases in which the applicant possesses a medical
13 license issued by another jurisdiction, may grant a waiver from any requirement
14 under par. (a) or (b). The board may grant such a waiver only in accordance with
15 those rules.

16 (d) An applicant for a resident educational license under s. 448.04 (1) (bm) shall
17 provide the board with all of the following:

18 1. Proof that the applicant has been accepted into a postgraduate training
19 program accredited by the Accreditation Council for Graduate Medical Education,
20 the American Osteopathic Association, or a successor organization.

21 2. Written confirmation from the institution sponsoring the postgraduate
22 training program into which the applicant has been accepted confirming that the
23 applicant has been or will be appointed to a position in the program.

24 3. Proof that the applicant is a graduate of and possesses a diploma from a
25 medical or osteopathic college that is approved by the board.

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1 (e) An applicant for a restricted license to practice medicine and surgery as a
2 visiting physician under s. 448.04 (1) (bg) shall provide the board with all of the
3 following:

4 1. Proof that the applicant is a graduate of and possesses a diploma from a
5 medical or osteopathic college that is approved by the board.

6 2. Proof that the applicant is licensed to practice medicine and surgery outside
7 this state.

8 3. Proof that the applicant teaches medicine, engages in medical research, or
9 practices medicine and surgery outside this state.

10 4. Documentation that the applicant intends to teach, research, or practice
11 medicine and surgery at a medical education facility, medical research facility, or
12 medical college in this state, which must include a signed letter from the dean or
13 president of the facility or college.

14 5. Proof that the applicant satisfies any other requirement established by the
15 board by rule for issuing the license.

16 **SECTION 22.** 448.05 (2c) of the statutes is created to read:

17 448.05 (2c) ADMINISTRATIVE PHYSICIAN LICENSE. An applicant for an
18 administrative physician license must supply evidence satisfactory to the board that
19 he or she satisfies the requirements for a license to practice medicine and surgery
20 under sub. (2) (a) or (b), subject to any waiver granted under sub. (2) (c), other than
21 any requirement established by the board by rule relating to the active practice of
22 medicine and surgery.

23 **SECTION 23.** 448.05 (6) (a) of the statutes is amended to read:

24 448.05 (6) (a) Except as provided in pars. (am) and, (ar), and (at), the board
25 shall examine each applicant it finds eligible under this section in such subject

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1 matters as the board deems applicable to the class of license or certificate which the
2 applicant seeks to have granted. Examinations may be both written and oral. In lieu
3 of its own examinations, in whole or in part, the board may make such use as it deems
4 appropriate of examinations prepared, administered, and scored by national
5 examining agencies, or by other licensing jurisdictions of the United States or
6 Canada. The board shall specify passing grades for any and all examinations
7 required.

8 **SECTION 24.** 448.05 (6) (at) of the statutes is created to read:

9 448.05 (6) (at) When examining an applicant for a license to practice medicine
10 and surgery or an administrative physician license under par. (a), the board may only
11 use examinations prepared, administered, and scored by national examining
12 agencies, except that the board may interview an individual applicant as needed to
13 determine information specific to that applicant.

14 **SECTION 25.** 448.06 (title) of the statutes is amended to read:

15 **448.06 (title) License, or certificate ~~or limited permit~~ granted, denied.**

16 **SECTION 26.** 448.06 (1) of the statutes is amended to read:

17 448.06 (1) GRANT OF LICENSE, CERTIFICATE, OR LIMITED PERMIT. If Subject to s.
18 448.05 (1) (d), if three-fourths of the members of the board find that an applicant who
19 has passed the required examinations is qualified, the board shall so notify the
20 applicant and shall grant the license, certificate, or limited permit.

21 **SECTION 27.** 448.06 (1) of the statutes, as affected by 2013 Wisconsin Act
22 (this act), is amended to read:

23 448.06 (1) GRANT OF LICENSE, OR CERTIFICATE, ~~OR LIMITED PERMIT~~. Subject to s.
24 448.05 (1) (d), if three-fourths of the members of the board find that an applicant who

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1 has passed the required examinations is qualified, the board shall so notify the
2 applicant and shall grant the license, or certificate, ~~or limited permit~~.

3 **SECTION 28.** 448.063 of the statutes is created to read:

4 **448.063 Notification requirements for certain licenses.** (1) If the holder
5 of a license granted under the authority of s. 448.05 (2) (a) 2. b. subsequently
6 discontinues his or her postgraduate training program at any time prior to the
7 completion of the program, the program director shall notify the board, providing full
8 details of the cause of the discontinuance and the holder's plans, if any, for completion
9 of the postgraduate training program. The board shall review the matter and may
10 take any appropriate action.

11 (2) If the holder of a license granted under s. 448.04 (1) (bg) ceases to teach,
12 research, or practice medicine and surgery at the medical education facility, medical
13 research facility, or medical college where he or she is visiting, the medical education
14 facility, medical research facility, or medical college shall notify the board. The board
15 shall review the matter and may take any appropriate action.

16 **SECTION 29.** 448.065 of the statutes is repealed.

17 **SECTION 30.** 448.07 (1) (d) of the statutes is amended to read:

18 448.07 (1) (d) No registration may be permitted by the secretary of the board
19 in the case of any physician or perfusionist who has failed to meet the requirements
20 of s. 448.13 or any person whose license, or certificate, ~~or limited permit~~ has been
21 suspended or revoked and the registration of any such person shall be deemed
22 automatically annulled upon receipt by the secretary of the board of a verified report
23 of such suspension or revocation, subject to the ~~licensee's or permittee's~~ person's right
24 of appeal. A person whose license, or certificate, ~~or limited permit~~ has been
25 suspended or revoked and subsequently restored shall be registered by the board

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1 upon tendering a verified report of such restoration of the license, or certificate, ~~or~~
2 ~~limited permit~~, together with an application for registration and the registration fee.

3 **SECTION 31.** 448.08 (1) (a) of the statutes is amended to read:

4 448.08 (1) (a) “Hospital” means an institution providing 24-hour continuous
5 service to patients confined therein which is primarily engaged in providing facilities
6 for diagnostic and therapeutic services for the surgical and medical diagnosis,
7 treatment and care, of injured or sick persons, by or under the supervision of a
8 professional staff of physicians and surgeons, and which is not primarily a place of
9 rest for the aged, drug addicts or alcoholics, or a nursing home. Such hospitals may
10 charge patients directly for the services of their employee nurses, nonphysician
11 anesthetists, physical therapists and medical assistants other than physicians or
12 dentists, and may engage on a salary basis interns and residents who are
13 participating in an accredited training program under the supervision of the medical
14 staff, and persons with a resident educational license issued under s. 448.04 (1) (bm)
15 or a temporary educational certificate issued under s. 448.04 (1) (c), 2011 stats.

16 **SECTION 32.** 448.08 (1) (a) of the statutes, as affected by 2013 Wisconsin Act
17 (this act), is amended to read:

18 448.08 (1) (a) “Hospital” means an institution providing 24-hour continuous
19 service to patients confined therein which is primarily engaged in providing facilities
20 for diagnostic and therapeutic services for the surgical and medical diagnosis,
21 treatment and care, of injured or sick persons, by or under the supervision of a
22 professional staff of physicians and surgeons, and which is not primarily a place of
23 rest for the aged, drug addicts or alcoholics, or a nursing home. Such hospitals may
24 charge patients directly for the services of their employee nurses, nonphysician
25 anesthetists, physical therapists and medical assistants other than physicians or

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1 dentists, and may engage on a salary basis interns and residents who are
2 participating in an accredited training program under the supervision of the medical
3 staff, and persons with a resident educational license issued under s. 448.04 (1) (bm)
4 ~~or a temporary educational certificate issued under s. 448.04 (1) (c), 2011 stats.~~

5 **SECTION 33.** 448.10 (1), (4) and (5) of the statutes are repealed.

6 **SECTION 34.** 448.10 (1m), (2m) and (3m) of the statutes are created to read:

7 448.10 **(1m)** Notwithstanding s. 448.05 (2), a person who, on the effective date
8 of this subsection [LRB inserts date], possessed a valid license to practice
9 medicine and surgery under s. 448.05 (2) or 448.065, 2011 stats., may retain, practice
10 under, and continue to renew that license, subject to any other provisions in this
11 subchapter or any rules promulgated by the board governing a license to practice
12 medicine and surgery.

13 **(2m)** A person who, on the effective date of this subsection [LRB inserts
14 date], possessed a valid temporary license to practice medicine and surgery under
15 s. 448.04 (1) (b) 2., 2011 stats., may retain, practice under, and continue to renew that
16 license in accordance with s. 448.04 (1) (b) 2., 2011 stats., subject to any other
17 provisions in this subchapter or any rules promulgated by the board governing that
18 license.

19 **(3m)** A person who, on the effective date of this subsection [LRB inserts
20 date], possessed a valid temporary educational permit to practice medicine and
21 surgery under s. 448.04 (1) (c), 2011 stats., may retain, practice under, and continue
22 to renew that permit in accordance with s. 448.04 (1) (c), 2011 stats., subject to any
23 other provisions in this subchapter or any rules promulgated by the board governing
24 that permit, or may apply for a resident educational license under s. 448.04 (1) (bm).

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1 **SECTION 35.** 448.10 (1m) of the statutes, as created by 2013 Wisconsin Act
2 (this act), is renumbered 448.10.

3 **SECTION 36.** 448.10 (2m) of the statutes, as created by 2013 Wisconsin Act
4 (this act), is repealed.

5 **SECTION 37.** 448.10 (3m) of the statutes, as created by 2013 Wisconsin Act
6 (this act), is repealed.

7 **SECTION 38.** 462.01 (4) of the statutes is amended to read:

8 462.01 (4) “Physician” means a person licensed to practice medicine and
9 surgery under s. 448.04 (1) (a) ~~or~~, (b), or (bg).

10 **SECTION 39. Nonstatutory provisions.**

11 (1) Using the procedure under section 227.24 of the statutes, the medical
12 examining board may promulgate rules under section 448.40 (1) of the statutes that
13 are necessary to implement the changes in this act and rules under section 448.05
14 (2) (c), as affected by this act, for the period before the effective date of any permanent
15 rules promulgated under section 448.40 (1) of the statutes, but not to exceed the
16 period authorized under section 227.24 (1) (c) of the statutes, subject to extension
17 under section 227.24 (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2)
18 (b), and (3) of the statutes, the board is not required to provide evidence that
19 promulgating a rule under this subsection as an emergency rule is necessary for the
20 preservation of the public peace, health, safety, or welfare and is not required to
21 provide a finding of emergency for a rule promulgated under this subsection.

22 **SECTION 40. Initial applicability.**

23 (1) The treatment of section 448.05 (6) (a) and (at) of the statutes first applies
24 to an applicant who is admitted to examination for a license to practice medicine and

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1 surgery by the medical examining board under section 448.05 (2) of the statutes, as
2 affected by this act, on the effective date of this subsection.

3 (2) The treatment of section 448.05 (2) of the statutes first applies to an
4 application for a license to practice medicine and surgery under section 448.05 (2) of
5 the statutes, as affected by this act, that is received by the medical examining board
6 on the effective date of this subsection.

7 **SECTION 41. Effective dates.** This act takes effect on the first day of the 12th
8 month beginning after publication, except as follows:

9 (1) The treatment of sections 448.02 (3) (a), (b), (c), (e), and (h), (4) (a) and (b),
10 (5), (6), and (8) (a), (b), and (c), 448.06 (title) and (1) (by SECTION 27), 448.07 (1) (d),
11 and 448.08 (1) (a) (by SECTION 32) of the statutes, the repeal of section 448.10 (2m)
12 and (3m) of the statutes, and the renumbering of section 448.10 (1m) of the statutes
13 take effect on the first day of the 36th month beginning after publication.

14 (END)

Barman, Mike

From: Cady, Dean
Sent: Wednesday, February 05, 2014 5:01 PM
To: LRB.Legal
Subject: Draft Review: LRB -4204/1 Topic: Changes to physician licensure requirements in chapter 448

Please Jacket LRB -4204/1 for the SENATE.