2015 DRAFTING REQUEST

Senate Amendment (SA-SB196)

Received:	10/8/2015			Received By:	mduchek		
For:	Leah Vukr	nir (608) 266-25	512	Same as LRB:	Same as LRB:		
May Conta	act:			By/Representing:	Danielle		
Subject:	Occupation	nal Reg prof	lic	Drafter:	mduchek		
				Addl. Drafters:			
				Extra Copies:			
Submit via Requester' Carbon co			r@legis.wisco lagher@legis.v	_			
Pre Topic	•						
No specifi	c pre topic giver	n					
Topic:							
Amendme	nts for Interstate	e Medical Licens	sure Compact				
Instruction	ons:						
See attach	ed						
Drafting 1	History:					-	
Vers.	<u>Drafted</u>	Reviewed	Proofed	Submitted	<u>Jacketed</u>	Required	
	chanaman 10/20/2015	wjackson 10/20/2015		sbasford 10/12/2015			
/1				srose 10/20/2015	srose 10/20/2015		
FE Sent F	or:						

<**END>**

Duchek, Michael

From:

Laurent, Danielle

Sent:

Thursday, October 08, 2015 11:01 AM

To:

Duchek, Michael

Subject:

RE: Amendment to SB 196

Just a regular amendment

Thanks,

Danielle Laurent, MPH

Office of Senator Leah Vukmir

Direct: 608-266-2512

Danielle.Laurent@legis.wisconsin.gov

From: Duchek, Michael

Sent: Thursday, October 08, 2015 10:56 AM

To: Laurent, Danielle < Danielle. Laurent@legis. wisconsin.gov>

Subject: RE: Amendment to SB 196

Danielle,

Because this will require undoing everything in the bill, the amendment will a bit lengthy. Let me know if you want a substitute amendment instead. Either way is fine, just thought I'd ask.

-Mike

From: Laurent, Danielle

Sent: Thursday, October 08, 2015 10:02 AM

To: Duchek, Michael < Michael. Duchek@legis.wisconsin.gov >

Subject: Amendment to SB 196

Hi Michael,

We are looking to have an amendment drafted to SB 196 (the Interstate Medical Licensure Compact) including the following provisions:

- Sunset the program every four years require membership in the Compact to go before the legislature every four years
- Annual JFC report to include rules promulgated that fiscal year by the Interstate Medical Licensure Compact Commission
- Senate confirmation by simple majority of appointees to the Commission

Please let me know if you have any questions!

Thanks,

Danielle Laurent, MPH

Office of Senator Leah Vukmir

Direct: 608-266-2512

Danielle.Laurent@legis.wisconsin.gov

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRBa0856/P1dn MED:...

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Danielle:

As we discussed, this would repeal the compact provisions and reverse all associated changes made in the bill, effective 1 years after the bill's effective date. According to the compact, withdrawal from the compact would then occur one year after the date of the repeal. Any subsequent enactment of the legislature could, of course, cancel that scheduled repeal before it ever occurred or change the date of the scheduled repeal.

Soul

Also, regarding the report, note that under the bill, the report is due every January 1 and is not tied to a fiscal year. So I just required it to include copies of all rules promulgated or changes made since the last report. Will that work? Another approach would be to instead (or in addition) require copies of all rules then in effect.

Michael Duchek Legislative Attorney (608) 266–0130 michael.duchek@legis.wisconsin.gov



State of Misconsin 2015 - 2016 LEGISLATURE

In 10-8

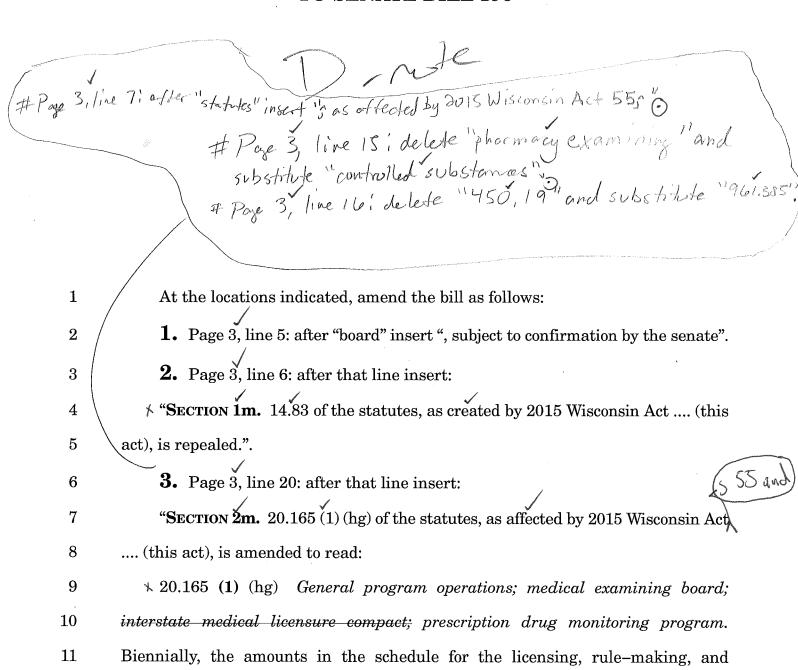
LRBa0856/P1 MED:...

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION SENATE AMENDMENT,

SAV

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TO SENATE BILL 196



regulatory functions of the medical examining board and the affiliated credentialing

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acontrolled substances boards attached to the medical examining board, except for preparing, administering, and grading examinations; for any costs associated with the interstate medical licensure compact under s. 448/980, including payment of assessments under s. 448.980 (13) (a); and for the pharmacy examining board's operation of the prescription drug monitoring program under s. 450.19 percent of all moneys received for issuing and renewing credentials under ch. 448 shall be credited to this appropriation. All moneys received from the interstate medical licensure compact commission under s. 448.980 shall be credited to this appropriation.". 4. Page 4, line 11: after that line insert: "Section 4m. 440.03 (11m) (c) 2. of the statutes, as created by 2015 Wisconsin Act (this act), is repealed.". **5.** Page 4, line 18: after that line insert: "Section 5m. 440.03 (13) (b) (intro.) of the statutes, as affected by 2015 Wisconsin Act (this act), is amended to read: × 440.03 (13) (b) (intro.) The department may investigate whether an applicant for or holder of any of the following credentials has been charged with or convicted

for or holder of any of the following credentials has been charged with or convicted of a crime only pursuant to rules promulgated by the department under this paragraph, including rules that establish the criteria that the department will use to determine whether an investigation under this paragraph is necessary, except as provided in par. (c) and s. 448.980 (5) (b) 3.:".

6. Page 4, line 24: after that line insert:

"Section 6m. 440.03 (13) (d) of the statutes, as affected by 2015 Wisconsin Act
.... (this act), is amended to read:

1	1440.03 (13) (d) The department shall charge an applicant any fees, costs, or
2	other expenses incurred in conducting any investigation under this subsection or s.
3	440.26. The department shall charge an applicant seeking licensure through the
4	interstate medical licensure compact under s. 448.980, directly or indirectly, for any
5	expenses incurred in conducting any investigation under s. 448.980 (5) (b) 3.".
6	7. Page 5, line 3: after that line insert:
7	"Section 7m. 440.05 (intro.) of the statutes, as affected by 2015 Wisconsin Act
8	(this act), is amended to read:
9	440.05 Standard fees. (intro.) The following standard fees apply to all initial
10	$credentials,\ except\ as\ provided\ in\ ss.\ 440.51,\ 444.03,\ 444.11,\ 446.02\ (2)\ (c),\ 447.04\ (2)$
11	(c) 2., 448.07 (2), 449.17 (1m) (d), and 449.18 (2) (d):".
12	8. Page 5, line 7: after that line insert:
13	"Section 8m. 440.08 (2) (c) of the statutes, as affected by 2015 Wisconsin Act
14	(this act), is amended to read:
15	440.08 (2) (c) Except as provided in par. (e) and sub. (3), renewal applications
16	shall include the applicable renewal fee as determined by the department under s.
17	440.03 (9) (a) or as specified in par. (b).".
18	9. Page 5, line 10: after that line insert:
19	"Section 9m. 440.08 (2) (e) of the statutes, as created by 2015 Wisconsin Act
20	(this act), is repealed.".
21	10. Page 5, line 21: after that line insert:
22	"Section 10m. 440.14 (2) of the statutes, as affected by 2015 Wisconsin Act
23	(this act), is amended to read:

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× 440.14 (2) If a form that the department or a credentialing board requires an individual to complete in order to apply for a credential or credential renewal or to obtain a product or service from the department or the credentialing board requires the individual to provide any of the individual's personal identifiers, the form shall include a place for the individual to declare that the individual's personal identifiers obtained by the department or the credentialing board from the information on the form may not be disclosed on any list that the department or the credentialing board furnishes to another person. This subsection does not apply with respect to an application filed with the medical examining board pursuant to the interstate medical licensure compact under s. 448.980 (5).".

11. Page 6, line 8: after that line insert:

"Section 11m. 440.14 (3) of the statutes, as affected by 2015 Wisconsin Act (this act), is amended to read:

× 440.14 (3) If the department or a credentialing board requires an individual to provide, by telephone or other electronic means, any of the individual's personal identifiers in order to apply for a credential or credential renewal or to obtain a product or service from the department or a credentialing board, the department or the credentialing board shall ask the individual at the time that the individual provides the information if the individual wants to declare that the individual's personal identifiers obtained by telephone or other electronic means may not be disclosed on any list that the department or the credentialing board furnishes to another person. This subsection does not apply with respect to an application filed with the medical examining board pursuant to the interstate medical licensure compact under s. 448.980 (5).".

1	12. Page 6, line 14: after that line insert:
2	"Section 12m. 440.15 of the statutes, as affected by 2015 Wisconsin Act
3	(this act), is amended to read:
4	\times 440.15 No fingerprinting. Except as provided under ss. s. 440.03 (13) (c) and
5	448.980 (5) (b) 3., the department or a credentialing board may not require that an
6	applicant for a credential or a credential holder be fingerprinted or submit
7	fingerprints in connection with the department's or the credentialing board's
8	credentialing.".
9	13. Page 6, line 19: after that line insert:
10	"Section 13m. 448.01 (5) of the statutes, as affected by 2015 Wisconsin Act
11	(this act), is amended to read:
12	448.01 (5) "Physician" means an individual possessing the degree of doctor of
13	medicine or doctor of osteopathy or an equivalent degree as determined by the
14	medical examining board, and holding a license granted by the medical examining
15	board. This subsection does not apply in s. 448.980.".
16	14. Page 6, line 22: after that line insert:
17	"Section 14m. 448.015 (1dm) of the statutes, as created by 2015 Wisconsin Act
18	(this act), is repealed.".
19	15. Page 6, line 25: after that line insert:
20	"Section 15m. 448.04 (1) (ab) of the statutes, as created by 2015 Wisconsin Act
21	(this act), is repealed.".
22	16. Page 7, line 5: after that line insert:
23	"Section 16m. 448.05 (2) (a) (intro.) of the statutes, as affected by 2015
24	Wisconsin Act (this act), is amended to read:

	448.0	5 (2	2) (a) (in	tro.) Except	as provide	d in p	oars. (b) t	o (f) <u>(e</u>	<u>),</u> an app	licant for
any	class	of	license	to	practice	medicine	and	surgery	must	supply	evidence
satis	factor	y to	the boa	ırd	of all of tl	ne followin	g:".				

17. Page 7, line 10: after that line insert:

"Section 17m. 448.05 (2) (b) (intro.) of the statutes, as affected by 2015 Wisconsin Act (this act), is amended to read:

×448.05 (2) (b) (intro.) Except as provided in pars. (c) to (f) (e), an applicant for a license to practice medicine and surgery who is a graduate of a foreign medical college must supply evidence satisfactory to the board of all of the following:".

18. Page 7, line 13: after that line insert:

"Section 18m. 448.05 (2) (f) of the statutes, as created by 2015 Wisconsin Act (this act), is repealed.".

19. Page 8, line 2: after that line insert:

"Section 19m. 448.07 (1) (a) of the statutes, as affected by 2015 Wisconsin Act (this act), is amended to read:

**,448.07 (1) (a) Every person licensed or certified under this subchapter shall register on or before November 1 of each odd–numbered year following issuance of the license or certificate with the board. Registration shall be completed in such manner as the board shall designate and upon forms the board shall provide, except that registration with respect to a compact license shall be governed by the renewal provisions in s. 448.980 (7). The secretary of the board, on or before October 1 of each odd–numbered year, shall mail or cause to be mailed to every person required to register a registration form. The board shall furnish to each person registered under this section a certificate of registration, and the person shall display the registration

certificate conspicuously in the office at all times. No person may exercise the rights or privileges conferred by any license or certificate granted by the board unless currently registered as required under this subsection.".

20. Page 8, line 13: after that line insert:

"Section 20m. 448.07 (2) of the statutes, as affected by 2015 Wisconsin Act (this act), is amended to read:

× 448.07 (2) FEES. Except as otherwise provided in s. 448.980, the <u>The</u> fees for examination and licenses granted under this subchapter are specified in s. 440.05, and the renewal fee for such licenses is determined by the department under s. 440.03 (9) (a). Compact licenses shall be subject to additional fees and assessments, as established by the department, the board, or the interstate medical licensure compact commission, to cover any costs incurred by the department or the board for this state's participation in the interstate medical licensure compact under s. 448.980 and costs incurred by the interstate medical licensure compact commission for its administration of the renewal process for the interstate medical licensure compact under s. 448.980.".

- **21.** Page 33, line 22: after "(9) (e)" insert "and shall also include in the report a copy of all rules promulgated by the interstate commission since the last report under this subsection and all changes made to any rules previously promulgated by the interstate commission since the last report".
- **22.** Page 34, line 3: after that line insert:

"Section 21m. Subchapter VIII of chapter 448 [precedes 448.980] of the statutes, as created by 2015 Wisconsin Act (this act), is repealed.

This act takes effect on the day after

1.

 $\mathbf{2}$ publication, except as follows: (1m) The treatment of sections 20.165 (1) (hg) (by Section 2m), 440.03 (13) (b) 3 (intro.) (by Section 5m) and (d) (by Section 6m), 440.05 (intro.) (by Section 7m), 4 440.08 (2) (c) (by Section 8m) (and (e) (by Section 9m), 440.14 (2) (by Section 10m) 5 and (3) (by Section 11m), 440.15 (by Section 12m), 448.01 (5) (by Section 13m), 6 448.05 (2) (a) (intro.) (by Section 16m) and (b) (intro.) (by Section 17m), 448.07 (1) 7 8 (a) (by Section 19m) and (2) (by Section 20m), of the statutes, the repeal of sections 14.83, 440.03 (11m) (c) 2., 448.015 (1dm), 448.04 (1) (ab), and 448.05 (2) (f) and 9 subchapter VIII of chapter 448 of the statutes takes effect on the date that is 4 years 10 after the day after publication.". 11 12 (END)

Section 22m. Effective dates.

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRBa0856/P1dn MED:amn

October 12, 2015

Danielle:

As we discussed, this would repeal the compact provisions and reverse all associated changes made in the bill, effective four years after the bill's effective date. According to the compact, withdrawal from the compact would then occur one year after the date of the repeal. Any subsequent enactment of the legislature could, of course, cancel that scheduled repeal before it ever occurred or change the date of the scheduled repeal.

Also, regarding the report, note that under the bill, the report is due every January 1 and is not tied to a fiscal year. So I just required it to include copies of all rules promulgated or changes made since the last report. Will that work? Another approach would be to instead (or in addition) require copies of all rules then in effect.

Michael Duchek Legislative Attorney (608) 266–0130 michael.duchek@legis.wisconsin.gov



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State of Misconsin 2015 - 2016 LEGISLATURE

LRBa0856/P1
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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION SENATE AMENDMENT,

TO SENATE BILL 196

2	1. Page 3, line 5: after "board" insert ", subject to confirmation by the senate".
3	2. Page 3, line 6: after that line insert:
4	"Section 1m. 14.83 of the statutes, as created by 2015 Wisconsin Act (this
5	act), is repealed.".
6	3. Page 3, line 7: after "statutes" insert ", as affected by 2015 Wisconsin Act
7	55,".
8	4. Page 3, line 15: delete "pharmacy examining" and substitute "controlled
9	substances".
L O	5. Page 3, line 16: delete "450.19" and substitute "961.385".

At the locations indicated, amend the bill as follows:

6. Page 3, line 20: after that line insert:

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"Section 2m. 20.165 (1) (hg) of the statutes, as affected by 2015 Wisconsin Acts 55 and (this act), is amended to read:

20.165 (1) (hg) General program operations; medical examining board; interstate medical licensure compact; prescription drug monitoring program. Biennially, the amounts in the schedule for the licensing, rule-making, and regulatory functions of the medical examining board and the affiliated credentialing boards attached to the medical examining board, except for preparing, administering, and grading examinations; for any costs associated with the interstate medical licensure compact under s. 448.980, including payment of assessments under s. 448.980 (13) (a); and for the controlled substances board's operation of the prescription drug monitoring program under s. 961.385. Ninety percent of all moneys received for issuing and renewing credentials under ch. 448 shall be credited to this appropriation. All moneys received from the interstate medical licensure compact commission under s. 448.980 shall be credited to this appropriation.".

7. Page 4, line 11: after that line insert:

"Section 4m. 440.03 (11m) (c) 2. of the statutes, as created by 2015 Wisconsin Act (this act), is repealed.".

8. Page 4, line 18: after that line insert:

"Section 5m. 440.03 (13) (b) (intro.) of the statutes, as affected by 2015 Wisconsin Act (this act), is amended to read:

440.03 (13) (b) (intro.) The department may investigate whether an applicant for or holder of any of the following credentials has been charged with or convicted of a crime only pursuant to rules promulgated by the department under this

1	paragraph, including rules that establish the criteria that the department will use
2	to determine whether an investigation under this paragraph is necessary, except as
3	provided in par. (c) and s. 448.980 (5) (b) 3.:".
4	9. Page 4, line 24: after that line insert:
5	"Section 6m. 440.03 (13) (d) of the statutes, as affected by 2015 Wisconsin Act
6	(this act), is amended to read:
7	440.03 (13) (d) The department shall charge an applicant any fees, costs, or
8	other expenses incurred in conducting any investigation under this subsection or s.
9	440.26. The department shall charge an applicant seeking licensure through the
10	interstate medical licensure compact under s. 448.980, directly or indirectly, for any
11	expenses incurred in conducting any investigation under s. 448.980 (5) (b) 3.".
12	10. Page 5, line 3: after that line insert:
13	"Section 7m. 440.05 (intro.) of the statutes, as affected by 2015 Wisconsin Act
14	(this act), is amended to read:
15	440.05 Standard fees. (intro.) The following standard fees apply to all initial
16	credentials, except as provided in ss. 440.51 , 444.03 , 444.11 , 446.02 (2) (c), 447.04 (2)
17	(c) 2., 448.07 (2), 449.17 (1m) (d), and 449.18 (2) (d):".
18	11. Page 5, line 7: after that line insert:
19	"Section 8m. 440.08 (2) (c) of the statutes, as affected by 2015 Wisconsin Act
20	(this act), is amended to read:
21	440.08 (2) (c) Except as provided in par. (e) and sub. (3), renewal applications
22	shall include the applicable renewal fee as determined by the department under s.
23	440.03 (9) (a) or as specified in par. (b).".
24	12. Page 5, line 10: after that line insert:

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"Section 9m.	440.08 (2) (e) of the statutes, as created by 2015	Wisconsin Act
(this act), is repe	aled.".	

13. Page 5, line 21: after that line insert:

"Section 10m. 440.14 (2) of the statutes, as affected by 2015 Wisconsin Act (this act), is amended to read:

440.14 (2) If a form that the department or a credentialing board requires an individual to complete in order to apply for a credential or credential renewal or to obtain a product or service from the department or the credentialing board requires the individual to provide any of the individual's personal identifiers, the form shall include a place for the individual to declare that the individual's personal identifiers obtained by the department or the credentialing board from the information on the form may not be disclosed on any list that the department or the credentialing board furnishes to another person. This subsection does not apply with respect to an application filed with the medical examining board pursuant to the interstate medical licensure compact under s. 448,980 (5).

14. Page 6, line 8: after that line insert:

"Section 11m. 440.14(3) of the statutes, as affected by 2015 Wisconsin Act (this act), is amended to read:

440.14 (3) If the department or a credentialing board requires an individual to provide, by telephone or other electronic means, any of the individual's personal identifiers in order to apply for a credential or credential renewal or to obtain a product or service from the department or a credentialing board, the department or the credentialing board shall ask the individual at the time that the individual provides the information if the individual wants to declare that the individual's

.... (this act), is repealed.".

18. Page 6, line 25: after that line insert:

personal identifiers obtained by telephone or other electronic means may not be
disclosed on any list that the department or the credentialing board furnishes to
another person. This subsection does not apply with respect to an application filed
with the medical examining board pursuant to the interstate medical licensure
compact under s. 448.980 (5).".
15. Page 6, line 14: after that line insert:
"Section 12m. 440.15 of the statutes, as affected by 2015 Wisconsin Act
(this act), is amended to read:
440.15 No fingerprinting. Except as provided under ss. s. 440.03 (13) (c) and
448.980 (5) (b) 3., the department or a credentialing board may not require that an
applicant for a credential or a credential holder be fingerprinted or submit
fingerprints in connection with the department's or the credentialing board's
credentialing.".
16. Page 6, line 19: after that line insert:
"Section 13m. 448.01 (5) of the statutes, as affected by 2015 Wisconsin Act
(this act), is amended to read:
448.01 (5) "Physician" means an individual possessing the degree of doctor of
medicine or doctor of osteopathy or an equivalent degree as determined by the
medical examining board, and holding a license granted by the medical examining
board. This subsection does not apply in s. 448.980.".
17. Page 6, line 22: after that line insert:

"Section 14m. 448.015 (1dm) of the statutes, as created by 2015 Wisconsin Act

1	"Section 15m. 448.04 (1) (ab) of the statutes, as created by 2015 Wisconsin Act
2	(this act), is repealed.".
3	19. Page 7, line 5: after that line insert:
4	"Section 16m. 448.05 (2) (a) (intro.) of the statutes, as affected by 2015
5	Wisconsin Act (this act), is amended to read:
6	448.05 (2) (a) (intro.) Except as provided in pars. (b) to (f) (e), an applicant for
7	any class of license to practice medicine and surgery must supply evidence
8	satisfactory to the board of all of the following:".
9	20. Page 7, line 10: after that line insert:
10	"Section 17m. 448.05 (2) (b) (intro.) of the statutes, as affected by 2015
11	Wisconsin Act (this act), is amended to read:
12	448.05 (2) (b) (intro.) Except as provided in pars. (c) to (f) (e), an applicant for
13	a license to practice medicine and surgery who is a graduate of a foreign medical
14	college must supply evidence satisfactory to the board of all of the following:".
15	21. Page 7, line 13: after that line insert:
16	"Section 18m. 448.05 (2) (f) of the statutes, as created by 2015 Wisconsin Act
17	(this act), is repealed.".
18	22. Page 8, line 2: after that line insert:
19	"Section 19m. 448.07 (1) (a) of the statutes, as affected by 2015 Wisconsin Act
20	(this act), is amended to read:
21	448.07 (1) (a) Every person licensed or certified under this subchapter shall
22	register on or before November 1 of each odd-numbered year following issuance of
23	the license or certificate with the board. Registration shall be completed in such
24	manner as the board shall designate and upon forms the board shall provide, except

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that registration with respect to a compact license shall be governed by the renewal provisions in s. 448.980 (7). The secretary of the board, on or before October 1 of each odd—numbered year, shall mail or cause to be mailed to every person required to register a registration form. The board shall furnish to each person registered under this section a certificate of registration, and the person shall display the registration certificate conspicuously in the office at all times. No person may exercise the rights or privileges conferred by any license or certificate granted by the board unless currently registered as required under this subsection.".

23. Page 8, line 13: after that line insert:

"Section 20m. 448.07 (2) of the statutes, as affected by 2015 Wisconsin Act (this act), is amended to read:

448.07 (2) FEES. Except as otherwise provided in s. 448.980, the The fees for examination and licenses granted under this subchapter are specified in s. 440.05, and the renewal fee for such licenses is determined by the department under s. 440.03 (9) (a). Compact licenses shall be subject to additional fees and assessments, as established by the department, the board, or the interstate medical licensure compact commission, to cover any costs incurred by the department or the board for this state's participation in the interstate medical licensure compact under s. 448.980 and costs incurred by the interstate medical licensure compact commission for its administration of the renewal process for the interstate medical licensure compact under s. 448.980.".

24. Page 33, line 22: after "(9) (e)" insert "and shall also include in the report a copy of all rules promulgated by the interstate commission since the last report

under this subsection and all changes made to any rules previously promulgated by the interstate commission since the last report".

25. Page 34, line 3: after that line insert:

"Section 21m. Subchapter VIII of chapter 448 [precedes 448.980] of the statutes, as created by 2015 Wisconsin Act (this act), is repealed.

SECTION 22m. Effective dates. This act takes effect on the day after publication, except as follows:

(1m) The treatment of sections 20.165 (1) (hg) (by Section 2m), 440.03 (13) (b) (intro.) (by Section 5m) and (d) (by Section 6m), 440.05 (intro.) (by Section 7m), 440.08 (2) (c) (by Section 8m), 440.14 (2) (by Section 10m) and (3) (by Section 11m), 440.15 (by Section 12m), 448.01 (5) (by Section 13m), 448.05 (2) (a) (intro.) (by Section 16m) and (b) (intro.) (by Section 17m), 448.07 (1) (a) (by Section 19m) and (2) (by Section 20m) of the statutes and the repeal of sections 14.83, 440.03 (11m) (c) 2., 440.08 (2) (e), 448.015 (1dm), 448.04 (1) (ab), and 448.05 (2) (f) and subchapter VIII of chapter 448 of the statutes take effect on the date that is 4 years after the day after publication.".

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