

Report From Agency

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	
PROCEEDINGS BEFORE THE	:	REPORT TO THE LEGISLATURE
MEDICAL EXAMINING BOARD	:	CR 24-039

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS: N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The objective of the proposed rules is to implement the statutory changes from 2021 Wisconsin Act 121. This was achieved by revising the definition of “telemedicine”, as well removing a reference to the Physician Assistant Affiliated Credentialing Board by repealing section Med 24.05 (5). The new Telemedicine and Telehealth rules for Physician Assistants are listed in section PA 3.08, so the Board decided it was no longer necessary to have a reference included in chapter Med 24. The rules in section PA 3.08 align with the statute changes from 2021 Wisconsin Act 121 and the changes to Med 24 from this rule.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD’S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Medical Examining Board held a public hearing on June 19, 2024. No public comments were received.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment 5a: “The proposed rule defines the phrase, “telemedicine” as in ch. Med 24 as “analogous” to “telehealth” as defined in s. 440.01 (1) (hm), Stats. The phrase “telemedicine” is used throughout the current administrative rule chapter. Could the chapter be made clearer by more comprehensively changing references from “telemedicine” to “telehealth” throughout, or is there a reason to retain “telemedicine” as a separate phrase? Additionally, if retained, use of the term “is analogous” in the definition could be considered ambiguous relative to s. 440.17, Stats., which directs that an agency “shall define ‘telehealth’ *to have* the meaning given in s. 440.10 (10) (hm)”. [Emphasis added.] Is there a reason the agency chose to use the term “is analogous” instead of specifying the connection between the two terms more directly?”

Response: The board accepts this comment and would like to note that the term “telemedicine” is commonly used in the practice of medicine and although it is interchangeable with “telehealth,” because of how often it is utilized, the board feels that it is appropriate for the term to be left in the Administrative Code as it currently exists.

All of the remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS: N/A