

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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MED:jld

February 2, 2015

In doing a draft for this compact, I tried to go through subchapter I of chapter 440 (the laws that apply to most credentials) and subchapter II of chapter 448 (the Wisconsin Medical Practice Act) and identify significant provisions that appeared to definitely or potentially be in conflict with a provision in the compact and address those provisions in order to avoid any question about whether the compact or our law controls. I would encourage you to do the same and see if there are any additional provisions that should be addressed. Specifically, note the following:

1. Because I'm not entirely clear how the fees will work for compact licenses (see Section 6 of the compact, which simply allows the commission to develop rules regarding fees), it may be worthwhile to look at the provisions in those subchapters regarding fees. It was my understanding that fees with respect to initial compact licenses would be collected similarly to regular licenses (fee amounts are determined every two years by DSPS) and would be paid directly to DSPS, but that renewals and renewal fees would be done through the commission. However, upon reading the compact again, it may be the case that the initial fees are paid to the commission as well. There was also the question of whether the MEB should be able to charge for its services (see SECTIONS 5 and 17 of the draft) when someone applies for expedited licensure. Once the process regarding initial fees is verified, I can modify the draft to include whatever changes are needed.

I also tried to find provisions that had been amended to account for the Nurse Licensure Compact and do likewise here to the extent there are similarities.

2. You may want to specifically review s. 448.02, which governs professional discipline against physicians. Let me know if you think anything should be amended to account for the compact. Specifically, I would note that under ss. 440.205 and 448.02 (8) (d), administrative warnings are confidential. Do we need an exception so that the contents of administrative warnings may be shared with the commission or another board?

3. The compact requires that physicians complete CE requirements in states where they have licenses, but does not specify who will verify that. I am guessing this may be addressed in the commission's rules or in some other way, but let me know if you think we need to address that in the bill given that renewal of a compact license will apparently be through the commission and not through each separate MEB.

4. I included an effective date of April 1, 2015, only because it is less than three months away and the provisions in Act 240 take effect on that date. Is that OK, or is it possible this might pass much sooner than that? If it could pass sooner, a few other changes may be needed.

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