

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : MEDICAL EXAMINING BOARD
MEDICAL EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 02-008)

ORDER

An order of the Medical Examining Board to create Med 10.02 (2) (zc), relating to defining failing to cooperate in a timely manner in an investigation as unprofessional conduct.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) and 448.40 (1), Stats.

Statutes interpreted: ss. 448.015 (4) and 448.02 (3), Stats.

The Medical Examining Board wants to include as unprofessional conduct the failure of a credential holder to cooperate in a timely manner with an investigation. The board wants it to be unprofessional conduct on the part of the credential holder for failing to cooperate by providing information the board has requested in a pending investigation within 30 days and be able to charge that credential holder with unprofessional conduct for failing to cooperate. The board has attempted on several occasions to obtain information from a credential holder on a complaint the board has received which they wish to investigate further but need information from the credential holder.

TEXT OF RULE

SECTION 1. Med 10.02 (2) (zc) is created to read:

Med 10.02 (2) (zc) After a request by the board, failing to cooperate in a timely manner with the board's investigation of a complaint filed against the credential holder. There is a rebuttable presumption that a credential holder who takes longer than 30 days to respond to a request of the board has not acted in a timely manner.

(END OF TEXT OF RULE)

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register pursuant to s. 227.22 (2) (intro.), Stats.

Dated _____

Agency _____

Darold Treffert, M.D., Chairperson
Medical Examining Board

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9/13/02