

YELLOW HIGHLIGHTED LANGUAGE IS RECOMMENDED CHANGES TO THE P1 AND EXPLANATORY COMMENTS.

LRB-1138/P1

MED:jld:jm

2015 – 2016 LEGISLATURE

PRELIMINARY DRAFT – NOT READY FOR INTRODUCTION

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

SECTION 1. 14.83 of the statutes is created to read:

14.83 Interstate medical licensure compact. There is created an interstate medical licensure compact commission as specified in s. 448.980. The members of the commission representing this state under s. 448.980 (11) (d) shall be members of the medical examining board and shall be appointed by the chairperson of the medical examining board. The commission has the powers and duties granted and imposed under s. 448.980.

***NOTE: It is our standard practice when doing a compact to create one of these provisions in ch. 14. I provided that the chairperson of the MEB would choose the members of the MEB to sit on the commission. Let me know if you want something different.

SECTION 2. 20.165 (1) (hg) of the statutes 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 the payment of assessments and fees, including administrative charges, for the interstate medical licensure compact under s. 448.980 (13) (a); and for the pharmacy examining board's operation of the prescription drug monitoring program under s. 450.19. 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.

****NOTE: According to section 7 (c) of the compact, the commission collects renewal fees and distributes them to the board, so I provided that all of those fees would be credited to the MEB's appropriation. OK?. In addition, I allowed for the payment of the assessments from this appropriation. Let me know if we should have a backup source of funding for the assessments or if you want 10 percent of the fees to go straight to the general fund as is the case with other credential fees.

Comment: We are seeking input from DSPS as to whether they are comfortable with the appropriation language as is.

SECTION 3. 440.03 (11m) (c) of the statutes is amended to read:

440.03 **(11m)** (c) The department of safety and professional services may not disclose a social security number obtained under par. (a) to any person except the coordinated licensure information system systems under s. ~~ss.~~ 441.50 (7) and, if disclosure is required by s.448.980, the interstate medical licensure compact, under s. 448.980 (8); the department of children and families for purposes of administering s. 49.22; and, for a social security number obtained under par. (a) 1., the department of revenue for the

purpose of requesting certifications under s. 73.0301 and administering state taxes and the department of workforce development for the purpose of requesting certifications under s. 108.227.

***NOTE: I amended this provision because it was amended for the Nurse Licensure Compact. If you think this change isn't necessary, I can take this out.

SECTION 4. 440.03 (13) (b) (intro.) of the statutes 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 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.:

SECTION 5. 440.03 (13) (d) of the statutes is amended to read:

440.03 (13) (d) The department shall charge an applicant any fees, costs, or other expenses incurred in conducting any investigation under this subsection or s. 440.26.

The department shall charge an applicant seeking licensure through the interstate medical licensure compact, directly or indirectly, for any expenses incurred in conducting any investigation under s. 448.980 (5)(b)3.

***NOTE: This allows DSPS to charge for background investigations. Is this OK and if so will this be sufficient to cover the costs of the board in making determinations?

Comment: We added language to allow the department to charge an applicant directly or indirectly for expenses incurred for investigations under s. 448.980(5)(b)3, as the Compact will be acting as a clearinghouse for all payments made for state licensure.

SECTION 6. 440.05 (intro.) of the statutes is amended to read:

440.05 Standard fees. (intro.) The following standard fees apply to all initial credentials, except as provided in ss. 440.51, 444.03, 444.11, 446.02 (2) (c), 447.04 (2) (c) 2., 448.07 (2), 449.17 (1m) (d), and 449.18 (2) (d):

440.08(2)(c) in amended to read:

440.08(2)(c) Except as provided in sub. (2)(e) and sub (3), renewal applications shall include the applicable renewal fee as determined by the department under 440.03(9)(a) or as specified in par. (b).

SECTION 7. 440.08 (2) ~~(d)~~(e) of the statutes is created to read:

Comment: 440.08(2)(d) already exists. The presumption is that you intended to create a new sub (e).

440.08 (2) (e) A renewal of an expedited license granted pursuant to 448.980, as defined in s. 448.980 (2) (d), shall be governed by s. 448.980 (7) and is subject to additional fees and assessments, as established by the department and Interstate Commission, to cover costs borne by the department for its participation in the Interstate Medical Licensing Compact and costs borne by the Interstate Commission for its administration of the Compact renewal process.

Comment: We added language on fees to ensure the costs of using the Compact is borne by those persons using the Compact. This was done based on the following: (1) desire for this legislation to be advanced as budget neutral, (2) the costs to DSPS for participating in the Compact and (3) feedback from the Federation of State Medical Board's Counsel on (a) how the licensing and renewal fees would be

collected through the Compact and (b) the likelihood that the Compact will charge a "processing fee" for serving as a clearinghouse for licensing/renewal payments. Similar language for initial licensing fees was included in Section 17.

SECTION 8. ~~440.14 (5) (b) of the statutes is amended to read:~~

~~440.14 (5) (b) Paragraph (a) does not apply to a list that the department or a credentialing board furnishes to another state agency, a law enforcement agency or a federal governmental agency. In addition, par. (a) does not apply to a list that the department or the board of nursing furnishes to the coordinated licensure information system under s. 441.50 (7) and does not apply to a list that the department or the medical examining board furnishes to the coordination licensure information system under s. 448.980 (8). A state agency that receives a list from the department or a credentialing board containing a personal identifier of any individual who has made a declaration under sub. (2), (3) or (4) may not disclose the personal identifier to any person other than a state agency, a law enforcement agency or a federal governmental agency.~~

440.14 (2) of the statutes 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, not including an application filed with the medical examining board pursuant to s. 448.980(5), 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.

440.14 (3) of the statutes 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, not including an application filed with the medical examining board pursuant to s. 448.980(5), 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.

SECTION 9. 440.15 of the statutes is amended to read:

440.15 No fingerprinting. Except as provided under s. ss. 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.

****NOTE: Because the compact explicitly requires fingerprinting, I added a cross-reference here as an exception.

SECTION 10. 448.01 (5) of the statutes 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.

Comment: Pursuant to 448.980(5)(d), the MEB still grants the Compact license, so the provision in current law remains correct even after enactment of the Compact.

SECTION 11. 448.015 (1j) of the statutes is created to read:

448.015 (1j) "Expedited license" means an expedited license granted by the board pursuant to s. 448.980. has the meaning given in s. 448.980 (2) (d).

SECTION 12. 448.04 (1) (ab) of the statutes is created to read:

448.04 (1) (ab) *Compact license.* The board may grant an expedited license pursuant to the interstate medical licensure compact under s. 448.980.

SECTION 13. 448.05 (2) (a) (intro.) of the statutes, as affected by 2013 Wisconsin Act 240, is amended to read:

448.05 (2) (a) (intro.) Except as provided in pars. (b) to (e) (f), an applicant for any class of license to practice medicine and surgery must supply evidence satisfactory to the board of all of the following:

SECTION 14. 448.05 (2) (b) (intro.) of the statutes, as affected by 2013 Wisconsin Act 240, is amended to read:

448.05 (2) (b) (intro.) Except as provided in pars. (c) to ~~(e)~~ (f), 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:

SECTION 15. 448.05 (2) (f) of the statutes is created to read:

448.05 (2) (f) The board shall grant an expedited license as provided under s. 448.980.

***NOTE: As I understand it, when our MEB would grant an expedited license, the applicant would not have to provide the board with all of the things required for normal licensees because the applicant would have completed the registration process with the Commission. So I simply provided that the WI MEB must grant expedited licenses in accordance with the compact and added this as an exception under s. 448.05 (2) (a) and (b). Let me know if you think more need be said here.

SECTION 16. 448.07 (1) (a) of the statutes 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 an expedited 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.

***NOTE: This is the section in our law that governs renewal of a license under ch. 448. Unlike most other credentials, however, it refers to "registration" instead of "renewal."

Comment: We wanted to make it clear that the requirement for and date for registration for renewal was maintained for those for expedited licenses. For those with compact licenses, a concern was raised that the P1 could be interpreted to except not only the manner and forms used for registration for renewal of a compact license, but also except the requirement for registration and when that registration must occur. Splitting the original sentence into two sentences seems to remove that concern.

SECTION 17. 448.07 (2) of the statutes is amended to read:

448.07 (2) FEES. ~~The~~ Except as otherwise provided in s. 448.980, 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). ~~No fee is required for an expedited license if fees for expedited licenses are paid to the interstate commission for medical licensure under s. 448.980. Licenses granted under s. 448.90 shall be subject to additional fees and assessments, as established by the department and Interstate Commission, to cover costs borne by the department for its participation in the Interstate Medical Licensing Compact and costs borne by the Interstate Commission for its administration of the Compact.~~

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***NOTE: As I am not sure how fees will work under the compact exactly, I modified this provision so it should work either way.

Comment: We added language on fees to ensure the costs of using the Compact is borne by those persons using the Compact. This was done based on the following: (1) desire for this legislation to be advanced as budget neutral, (2) the costs to DSPS for participating in the Compact and (3) feedback from the Federation of State Medical Board's Counsel on (a) how the licensing and renewal fees would be

collected through the Compact and (b) the likelihood that the Compact will charge a "processing fee" for serving as a clearinghouse for licensing/renewal payments. Similar language for initial licensing fees was included in the renewal area (Section 7—Page 4).

SECTION 18. Subchapter VIII of chapter 448 [precedes 448.980] of the statutes is created to read:

CHAPTER 448
SUBCHAPTER VIII
INTERSTATE MEDICAL LICENSURE
COMPACT

448.980 Interstate medical licensure compact. The following compact is hereby ratified and entered into:

...

448.981 Implementation of the interstate medical licensure compact.

(1) In this section:

- (a) "Board" means the medical examining board.
- (b) "Compact" means the interstate medical licensure compact entered into under s. 448.980.
- (c) "Expedited license" has the meaning given in s. 448.980 (2) (d).
- (d) "Interstate commission" has the meaning given in s. 448.980 (2) (e).

(e) "Member board" has the meaning given in s. 448.980 (2) (h).

(f) "Member state" has the meaning given in s. 448.980 (2) (i).

(g) "State of principal license" has the meaning given in s. 448.980 (2) (o).

~~(2) The board may only disclose information about a physician. Notwithstanding any provision of s.448.980, the board may only disclose information about a physician~~

pursuant to the compact if the information ~~directly relates to a physician and~~ meets all of the following criteria:

****NOTE: I rephrased this a bit, which I tried to do without changing the meaning. OK? Also, I eliminated the language "Notwithstanding any provision of s. 448.980" because this would suggest that we are essentially trying to supersede the compact on our own. Section 24 of the compact addresses laws of a member state and provides that any state law that is not in conflict with the compact may be enforced, but that any law that is in conflict is superseded. Therefore, we cannot "notwithstanding" the compact. If the intent is to override a provision of the compact, then I'm not sure we can do that without being in default.

Comment: We are concerned that P1 changes the intended meaning. We do not believe that the sub (2) taken as a whole **conflicts** with any provision of the Compact. However, the provisions are important enough in sub (2) that if the interstate commission develops rules that change the meaning of the Compact in a way that does bring the Compact into conflict with sub (2), we want sub (2) to take precedence. We understand that that may make Wisconsin out of compliance with Section 24 and thus may result in the Interstate Commission choosing to terminate Wisconsin's participation in the Compact pursuant to Section 18, but given the importance of sub (2), the possibility of that outcome is acceptable.

We have also reordered (a) through (d) below.

~~(d)(a) Any of the following are true: The physician has any of the following:~~

1. ~~The physician has Aa~~ current expedited license granted by the board ~~solely~~ pursuant to the compact.

****NOTE: I said "granted by the board" (the Wisconsin MEB) here instead. OK?

****NOTE: I am not sure what is meant by "solely" pursuant to the compact here, since the concept of an "expedited license" exists only in the compact.

Comment: The added definition of "expedited license" in sub (1) negates the need for "solely."

2. The physician has Aa current expedited license granted by another member state or is applying for an expedited license in another member state, and the physician has, at that time, designated ~~this state~~Wisconsin as the physician's state of principal license.

Comment: As P1 was written could some mistake "this state" to refer to "another member state" appearing shortly before in the sentence?

3. The physician is requesting to designate Wisconsin as the state of principle license pursuant to the compact.

4. The physician is applying for an expedited license to practice in Wisconsin pursuant to the compact.

~~(a)(b)~~ The information is provided only to a member board with responsibility for authorizing the practice of medicine in the member state or to the interstate commission.

~~(b)(c)~~ If the information pertains to an investigation or discipline, all identifying information of individuals or entities other than the physician being investigated or disciplined is removed.

~~(e)(d)~~ The information is not confidential under the laws of this state.

(2) A subpoena issued pursuant to s. 448.980 (9) (c) shall only be enforceable in this state or against a citizen of this state if all of the following apply:

(a) The subpoena is issued by a member board with responsibility for authorizing the practice of medicine in the member state.

(b) The individual being subpoenaed is one of the following:

1. A physician with a current expedited license granted by the board ~~solely~~ pursuant to the compact.

***NOTE: See my notes above.

2. A physician with a current expedited license granted by another member state, and the physician has, at that time, designated ~~this state~~ Wisconsin as the physician's state of principal license.

Comment: As P1 was written could some mistake "this state" to refer to "another member state" appearing shortly before in the sentence?

(3) In applying s. 448.980 (9) (e), the board may only undertake such investigation of violations of another state's statute authorizing the practice of medicine if one of the following applies:

1. The physician being investigated has a current expedited license that was granted by the board and a current expedited license that was granted by the other state solely pursuant to the compact.

2. The physician being investigated has a current expedited license that was granted by ~~this state~~ the board solely pursuant to the compact and the other state is the physician's currently designated state of principal license.

3. The physician being investigated has a current expedited license that was granted by the other state solely pursuant to the compact and ~~this state~~ Wisconsin is the physician's currently designated state of principal license.

(4) The board shall, by January 1 of each year, report to the members of the joint committee on finance the number of individuals investigated by the board solely pursuant to s. 448.980 (9) (e) and the expenses incurred by the board undertaking investigations pursued solely pursuant to s. 448.980 (9) (e).

(5) The payment of assessments for the interstate medical licensure compact under s. 448.980 (13) (a) shall be made from the appropriation account under s. 20.165 (1) (hg) using the licensure fees paid by physicians licensed through the interstate medical licensure compact. ~~No, but no~~ fees from physicians that have not applied for licensure through the compact shall be used to pay ~~this state's~~ Wisconsin's annual assessment pursuant to s. 448.980 (13) (a) without the approval of the joint committee on finance.

SECTION 19. Effective date.

(1) This act takes effect on April 1, 2015, or on the day after publication, whichever is later.

(END)



State of Wisconsin
2015 - 2016 LEGISLATURE

In 4-14
Out 4-15

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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1 AN ACT to amend 20.165 (1) (hg), 440.03 (11m) (c), 440.03 (13) (b) (intro.), 440.03
2 (13) (d), 440.05 (intro.), 440.14 (5) (b), 440.15, 448.01 (5), 448.05 (2) (a) (intro.),
3 448.05 (2) (b) (intro.), 448.07 (1) (a) and 448.07 (2); and to create 14.83, 440.08
4 (2) (d), 448.015 (1j), 448.04 (1) (ab), 448.05 (2) (f) and subchapter VIII of chapter
5 448 [precedes 448.980] of the statutes; relating to: ratification of the
6 Interstate Medical Licensure Compact and making appropriations.

Analysis by the Legislative Reference Bureau

This bill ratifies and enters Wisconsin into the Interstate Medical Licensure Compact (compact), which provides for, as stated in the compact, "a streamlined process that allows physicians to become licensed in multiple states." Provisions in the compact are to be administered by boards that regulate physicians in the states that are parties to the compact (member boards). Significant provisions of the compact include:

1. The creation of an Interstate Medical Licensure Compact Commission (commission), which includes two representatives of each member board. The commission has various powers and duties granted in the compact, including overseeing the administration of the compact, enforcing the compact, adopting bylaws, promulgating binding rules for the compact, employing an executive director and employees, and maintaining records.

2. A process whereby a physician who possesses a license to engage in the practice of medicine issued by a member board and who satisfies other criteria

designates a state where the physician is already licensed as his or her state of principle license and applies to the member board in that state for licensure through the compact. After a verification and registration process that includes a background check, the physician may receive an "expedited license" in other states that are parties to the compact. If a physician's license in his or her state of principle license is revoked or suspended, then all expedited licenses issued by other states are revoked or suspended as well until each is reinstated.

3. The ability for member boards to conduct joint investigations of physicians and the ability of member states to issue subpoenas that are enforceable in other states.

4. The creation of a coordinated information system including a database of all physicians who have applied for or received an expedited license. The compact requires, or in other cases allows, for member boards to submit public actions, complaints, or disciplinary information to the commission.

The compact provides that it becomes effective upon being enacted into law by seven states and that it may be amended upon enactment of an amendment by all member states. A state may withdraw from the compact by repealing the statute authorizing the compact, but the compact provides that a withdrawal does not take effect until one year after the effective date of that repeal.

The compact provides that laws of a member state that are not inconsistent with the compact may be enforced, but that all laws of a member state in conflict with the compact are superseded to the extent of the conflict.

In addition to enacting the compact, the bill provides all of the following:

1. Numerous limitations on the sharing of information under the compact about physicians, including limiting to disclosures to physicians who have designated this state as their state of principle license or who hold expedited licenses granted by the Wisconsin Medical Examining Board (MEB). The bill includes similar limitations with respect to the enforceability of subpoenas under the compact and investigations of other states' medical practice laws.

2. A requirement that the Wisconsin MEB report annually to the Joint Committee on Finance about investigations of physicians under the compact.

3. That payment of this state's assessments under the commission is from licensure fees paid by physicians who have applied for licensure through the compact.

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.** 14.83 of the statutes is created to read:
- 2 **14.83 Interstate medical licensure compact.** There is created an
- 3 interstate medical licensure compact commission as specified in s. 448.980. The

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also

1 members of the commission representing this state under s. 448.980 (11) (d) shall be
 2 members of the medical examining board and shall be appointed by the chairperson
 3 of the medical examining board. The commission has the powers and duties granted
 4 and imposed under s. 448.980.

****NOTE: It is our standard practice when doing a compact to create one of these provisions in ch. 14. I provided that the chairperson of the MEB would choose the members of the MEB to sit on the commission. Let me know if you want something different.

5 **SECTION 2.** 20.165 (1) (hg) of the statutes is amended to read:

6 20.165 (1) (hg) *General program operations; medical examining board;*
 7 *interstate medical licensure compact; prescription drug monitoring program.*

8 Biennially, the amounts in the schedule for the licensing, rule-making, and
 9 regulatory functions of the medical examining board and the affiliated credentialing
 10 boards attached to the medical examining board, except for preparing,
 11 ~~administering, and grading examinations; for the payment of assessments for the~~ *any costs associated with the interstate medical licensure compact under s. 448.980, including*
 12 ~~interstate medical licensure compact~~ under s. 448.980 (13) (a); and for the pharmacy
 13 examining board's operation of the prescription drug monitoring program under s.
 14 450.19. Ninety percent of all moneys received for issuing and renewing credentials
 15 under ch. 448 shall be credited to this appropriation. All moneys received from the
 16 interstate medical licensure compact commission under s. 448.980 shall be credited
 17 to this appropriation.

****NOTE: According to section 7 (c) of the compact, the commission collects renewal fees and distributes them to the board, so I provided that all of those fees would be credited to the MEB's appropriation. ~~OK?~~ In addition, I allowed for the payment of the assessments from this appropriation. Let me know if we should have a backup source of funding for the assessments or if you want 10 percent of the fees to go straight to the general fund as is the case with other credential fees.

18 **SECTION 3.** 440.03 (11m) (c) of the statutes is amended to read:

19 440.03 (11m) (c) The department of safety and professional services may not
 20 disclose a social security number obtained under par. (a) to any person except the

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1 coordinated licensure information ~~system~~ systems under s. ~~ss.~~ 441.50 (7) and
2 448.980 (8); the department of children and families for purposes of administering
3 s. 49.22; and, for a social security number obtained under par. (a) 1., the department
4 of revenue for the purpose of requesting certifications under s. 73.0301 and
5 administering state taxes and the department of workforce development for the
6 purpose of requesting certifications under s. 108.227.

****NOTE: I amended this provision because it was amended for the Nurse Licensure Compact. If you think this change isn't necessary, I can take this out.

7 SECTION 4. 440.03 (13) (b) (intro.) of the statutes is amended to read:

8 440.03 (13) (b) (intro.) The department may investigate whether an applicant
9 for or holder of any of the following credentials has been charged with or convicted
10 of a crime only pursuant to rules promulgated by the department under this
11 paragraph, including rules that establish the criteria that the department will use
12 to determine whether an investigation under this paragraph is necessary, except as
13 provided in par. (c) and s. 448.980 (5) (b) 3.:

14 SECTION 5. 440.03 (13) (d) of the statutes is amended to read:

15 440.03 (13) (d) The department shall charge an applicant any fees, costs, or
16 other expenses incurred in conducting any investigation under this subsection or s.

17 440.26 or 448.980 (5) (b) 3.

1454-17

****NOTE: This allows DSPS to charge for background investigations. Is this OK and if so will this be sufficient to cover the costs of the board in making determinations?

18 SECTION 6. 440.05 (intro.) of the statutes is amended to read:

19 440.05 Standard fees. (intro.) The following standard fees apply to all initial
20 credentials, except as provided in ss. 440.51, 444.03, 444.11, 446.02 (2) (c), 447.04 (2)
21 (c) 2., 448.07 (2), 449.17 (1m) (d), and 449.18 (2) (d):

22 SECTION 7. 440.08 (2) (d) of the statutes is created to read:

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4(e)

448.015 (ldm) ✓

a compact

(e)

1 X
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440.08 (2) (d) A renewal of an expedited license, as defined in s. 448.980 (2) (d), shall be governed by s. 448.980 (7) of Ins 5-2 of Ins 5-3

X

SECTION 8. 440.14 (5) (b) of the statutes is amended to read:

440.14 (5) (b) Paragraph (a) does not apply to a list that the department or a credentialing board furnishes to another state agency, a law enforcement agency or a federal governmental agency. In addition, par. (a) does not apply to a list that the department or the board of nursing furnishes to the coordinated licensure information system under s. 441.50 (7) and does not apply to a list that the department or the medical examining board furnishes to the coordination licensure information system under s. 448.980 (8). A state agency that receives a list from the department or a credentialing board containing a personal identifier of any individual who has made a declaration under sub. (2), (3) or (4) may not disclose the personal identifier to any person other than a state agency, a law enforcement agency or a federal governmental agency.

SECTION 9. 440.15 of the statutes is amended to read:

440.15 No fingerprinting. Except as provided under s. ss. 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.

***NOTE: Because the compact explicitly requires fingerprinting, I added a cross-reference here as an exception.

SECTION 10. 448.01 (5) of the statutes 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

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1 medical examining board, and holding a license granted by the medical examining
2 board. This subsection does not apply in s. 448.980. [ins 6-2]

3 SECTION 11. 448.015 (1j) of the statutes is created to read:

4 448.015 (1j) "Expedited license" has the meaning given in s. 448.980 (2) (d).

5 SECTION 12. 448.04 (1) (ab) of the statutes is created to read:

6 448.04 (1) (ab) *Compact license*. The board may grant an expedited license ^{a compact}
7 pursuant to the interstate medical licensure compact under s. 448.980.

8 SECTION 13. 448.05 (2) (a) (intro.) of the statutes, as affected by 2013 Wisconsin
9 Act 240, is amended to read:

10 448.05 (2) (a) (intro.) Except as provided in pars. (b) to ~~(e)~~ (f), an applicant for
11 any class of license to practice medicine and surgery must supply evidence
12 satisfactory to the board of all of the following:

13 SECTION 14. 448.05 (2) (b) (intro.) of the statutes, as affected by 2013 Wisconsin
14 Act 240, is amended to read:

15 448.05 (2) (b) (intro.) Except as provided in pars. (c) to ~~(e)~~ (f), an applicant for
16 a license to practice medicine and surgery who is a graduate of a foreign medical
17 college must supply evidence satisfactory to the board of all of the following:

18 SECTION 15. 448.05 (2) (f) of the statutes is created to read:

19 448.05 (2) (f) The board shall grant an expedited license as provided under s.
20 448.980. ^{a compact}

****NOTE: As I understand it, when our MEB would grant an expedited license, the applicant would not have to provide the board with all of the things required for normal licensees because the applicant would have completed the registration process with the Commission. So I simply provided that the WI MEB must grant expedited licenses in accordance with the compact and added this as an exception under s. 448.05 (2) (a) and (b). Let me know if you think more need be said here.

21 SECTION 16. 448.07 (1) (a) of the statutes is amended to read:

a compact

Registration shall be completed

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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 in such manner as the board shall designate and upon forms the board shall provide, except that registration with respect to an expedited 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.

***NOTE: This is the section in our law that governs renewal of a license under ch. 448. Unlike most other credentials, however, it refers to "registration" instead of "renewal."

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SECTION 17. 448.07 (2) of the statutes is amended to read:

448.07 (2) FEES. The Except as otherwise provided in s. 448.980, 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). No fee is required for an expedited license if fees for expedited licenses are paid to the interstate commission for medical licensure under s. 448.980.

Ins 7-17

***NOTE: As I am not sure how fees will work under the compact exactly, I modified this provision so it should work either way.

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SECTION 18. Subchapter VIII of chapter 448 [precedes 448.980] of the statutes is created to read:

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CHAPTER 448
SUBCHAPTER VIII

1 INTERSTATE MEDICAL LICENSURE

2 COMPACT

3 **448.980 Interstate medical licensure compact.** The following compact is
4 hereby ratified and entered into:

5 (1) SECTION 1 – PURPOSE. In order to strengthen access to health care, and in
6 recognition of the advances in the delivery of health care, the member states of the
7 interstate medical licensure compact have allied in common purpose to develop a
8 comprehensive process that complements the existing licensing and regulatory
9 authority of state medical boards, provides a streamlined process that allows
10 physicians to become licensed in multiple states, thereby enhancing the portability
11 of a medical license and ensuring the safety of patients. The compact creates another
12 pathway for licensure and does not otherwise change a state’s existing medical
13 practice act. The compact also adopts the prevailing standard for licensure and
14 affirms that the practice of medicine occurs where the patient is located at the time
15 of the physician–patient encounter, and therefore, requires the physician to be under
16 the jurisdiction of the state medical board where the patient is located. State medical
17 boards that participate in the compact retain the jurisdiction to impose an adverse
18 action against a license to practice medicine in that state issued to a physician
19 through the procedures in the compact.

20 (2) SECTION 2 – DEFINITIONS. In this compact:

21 (a) “Bylaws” means those bylaws established by the interstate commission
22 pursuant to sub. (11) for its governance, or for directing and controlling its actions
23 and conduct.

24 (b) “Commissioner” means the voting representative appointed by each
25 member board pursuant to sub. (11).

1 (c) “Conviction” means a finding by a court that an individual is guilty of a
2 criminal offense through adjudication, or entry of a plea of guilt or no contest to the
3 charge by the offender. Evidence of an entry of a conviction of a criminal offense by
4 the court shall be considered final for purposes of disciplinary action by a member
5 board.

6 (d) “Expedited license” means a full and unrestricted medical license granted
7 by a member state to an eligible physician through the process set forth in the
8 compact.

9 (e) “Interstate commission” means the interstate commission created pursuant
10 to sub. (11).

11 (f) “License” means authorization by a state for a physician to engage in the
12 practice of medicine, which would be unlawful without the authorization.

13 (g) “Medical practice act” means laws and regulations governing the practice
14 of allopathic and osteopathic medicine within a member state.

15 (h) “Member board” means a state agency in a member state that acts in the
16 sovereign interests of the state by protecting the public through licensure,
17 regulation, and education of physicians as directed by the state government.

18 (i) “Member state” means a state that has enacted the compact.

19 (j) “Practice of medicine” means the clinical prevention, diagnosis, or treatment
20 of human disease, injury, or condition requiring a physician to obtain and maintain
21 a license in compliance with the medical practice act of a member state.

22 (k) “Physician” means any person who:

23 1. Is a graduate of a medical school accredited by the Liaison Committee on
24 Medical Education, the Commission on Osteopathic College Accreditation, or a

1 medical school listed in the International Medical Education Directory or its
2 equivalent;

3 2. Passed each component of the United States Medical Licensing Examination
4 (USMLE) or the Comprehensive Osteopathic Medical Licensing Examination
5 (COMLEX–USA) within 3 attempts, or any of its predecessor examinations accepted
6 by a state medical board as an equivalent examination for licensure purposes;

7 3. Successfully completed graduate medical education approved by the
8 Accreditation Council for Graduate Medical Education or the American Osteopathic
9 Association;

10 4. Holds specialty certification or a time–unlimited specialty certificate
11 recognized by the American Board of Medical Specialties or the American
12 Osteopathic Association’s Bureau of Osteopathic Specialists;

13 5. Possesses a full and unrestricted license to engage in the practice of medicine
14 issued by a member board;

15 6. Has never been convicted, received adjudication, deferred adjudication,
16 community supervision, or deferred disposition for any offense by a court of
17 appropriate jurisdiction;

18 7. Has never held a license authorizing the practice of medicine subjected to
19 discipline by a licensing agency in any state, federal, or foreign jurisdiction,
20 excluding any action related to non–payment of fees related to a license;

21 8. Has never had a controlled substance license or permit suspended or revoked
22 by a state or the united states drug enforcement administration; and

23 9. Is not under active investigation by a licensing agency or law enforcement
24 authority in any state, federal, or foreign jurisdiction.

25 (L) “Offense” means a felony, gross misdemeanor, or crime of moral turpitude.

1 (m) “Rule” means a written statement by the interstate commission
2 promulgated pursuant to sub. (12) that is of general applicability, implements,
3 interprets, or prescribes a policy or provision of the compact, or an organizational,
4 procedural, or practice requirement of the interstate commission, and has the force
5 and effect of statutory law in a member state, and includes the amendment, repeal,
6 or suspension of an existing rule.

7 (n) “State” means any state, commonwealth, district, or territory of the United
8 States.

9 (o) “State of principal license” means a member state where a physician holds
10 a license to practice medicine and which has been designated as such by the
11 physician for purposes of registration and participation in the compact.

12 (3) SECTION 3 — ELIGIBILITY. (a) A physician must meet the eligibility
13 requirements as defined in sub. (2) (k) to receive an expedited license under the terms
14 and provisions of the compact.

15 (b) A physician who does not meet the requirements of sub. (2) (k) may obtain
16 a license to practice medicine in a member state if the individual complies with all
17 laws and requirements, other than the compact, relating to the issuance of a license
18 to practice medicine in that state.

19 (4) SECTION 4 — DESIGNATION OF STATE OF PRINCIPAL LICENSE. (a) A physician shall
20 designate a member state as the state of principal license for purposes of registration
21 for expedited licensure through the compact if the physician possesses a full and
22 unrestricted license to practice medicine in that state, and the state is:

- 23 1. The state of primary residence for the physician; or
- 24 2. The state where at least 25% of the practice of medicine occurs, or
- 25 3. The location of the physician’s employer; or

1 4. If no state qualifies under subd. 1., 2., or 3., the state designated as state of
2 residence for purpose of federal income tax.

3 (b) A physician may redesignate a member state as state of principal license
4 at any time, as long as the state meets the requirements in par. (a).

5 (c) The interstate commission is authorized to develop rules to facilitate
6 redesignation of another member state as the state of principal license.

7 (5) SECTION 5 — APPLICATION AND ISSUANCE OF EXPEDITED LICENSURE. (a) A
8 physician seeking licensure through the compact shall file an application for an
9 expedited license with the member board of the state selected by the physician as the
10 state of principal license.

11 (b) 1. Upon receipt of an application for an expedited license, the member board
12 within the state selected as the state of principal license shall evaluate whether the
13 physician is eligible for expedited licensure and issue a letter of qualification,
14 verifying or denying the physician's eligibility, to the interstate commission.

15 2. Static qualifications, which include verification of medical education,
16 graduate medical education, results of any medical or licensing examination, and
17 other qualifications as determined by the interstate commission through rule, shall
18 not be subject to additional primary source verification where already primary
19 source verified by the state of principal license.

20 3. The member board within the state selected as the state of principal license
21 shall, in the course of verifying eligibility, perform a criminal background check of
22 an applicant, including the use of the results of fingerprint or other biometric data
23 checks compliant with the requirements of the federal bureau of investigation, with
24 the exception of federal employees who have suitability determination in accordance
25 with 5 CFR 731.202.

1 4. Appeal on the determination of eligibility shall be made to the member state
2 where the application was filed and shall be subject to the law of that state.

3 (c) Upon verification in par. (b), physicians eligible for an expedited license
4 shall complete the registration process established by the interstate commission to
5 receive a license in a member state selected pursuant to par. (a), including the
6 payment of any applicable fees.

7 (d) After receiving verification of eligibility under par. (b) and any fees under
8 par. (c), a member board shall issue an expedited license to the physician. This
9 license shall authorize the physician to practice medicine in the issuing state
10 consistent with the medical practice act and all applicable laws and regulations of
11 the issuing member board and member state.

****NOTE: This provision cross-references back to pars. (b) and (c) and uses the phrase "a member board." I am not sure if "a member board" refers to any member board or specifically to the board in the state of principal license (or both?). The cross-references to pars. (b) and (c) suggest this is still talking about the board in the state of principal license, but if that is the case, then what is the function of the expedited license? Wouldn't the idea be to receive an expedited license in a state other than the state of principal license, so that the physician can practice there as well?

12 (e) An expedited license shall be valid for a period consistent with the licensure
13 period in the member state and in the same manner as required for other physicians
14 holding a full and unrestricted license within the member state.

15 (f) An expedited license obtained through the compact shall be terminated if a
16 physician fails to maintain a license in the state of principal licensure for a
17 non-disciplinary reason, without redesignation of a new state of principal licensure.

18 (g) The interstate commission is authorized to develop rules regarding the
19 application process, including payment of any applicable fees, and the issuance of an
20 expedited license.

1 (6) SECTION 6 — FEES FOR EXPEDITED LICENSURE. (a) A member state issuing an
2 expedited license authorizing the practice of medicine in that state may impose a fee
3 for a license issued or renewed through the compact.

4 (b) The interstate commission is authorized to develop rules regarding fees for
5 expedited licenses.

6 (7) SECTION 7 — RENEWAL AND CONTINUED PARTICIPATION. (a) A physician seeking
7 to renew an expedited license granted in a member state shall complete a renewal
8 process with the interstate commission if the physician:

9 1. Maintains a full and unrestricted license in a state of principal license;

10 2. Has not been convicted, received adjudication, deferred adjudication,
11 community supervision, or deferred disposition for any offense by a court of
12 appropriate jurisdiction;

13 3. Has not had a license authorizing the practice of medicine subject to
14 discipline by a licensing agency in any state, federal, or foreign jurisdiction,
15 excluding any action related to non-payment of fees related to a license; and

16 4. Has not had a controlled substance license or permit suspended or revoked
17 by a state or the united states drug enforcement administration.

18 (b) Physicians shall comply with all continuing professional development or
19 continuing medical education requirements for renewal of a license issued by a
20 member state.

21 (c) The interstate commission shall collect any renewal fees charged for the
22 renewal of a license and distribute the fees to the applicable member board.

23 (d) Upon receipt of any renewal fees collected in par. (c), a member board shall
24 renew the physician's license.

1 (e) Physician information collected by the interstate commission during the
2 renewal process will be distributed to all member boards.

3 (f) The interstate commission is authorized to develop rules to address renewal
4 of licenses obtained through the compact.

5 (8) SECTION 8 — COORDINATED INFORMATION SYSTEM. (a) The interstate
6 commission shall establish a database of all physicians licensed, or who have applied
7 for licensure, under sub. (5).

8 (b) Notwithstanding any other provision of law, member boards shall report to
9 the interstate commission any public action or complaints against a licensed
10 physician who has applied or received an expedited license through the compact.

11 (c) Member boards shall report disciplinary or investigatory information
12 determined as necessary and proper by rule of the interstate commission.

13 (d) Member boards may report any non-public complaint, disciplinary, or
14 investigatory information not required by par. (c) to the interstate commission.

15 (e) Member boards shall share complaint or disciplinary information about a
16 physician upon request of another member board.

17 (f) All information provided to the interstate commission or distributed by
18 member boards shall be confidential, filed under seal, and used only for investigatory
19 or disciplinary matters.

20 (g) The interstate commission is authorized to develop rules for mandated or
21 discretionary sharing of information by member boards.

22 (9) SECTION 9 — JOINT INVESTIGATIONS. (a) Licensure and disciplinary records
23 of physicians are deemed investigative.

24 (b) In addition to the authority granted to a member board by its respective
25 medical practice act or other applicable state law, a member board may participate

1 with other member boards in joint investigations of physicians licensed by the
2 member boards.

3 (c) A subpoena issued by a member state shall be enforceable in other member
4 states.

5 (d) Member boards may share any investigative, litigation, or compliance
6 materials in furtherance of any joint or individual investigation initiated under the
7 compact.

8 (e) Any member state may investigate actual or alleged violations of the
9 statutes authorizing the practice of medicine in any other member state in which a
10 physician holds a license to practice medicine.

11 (10) SECTION 10 — DISCIPLINARY ACTIONS. (a) Any disciplinary action taken by
12 any member board against a physician licensed through the compact shall be deemed
13 unprofessional conduct which may be subject to discipline by other member boards,
14 in addition to any violation of the medical practice act or regulations in that state.

15 (b) If a license granted to a physician by the member board in the state of
16 principal license is revoked, surrendered or relinquished in lieu of discipline, or
17 suspended, then all licenses issued to the physician by member boards shall
18 automatically be placed, without further action necessary by any member board, on
19 the same status. If the member board in the state of principal license subsequently
20 reinstates the physician's license, a license issued to the physician by any other
21 member board shall remain encumbered until that respective member board takes
22 action to reinstate the license in a manner consistent with the medical practice act
23 of that state.

1 (c) If disciplinary action is taken against a physician by a member board not
2 in the state of principal license, any other member board may deem the action
3 conclusive as to matter of law and fact decided, and:

4 1. Impose the same or lesser sanctions against the physician so long as such
5 sanctions are consistent with the medical practice act of that state; or

6 2. Pursue separate disciplinary action against the physician under its
7 respective medical practice act, regardless of the action taken in other member
8 states.

9 (d) If a license granted to a physician by a member board is revoked,
10 surrendered or relinquished in lieu of discipline, or suspended, then any license
11 issued to the physician by any other member board shall be suspended,
12 automatically and immediately without further action necessary by the other
13 member board, for 90 days upon entry of the order by the disciplining board, to permit
14 the member board to investigate the basis for the action under the medical practice
15 act of that state. A member board may terminate the automatic suspension of the
16 license it issued prior to the completion of the 90 day suspension period in a manner
17 consistent with the medical practice act of that state.

18 (11) SECTION 11 — INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION. (a) The
19 member states hereby create the “Interstate Medical Licensure Compact
20 Commission.”

21 (b) The purpose of the interstate commission is the administration of the
22 interstate medical licensure compact, which is a discretionary state function.

23 (c) The interstate commission shall be a body corporate and joint agency of the
24 member states and shall have all the responsibilities, powers, and duties set forth
25 in the compact, and such additional powers as may be conferred upon it by a

1 subsequent concurrent action of the respective legislatures of the member states in
2 accordance with the terms of the compact.

3 (d) The interstate commission shall consist of 2 voting representatives
4 appointed by each member state who shall serve as commissioners. In states where
5 allopathic and osteopathic physicians are regulated by separate member boards, or
6 if the licensing and disciplinary authority is split between multiple member boards
7 within a member state, the member state shall appoint one representative from each
8 member board. A Commissioner shall be:

- 9 1. An allopathic or osteopathic physician appointed to a member board;
- 10 2. An executive director, executive secretary, or similar executive of a member
11 board; or
- 12 3. A member of the public appointed to a member board.

13 (e) The interstate commission shall meet at least once each calendar year. A
14 portion of this meeting shall be a business meeting to address such matters as may
15 properly come before the commission, including the election of officers. The
16 chairperson may call additional meetings and shall call for a meeting upon the
17 request of a majority of the member states.

18 (f) The bylaws may provide for meetings of the interstate commission to be
19 conducted by telecommunication or electronic communication.

20 (g) Each commissioner participating at a meeting of the interstate commission
21 is entitled to one vote. A majority of commissioners shall constitute a quorum for the
22 transaction of business, unless a larger quorum is required by the bylaws of the
23 interstate commission. A commissioner shall not delegate a vote to another
24 commissioner. In the absence of its commissioner, a member state may delegate

1 voting authority for a specified meeting to another person from that state who shall
2 meet the requirements of par. (d).

3 (h) The interstate commission shall provide public notice of all meetings and
4 all meetings shall be open to the public. The interstate commission may close a
5 meeting, in full or in portion, where it determines by a two-thirds vote of the
6 commissioners present that an open meeting would be likely to:

7 1. Relate solely to the internal personnel practices and procedures of the
8 interstate commission;

9 2. Discuss matters specifically exempted from disclosure by federal statute;

10 3. Discuss trade secrets, commercial, or financial information that is privileged
11 or confidential;

12 4. Involve accusing a person of a crime, or formally censuring a person;

13 5. Discuss information of a personal nature where disclosure would constitute
14 a clearly unwarranted invasion of personal privacy;

15 6. Discuss investigative records compiled for law enforcement purposes; or

16 7. Specifically relate to the participation in a civil action or other legal
17 proceeding.

18 (i) The interstate commission shall keep minutes which shall fully describe all
19 matters discussed in a meeting and shall provide a full and accurate summary of
20 actions taken, including record of any roll call votes.

21 (j) The interstate commission shall make its information and official records,
22 to the extent not otherwise designated in the compact or by its rules, available to the
23 public for inspection.

24 (k) The interstate commission shall establish an executive committee, which
25 shall include officers, members, and others as determined by the bylaws. The

1 executive committee shall have the power to act on behalf of the interstate
2 commission, with the exception of rule making, during periods when the interstate
3 commission is not in session. When acting on behalf of the interstate commission,
4 the executive committee shall oversee the administration of the compact including
5 enforcement and compliance with the provisions of the compact, its bylaws and rules,
6 and other such duties as necessary.

7 (L) The Interstate commission may establish other committees for governance
8 and administration of the compact.

9 (12) SECTION 12 — POWERS AND DUTIES OF THE INTERSTATE COMMISSION. The
10 interstate commission shall have the duty and power to:

11 (a) Oversee and maintain the administration of the compact;

12 (b) Promulgate rules which shall be binding to the extent and in the manner
13 provided for in the compact;

14 (c) Issue, upon the request of a member state or member board, advisory
15 opinions concerning the meaning or interpretation of the compact, its bylaws, rules,
16 and actions;

17 (d) Enforce compliance with compact provisions, the rules promulgated by the
18 interstate commission, and the bylaws, using all necessary and proper means,
19 including but not limited to the use of judicial process;

20 (e) Establish and appoint committees including, but not limited to, an executive
21 committee as required by sub. (11), which shall have the power to act on behalf of the
22 interstate commission in carrying out its powers and duties;

23 (f) Pay, or provide for the payment of the expenses related to the establishment,
24 organization, and ongoing activities of the interstate commission;

25 (g) Establish and maintain one or more offices;

1 (h) Borrow, accept, hire, or contract for services of personnel;

2 (i) Purchase and maintain insurance and bonds;

3 (j) Employ an executive director who shall have such powers to employ, select
4 or appoint employees, agents, or consultants, and to determine their qualifications,
5 define their duties, and fix their compensation;

6 (k) Establish personnel policies and programs relating to conflicts of interest,
7 rates of compensation, and qualifications of personnel;

8 (L) Accept donations and grants of money, equipment, supplies, materials and
9 services, and to receive, utilize, and dispose of it in a manner consistent with the
10 conflict of interest policies established by the interstate commission;

11 (m) Lease, purchase, accept contributions or donations of, or otherwise to own,
12 hold, improve or use, any property, real, personal, or mixed;

13 (n) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
14 dispose of any property, real, personal, or mixed;

15 (o) Establish a budget and make expenditures;

16 (p) Adopt a seal and bylaws governing the management and operation of the
17 interstate commission;

18 (q) Report annually to the legislatures and governors of the member states
19 concerning the activities of the interstate commission during the preceding year.

20 Such reports shall also include reports of financial audits and any recommendations
21 that may have been adopted by the interstate commission;

22 (r) Coordinate education, training, and public awareness regarding the
23 compact, its implementation, and its operation;

24 (s) Maintain records in accordance with the bylaws;

25 (t) Seek and obtain trademarks, copyrights, and patents; and

1 (u) Perform such functions as may be necessary or appropriate to achieve the
2 purposes of the compact.

3 (13) SECTION 13 — FINANCE POWERS. (a) The interstate commission may levy on
4 and collect an annual assessment from each member state to cover the cost of the
5 operations and activities of the interstate commission and its staff. The total
6 assessment must be sufficient to cover the annual budget approved each year for
7 which revenue is not provided by other sources. The aggregate annual assessment
8 amount shall be allocated upon a formula to be determined by the interstate
9 commission, which shall promulgate a rule binding upon all member states.

10 (b) The interstate commission shall not incur obligations of any kind prior to
11 securing the funds adequate to meet the same.

12 (c) The interstate commission shall not pledge the credit of any of the member
13 states, except by, and with the authority of, the member state.

14 (d) The interstate commission shall be subject to a yearly financial audit
15 conducted by a certified or licensed public accountant and the report of the audit
16 shall be included in the annual report of the interstate commission.

17 (14) SECTION 14 — ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.

18 (a) The interstate commission shall, by a majority of commissioners present and
19 voting, adopt bylaws to govern its conduct as may be necessary or appropriate to
20 carry out the purposes of the compact within 12 months of the first interstate
21 commission meeting.

22 (b) The interstate commission shall elect or appoint annually from among its
23 commissioners a chairperson, a vice-chairperson, and a treasurer, each of whom
24 shall have such authority and duties as may be specified in the bylaws. The

1 chairperson, or in the chairperson's absence or disability, the vice-chairperson, shall
2 preside at all meetings of the interstate commission.

3 (c) Officers selected in par. (b) shall serve without remuneration from the
4 interstate commission.

5 (d) 1. The officers and employees of the interstate commission shall be immune
6 from suit and liability, either personally or in their official capacity, for a claim for
7 damage to or loss of property or personal injury or other civil liability caused or
8 arising out of, or relating to, an actual or alleged act, error, or omission that occurred,
9 or that such person had a reasonable basis for believing occurred, within the scope
10 of interstate commission employment, duties, or responsibilities; provided that such
11 person shall not be protected from suit or liability for damage, loss, injury, or liability
12 caused by the intentional or willful and wanton misconduct of such person.

13 2. The liability of the executive director and employees of the interstate
14 commission or representatives of the interstate commission, acting within the scope
15 of such person's employment or duties for acts, errors, or omissions occurring within
16 such person's state, may not exceed the limits of liability set forth under the
17 constitution and laws of that state for state officials, employees, and agents. The
18 interstate commission is considered to be an instrumentality of the states for the
19 purposes of any such action. Nothing in this paragraph shall be construed to protect
20 such person from suit or liability for damage, loss, injury, or liability caused by the
21 intentional or willful and wanton misconduct of such person.

22 3. The interstate commission shall defend the executive director, its employees,
23 and subject to the approval of the attorney general or other appropriate legal counsel
24 of the member state represented by an interstate commission representative, shall
25 defend such interstate commission representative in any civil action seeking to

1 impose liability arising out of an actual or alleged act, error or omission that occurred
2 within the scope of interstate commission employment, duties or responsibilities, or
3 that the defendant had a reasonable basis for believing occurred within the scope of
4 interstate commission employment, duties, or responsibilities, provided that the
5 actual or alleged act, error, or omission did not result from intentional or willful and
6 wanton misconduct on the part of such person.

7 4. To the extent not covered by the state involved, member state, or the
8 interstate commission, the representatives or employees of the interstate
9 commission shall be held harmless in the amount of a settlement or judgment,
10 including attorney fees and costs, obtained against such persons arising out of an
11 actual or alleged act, error, or omission that occurred within the scope of interstate
12 commission employment, duties, or responsibilities, or that such persons had a
13 reasonable basis for believing occurred within the scope of interstate commission
14 employment, duties, or responsibilities, provided that the actual or alleged act, error,
15 or omission did not result from intentional or willful and wanton misconduct on the
16 part of such persons.

17 (15) SECTION 15 – RULE-MAKING FUNCTIONS OF THE INTERSTATE COMMISSION. (a)
18 The interstate commission shall promulgate reasonable rules in order to effectively
19 and efficiently achieve the purposes of the compact. Notwithstanding the foregoing,
20 in the event the interstate commission exercises its rule-making authority in a
21 manner that is beyond the scope of the purposes of the compact, or the powers
22 granted hereunder, then such an action by the interstate commission shall be invalid
23 and have no force or effect.

24 (b) Rules deemed appropriate for the operations of the interstate commission
25 shall be made pursuant to a rule-making process that substantially conforms to the

1 “Model State Administrative Procedure Act” of 2010, and subsequent amendments
2 thereto.

3 (c) Not later than 30 days after a rule is promulgated, any person may file a
4 petition for judicial review of the rule in the United States District Court for the
5 District of Columbia or the federal district where the interstate commission has its
6 principal offices, provided that the filing of such a petition shall not stay or otherwise
7 prevent the rule from becoming effective unless the court finds that the petitioner
8 has a substantial likelihood of success. The court shall give deference to the actions
9 of the interstate commission consistent with applicable law and shall not find the
10 rule to be unlawful if the rule represents a reasonable exercise of the authority
11 granted to the interstate commission.

12 **(16) SECTION 16 — OVERSIGHT OF INTERSTATE COMPACT.** (a) The executive,
13 legislative, and judicial branches of state government in each member state shall
14 enforce the compact and shall take all actions necessary and appropriate to
15 effectuate the compact’s purposes and intent. The provisions of the compact and the
16 rules promulgated hereunder shall have standing as statutory law but shall not
17 override existing state authority to regulate the practice of medicine.

18 (b) All courts shall take judicial notice of the compact and the rules in any
19 judicial or administrative proceeding in a member state pertaining to the subject
20 matter of the compact which may affect the powers, responsibilities or actions of the
21 interstate commission.

22 (c) The interstate commission shall be entitled to receive all service of process
23 in any such proceeding, and shall have standing to intervene in the proceeding for
24 all purposes. Failure to provide service of process to the interstate commission shall

1 render a judgment or order void as to the interstate commission, the compact, or
2 promulgated rules.

3 (17) SECTION 17 — ENFORCEMENT OF INTERSTATE COMPACT. (a) The interstate
4 commission, in the reasonable exercise of its discretion, shall enforce the provisions
5 and rules of the compact.

6 (b) The interstate commission may, by majority vote of the commissioners,
7 initiate legal action in the United States District Court for the District of Columbia,
8 or, at the discretion of the interstate commission, in the federal district where the
9 interstate commission has its principal offices, to enforce compliance with the
10 provisions of the compact, and its promulgated rules and bylaws, against a member
11 state in default. The relief sought may include both injunctive relief and damages.
12 In the event judicial enforcement is necessary, the prevailing party shall be awarded
13 all costs of such litigation including reasonable attorney fees.

14 (c) The remedies herein shall not be the exclusive remedies of the interstate
15 commission. The interstate commission may avail itself of any other remedies
16 available under state law or the regulation of a profession.

17 (18) SECTION 18 — DEFAULT PROCEDURES. (a) The grounds for default include, but
18 are not limited to, failure of a member state to perform such obligations or
19 responsibilities imposed upon it by the compact, or the rules and bylaws of the
20 interstate commission promulgated under the compact.

21 (b) If the interstate commission determines that a member state has defaulted
22 in the performance of its obligations or responsibilities under the compact, or the
23 bylaws or promulgated rules, the interstate commission shall:

24 1. Provide written notice to the defaulting state and other member states, of
25 the nature of the default, the means of curing the default, and any action taken by

1 the interstate commission. The interstate commission shall specify the conditions
2 by which the defaulting state must cure its default; and

3 2. Provide remedial training and specific technical assistance regarding the
4 default.

5 (c) If the defaulting state fails to cure the default, the defaulting state shall be
6 terminated from the compact upon an affirmative vote of a majority of the
7 commissioners and all rights, privileges, and benefits conferred by the compact shall
8 terminate on the effective date of termination. A cure of the default does not relieve
9 the offending state of obligations or liabilities incurred during the period of the
10 default.

11 (d) Termination of membership in the compact shall be imposed only after all
12 other means of securing compliance have been exhausted. Notice of intent to
13 terminate shall be given by the interstate commission to the governor, the majority
14 and minority leaders of the defaulting state's legislature, and each of the member
15 states.

16 (e) The interstate commission shall establish rules and procedures to address
17 licenses and physicians that are materially impacted by the termination of a member
18 state, or the withdrawal of a member state.

19 (f) The member state which has been terminated is responsible for all dues,
20 obligations, and liabilities incurred through the effective date of termination
21 including obligations, the performance of which extends beyond the effective date of
22 termination.

23 (g) The interstate commission shall not bear any costs relating to any state that
24 has been found to be in default or which has been terminated from the compact,

1 unless otherwise mutually agreed upon in writing between the interstate
2 commission and the defaulting state.

3 (h) The defaulting state may appeal the action of the interstate commission by
4 petitioning the United States District Court for the District of Columbia or the
5 federal district where the interstate commission has its principal offices. The
6 prevailing party shall be awarded all costs of such litigation including reasonable
7 attorney fees.

8 **(19) SECTION 19 – DISPUTE RESOLUTION.** (a) The interstate commission shall
9 attempt, upon the request of a member state, to resolve disputes which are subject
10 to the compact and which may arise among member states or member boards.

11 (b) The interstate commission shall promulgate rules providing for both
12 mediation and binding dispute resolution as appropriate.

13 **(20) SECTION 20 – MEMBER STATES, EFFECTIVE DATE AND AMENDMENT.** (a) Any state
14 is eligible to become a member state of the compact.

15 (b) The compact shall become effective and binding upon legislative enactment
16 of the compact into law by no less than 7 states. Thereafter, it shall become effective
17 and binding on a state upon enactment of the compact into law by that state.

18 (c) The governors of non-member states, or their designees, shall be invited to
19 participate in the activities of the interstate commission on a non-voting basis prior
20 to adoption of the compact by all states.

21 (d) The interstate commission may propose amendments to the compact for
22 enactment by the member states. No amendment shall become effective and binding
23 upon the interstate commission and the member states unless and until it is enacted
24 into law by unanimous consent of the member states.

1 (21) SECTION 21 — WITHDRAWAL. (a) Once effective, the compact shall continue
2 in force and remain binding upon each and every member state; provided that a
3 member state may withdraw from the compact by specifically repealing the statute
4 which enacted the compact into law.

5 (b) Withdrawal from the compact shall be by the enactment of a statute
6 repealing the same, but shall not take effect until one year after the effective date
7 of such statute and until written notice of the withdrawal has been given by the
8 withdrawing state to the governor of each other member state.

9 (c) The withdrawing state shall immediately notify the chairperson of the
10 interstate commission in writing upon the introduction of legislation repealing the
11 compact in the withdrawing state.

12 (d) The interstate commission shall notify the other member states of the
13 withdrawing state's intent to withdraw within 60 days of its receipt of notice
14 provided under par. (c).

15 (e) The withdrawing state is responsible for all dues, obligations and liabilities
16 incurred through the effective date of withdrawal, including obligations, the
17 performance of which extend beyond the effective date of withdrawal.

18 (f) Reinstatement following withdrawal of a member state shall occur upon the
19 withdrawing state reenacting the compact or upon such later date as determined by
20 the interstate commission.

21 (g) The interstate commission is authorized to develop rules to address the
22 impact of the withdrawal of a member state on licenses granted in other member
23 states to physicians who designated the withdrawing member state as the state of
24 principal license.

1 **(22) SECTION 22 — DISSOLUTION.** (a) The compact shall dissolve effective upon
2 the date of the withdrawal or default of the member state which reduces the
3 membership in the compact to one member state.

4 (b) Upon the dissolution of the compact, the compact becomes null and void and
5 shall be of no further force or effect, and the business and affairs of the interstate
6 commission shall be concluded and surplus funds shall be distributed in accordance
7 with the bylaws.

8 **(23) SECTION 23 — SEVERABILITY AND CONSTRUCTION.** (a) The provisions of the
9 compact shall be severable, and if any phrase, clause, sentence, or provision is
10 deemed unenforceable, the remaining provisions of the compact shall be enforceable.

11 (b) The provisions of the compact shall be liberally construed to effectuate its
12 purposes.

13 (c) Nothing in the compact shall be construed to prohibit the applicability of
14 other interstate compacts to which the states are members.

15 **(24) SECTION 24 — BINDING EFFECT OF COMPACT AND OTHER LAWS.** (a) Nothing
16 herein prevents the enforcement of any other law of a member state that is not
17 inconsistent with the compact.

18 (b) All laws in a member state in conflict with the compact are superseded to
19 the extent of the conflict.

20 (c) All lawful actions of the interstate commission, including all rules and
21 bylaws promulgated by the commission, are binding upon the member states.

22 (d) All agreements between the interstate commission and the member states
23 are binding in accordance with their terms.

24 (e) In the event any provision of the compact exceeds the constitutional limits
25 imposed on the legislature of any member state, such provision shall be ineffective

1 to the extent of the conflict with the constitutional provision in question in that
2 member state.

3 **448.981 Implementation of the interstate medical licensure compact.**

4 (1) In this section:

5 (a) "Board" means the medical examining board.

6 (b) "Compact" means the interstate medical licensure compact entered into
7 under s. 448.980.

8 (c) "Expedited license" has the meaning given in s. 448.980 (2) (d).

9 (d) "Interstate commission" has the meaning given in s. 448.980 (2) (e).

10 (e) "Member board" has the meaning given in s. 448.980 (2) (h).

11 (f) "Member state" has the meaning given in s. 448.980 (2) (i).

12 (g) "State of principal license" has the meaning given in s. 448.980 (2) (o).

13 (2) ^{els 31-13} The board may only disclose information about a ^{an individual} physician pursuant to the
14 compact if the information directly relates to a physician and meets all of the
15 following criteria:

****NOTE: I rephrased this a bit, which I tried to do without changing the meaning. OK? Also, I eliminated the language "Notwithstanding any provision of s. 448.980" because this would suggest that we are essentially trying to supersede the compact on our own. Section 24 of the compact addresses laws of a member state and provides that any state law that is not in conflict with the compact may be enforced, but that any law that is in conflict is superseded. Therefore, we cannot "notwithstand" the compact. If the intent is to override a provision of the compact, then I'm not sure we can do that without being in default.

Move material here from p. 30

16 (a) The information is provided only to a member board with responsibility for
17 authorizing the practice of medicine in the member state or to the interstate
18 commission. ^(b)

19 (b) If the information pertains to an investigation or discipline, all identifying
20 information of individuals or entities other than the physician being investigated or
21 disciplined is removed. ^{individual}

^(c)

Move to p. 31

1

(c) The information is not confidential under the laws of this state.

2

(d) The physician has any of the following: ^{applies}

3

1. A current expedited license granted by the board solely pursuant to the compact. ^{The individual has a}

4

****NOTE: I said "granted by the board" (the Wisconsin MEB) here instead. OK?
****NOTE: I am not sure what is meant by "solely" pursuant to the compact here, since the concept of an "expedited license" exists only in the compact.

5

2. A current expedited license granted by another member state, and the physician has, at that time, designated this state as the physician's state of principal

6

license.

^{The individual has a} ^{Wisconsin is currently} ^{designated} ^{his/her} ^{Ins 32-5}

7

Ins 32-7

8

(2) A subpoena issued pursuant to s. 448.980 (9) (c) shall only be enforceable in this state or against a citizen of this state if all of the following apply:

9

3

(a) The subpoena is issued by a member board with responsibility for authorizing the practice of medicine in the member state.

11

(b) The individual being subpoenaed is one of the following:

12

13

1. A physician with a current expedited license granted by the board solely pursuant to the compact.

14

****NOTE: See my notes above.

15

2. A physician with a current expedited license granted by another member state, and the physician has, at that time, designated this state as the physician's state of principal license. ^{Wisconsin}

17

18

(3) In applying s. 448.980 (9) (e), the board may only undertake such investigation of violations of another state's statute authorizing the practice of medicine if one of the following applies:

19

20

4

is currently designated

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1 SECTION 1. 440.03 (11m) (c) of the statutes is renumbered 440.03 (11m) (c)
2 (intro.) and amended to read:

3 440.03 (11m) (c) (intro.) The department of ~~safety and professional services~~
4 may not disclose a social security number obtained under par. (a) to any person
5 except for the following:

6 1. The coordinated licensure information system under s. 441.50 (7); the,

7 3. The department of children and families for purposes of administering s.
8 49.22; and, for,

9 4. For a social security number obtained under par. (a) 1., the department of
10 revenue for the purpose of requesting certifications under s. 73.0301 and
11 administering state taxes and the department of workforce development for the
12 purpose of requesting certifications under s. 108.227.

History: 1977 c. 418 ss. 24, 792; 1979 c. 34, 221, 337; 1981 c. 94; 1985 a. 29, 340; 1989 a. 31, 340; 1991 a. 39; 1993 a. 16, 102, 107, 443, 445, 490, 491; 1995 a. 27 ss. 6472g, 6472j, 9126 (19); 1995 a. 233; 1997 a. 27, 75, 79; 1997 a. 191 ss. 312, 313, 318; 1997 a. 231, 237; 1997 a. 261 ss. 1 to 4, 7, 10, 13; 1997 a. 311; 1999 a. 9, 32; 2001 a. 16, 66, 80; 2003 a. 151; 2005 a. 25; 2007 a. 20 ss. 3449 to 3462, 9121 (6) (a); 2007 a. 153, 189; 2009 a. 28, 130, 276, 282, 355; 2011 a. 32, 146, 160, 190, 255; 2013 a. 20, 36, 124, 244, 288, 358; s. 35.17 correction in sub. (14) (a) 1. b.

13 SECTION 2. 440.03 (11m) (c) 2. of the statutes is created to read:

14 440.03 (11m) (c) 2. The coordinated licensure information system under s.
15 448.980 (8), if such disclosure is required under the interstate medical licensure
16 compact under s. 448.980.

INSERT 4-17

W

17 The department shall charge an applicant seeking licensure through the
18 interstate medical licensure compact under s. 448.980, directly or indirectly, for any
19 expenses incurred in conducting any investigation under s. 448.980 (5) (b) 3.


INSERT 4-21

20 SECTION 3. 440.08 (2) (c) of the statutes is amended to read:

1 440.08 (2) (c) Except as provided in par. (e) and sub. (3), renewal applications
2 shall include the applicable renewal fee as determined by the department under s.
3 440.03 (9) (a) or as specified in par. (b).

History: 1991 a. 39 ss. 3305, 3313; 1991 a. 78, 160, 167, 269, 278, 315; 1993 a. 3, 16, 102, 105, 107, 443, 463, 465; 1993 a. 490 ss. 228 to 230, 274, 275; 1995 a. 27, 233, 321, 322, 461; 1997 a. 27, 75, 81, 96, 156, 191, 237, 261, 300; 1999 a. 9, 32; 2001 a. 16, 70, 74, 80, 89; 2003 a. 150, 270, 285, 327; 2005 a. 25, 31, 242, 292, 297, 407; 2007 a. 20, 174, 189; 2009 a. 28, 29, 106, 130, 174, 282, 355, 360; 2011 a. 160, 190, 258; 2013 a. 20, 240, 244, 358; 2015 a. 3; s. 35.17 correction in (3) (b).

INSERT 5-2

4  and is subject to s. 448.07 (2).

INSERT 5-3

5 **SECTION 4.** 440.14 (2) of the statutes is amended to read:

6 440.14 (2) If a form that the department or a credentialing board requires an
7 individual to complete in order to apply for a credential or credential renewal or to
8 obtain a product or service from the department or the credentialing board requires
9 the individual to provide any of the individual's personal identifiers, the form shall
10 include a place for the individual to declare that the individual's personal identifiers
11 obtained by the department or the credentialing board from the information on the
12 form may not be disclosed on any list that the department or the credentialing board
13 furnishes to another person. This subsection does not apply with respect to an
14 application filed with the medical examining board pursuant to the interstate
15 medical licensure compact under s. 448.980 (5).

History: 1999 a. 88; 2001 a. 66; 2009 a. 388.

16 **SECTION 5.** 440.14 (3) of the statutes is amended to read:

17 440.14 (3) If the department or a credentialing board requires an individual
18 to provide, by telephone or other electronic means, any of the individual's personal
19 identifiers in order to apply for a credential or credential renewal or to obtain a
20 product or service from the department or a credentialing board, the department or
21 the credentialing board shall ask the individual at the time that the individual

1 provides the information if the individual wants to declare that the individual's
2 personal identifiers obtained by telephone or other electronic means may not be
3 disclosed on any list that the department or the credentialing board furnishes to
4 another person. This subsection does not apply with respect to an application filed
5 with the medical examining board pursuant to the interstate medical licensure
6 compact under s. 448.980 (5). ✓

History: 1999 a. 88; 2001 a. 66; 2009 a. 388.

INSERT 6-2

^

7 **SECTION 6.** 448.015 (1dm) of the statutes is created to read:

8 448.015 (1dm) "Compact license" means an expedited license granted by the
9 board pursuant to the interstate medical licensure compact under s. 448.980.

medical licensure
compact **INSERT 7-17** ✓

10 Compact licenses shall be subject to additional fees and assessments, as
11 established by the department, the board, or the interstate commission, to cover any
12 costs incurred by the department or the board for this state's participation in the
13 interstate medical licensure compact under s. 448.980 and costs incurred by the
14 interstate commission for its administration of the renewal process for the interstate
15 medical licensure compact under s. 448.980.

medical licensure
compact **INSERT 31-13**

16 Notwithstanding s. 448.980 and any rules promulgated by the interstate
17 commission under s. 448.980, the ✓

INSERT 32-5

18 or is applying to receive an expedited license in another member state

INSERT 32-7

1 3. The individual is requesting to designate Wisconsin as his or her state of
2 principal license pursuant to the compact.

3 4. The individual is applying to receive an expedited license to practice in
4 Wisconsin pursuant to the compact.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1138/P2dn

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Date

1. After further discussion, I did not delete the change to s. 448.01 (5), because the compact, s. 448.980 (2) (k) in the bill, specifically includes its own definition of "physician." For that reason, the "default" definition of physician in s. 448.01 (5) that otherwise applies throughout ch. 448 should not be not applicable in the compact section (s. 448.980) because the term has a different meaning in the compact.

2. In s. 448.981 (2), I changed "physician" to the more generic term "individual" because with the requested changes, some of the physicians being referenced could potentially be individuals who had not yet been issued any license to practice in Wisconsin (i.e., someone from another state who was applying to get an expedited license in Wisconsin), and therefore would not technically satisfy the definition of "physician" under s. 448.01 (5). Let me know if this otherwise seems problematic.

3. See the language in s. 448.07 (2), which I also cross-referenced in created s. 440.08 (2) (e) instead of duplicating it there. Will that language work? I mentioned the MEB too. Let me know if that should just refer to DSPS and the commission.

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1138/P2dn
MED:cjs:cs

April 15, 2015

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