

CR 82-245

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CERTIFICATE

AUG 12 1983
2:00 pm
Revisor of Statutes
Bureau

STATE OF WISCONSIN)
) SS
MEDICAL EXAMINING BOARD)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Julie C. Stafford, director of the Bureau of Health Professions, Department of Regulation and Licensing, and custodian of the official records of the Medical Examining Board, do hereby certify that the annexed rules relating to alternate modes of treatment were duly approved and adopted by the board on August 12, 1983.

I further certify that this copy has been compared by me with the original on file in the board office and that the same is a true copy thereof, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the board at 1400 East Washington Avenue, Madison, Wisconsin, this 12th day of August, A.D. 1983.

Julie C. Stafford

Julie C. Stafford, Director
Bureau of Health Professions
Department of Regulation and Licensing

CR 82--245

10-1-83

STATE OF WISCONSIN
BEFORE THE
MEDICAL EXAMINING BOARD

IN THE MATTER OF RULEMAKING : ORDER OF THE MEDICAL
PROCEEDINGS BEFORE THE : EXAMINING BOARD REPEALING, AMENDING
MEDICAL EXAMINING BOARD : OR ADOPTING RULES

ORDER

Pursuant to authority vested in the Medical Examining Board in ss. 15.08(5)(b), 227.014 and 448.40, Stats., the Medical Examining Board hereby creates and adopts rules, interpreting s. 448.30, Stats., as follows:

SECTION 1. Chapter Med 18 is created to read:

Chapter Med 18

ALTERNATE MODES OF TREATMENT

Med 18.01 AUTHORITY, PURPOSE AND SCOPE. (1) AUTHORITY. The rules in this chapter are adopted pursuant to authority in ss. 15.08(5)(b), 227.014, and 448.40, Stats.

(2) PURPOSE. The purpose of the rules is to define the obligation of a physician to communicate alternate modes of treatment to a patient.

(3) SCOPE. The scope of the rules pertain to medical and surgical procedures which may be prescribed and performed only by a physician, as defined in s. 448.01(5), Stats.

Med 18.02 DEFINITIONS. (1) "Emergency" means a circumstance in which there is an immediate risk to a patient's life, body part or function which demands prompt action by a physician.

(2) "Experimental treatment" means a mode of treatment which has not been generally adopted by the medical profession.

(3) "Viable" as used in s. 448.30, Stats., to modify the term, "medical modes of treatment" means modes of treatment generally considered by the medical profession to be within the scope of current, acceptable standards of care.

Med 18.03 COMMUNICATION OF ALTERNATE MODES OF TREATMENT. (1) It is the obligation of a physician to communicate alternate viable modes of treatment to a patient. The communication shall include the nature of the recommended treatment, alternate viable treatments, and risks or complications of the proposed treatment, sufficient to allow the patient to make a prudent decision. In the communication with a patient, a physician shall take into consideration:

- (a) A patient's ability to understand the information;
- (b) The emotional state of a patient; and,
- (c) The physical state of a patient.

(2) Nothing in sub. (1) shall be construed as preventing or limiting a physician in recommending a mode of treatment which is in his or her judgment the best treatment for a patient.

Med 18.04 EXCEPTIONS TO COMMUNICATION OF ALTERNATE MODES OF TREATMENT.

(1) A physician is not required to explain each procedural or prescriptive alternative inherent to a particular mode of treatment.

(2) In an emergency, a physician is not required to communicate alternate modes of treatment to a patient if failure to provide immediate treatment would be more harmful to a patient than immediate treatment.

(3) A physician is not required to communicate any mode of treatment which is not viable or which is experimental.

(4) A physician may not be held responsible for failure to inform a patient of a possible complication or benefit not generally known to reasonably well-qualified physicians in a similar medical classification.

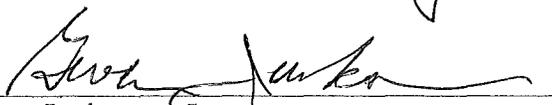
(5) A physician may simplify or omit communication of viable modes of treatment if the communication would unduly confuse or frighten a patient or if a patient refuses to receive the communication.

Med 18.05 RECORDKEEPING. A physician shall indicate on a patient's medical record he or she has communicated to the patient alternate viable modes of treatment.

The rules in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.026, Stats.

Dated this 12 day of August, 1983.

By:


Gwen Jackson, Secretary
Medical Examining Board

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