February 9, 2018 - Introduced by Representatives MURPHY and SANFELIPPO. Referred to Committee on Health.

AN ACT to amend 50.36 (3) (a), 448.13 (1) (a) 2., 448.13 (1m) and 448.40 (1); and to create 448.085 of the statutes; relating to: prohibiting requirements for maintenance of certification by physicians.

Analysis by the Legislative Reference Bureau

Under current law, the Medical Examining Board, which licenses physicians and certain other health care professionals, may promulgate rules requiring maintenance of certification in order to renew a license to practice medicine and surgery (physician license). This bill prohibits the board from promulgating such rules, and further provides that no physician may be required to secure maintenance of certification as a prerequisite for reimbursement from a third party or as a condition for being granted hospital staff privileges. The bill does not affect the board's authority to require the completion of continuing education, professional development, or performance improvement or continuing medical education programs in order to renew a physician license.

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

SECTION 1. 50.36 (3) (a) of the statutes is amended to read:

50.36 (3) (a) Any person licensed to practice medicine and surgery under subch. II of ch. 448 or podiatry under subch. IV of ch. 448 shall be afforded an equal
opportunity to obtain hospital staff privileges and may not be denied hospital staff
privileges solely for the reason that the person is an osteopathic physician and
surgeon or a podiatrist. Each individual hospital shall, subject to s. 448.085 (2),
retain the right to determine whether the applicant’s training, experience, and
demonstrated competence is sufficient to justify the granting of hospital staff
privileges or is sufficient to justify the granting of limited hospital staff privileges.

SECTION 2. 448.085 of the statutes is created to read:

448.085 Maintenance of certification. (1) In this section, “maintenance of
certification” means a continuous professional development program through which
a physician certified by one or more of the medical specialty boards of the American
Board of Medical Specialties or American Osteopathic Association maintains
specialty certification.

(2) No physician may be required to secure maintenance of certification as a
prerequisite for reimbursement from a 3rd party or as a condition for being granted
hospital staff privileges.

(3) The board may not promulgate a rule requiring maintenance of certification
for renewal of a license to practice medicine and surgery.

SECTION 3. 448.13 (1) (a) 2. of the statutes is amended to read:

448.13 (1) (a) 2. Professional development and maintenance of certification or
performance improvement or continuing medical education programs or courses of
study required by the board by rule under s. 448.40 (1) and completed within the 2
calendar years preceding the calendar year for which the registration is effective.

SECTION 4. 448.13 (1m) of the statutes is amended to read:

448.13 (1m) The board shall, on a random basis, verify the accuracy of proof
submitted by physicians under sub. (1) (a) and may, at any time during the 2 calendar
years specified in sub. (1) (a), require a physician to submit proof of any continuing education, and professional development, and maintenance of certification or performance improvement or continuing medical education programs or courses of study that he or she has attended and completed at that time during the 2 calendar years.

**SECTION 5.** 448.40 (1) of the statutes is amended to read:

448.40 (1) **The Subject to s. 448.085 (3), the board may promulgate rules to carry out the purposes of this subchapter, including rules requiring the completion of continuing education, and professional development, and maintenance of certification or performance improvement or continuing medical education programs for renewal of a license to practice medicine and surgery.**

(END)