

1981 Senate Bill 68

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## CHAPTER 135 , Laws of 1981

AN ACT to amend 50.36 (3), 448.02 (3) (intro.), (4) and (5) and 448.065; and to create 448.02 (7) of the statutes, relating to notification of the loss of hospital staff privileges, license suspension and granting of temporary licenses by the medical examining board.

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

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

50.36 (3) Any person granted a license to practice medicine and surgery under ss. 448.05 and 448.06 shall be afforded an equal opportunity to obtain hospital staff privileges. No such person shall may be denied hospital staff privileges solely for the reason that the person is an osteopathic physician and surgeon. Each individual hospital shall retain the right to determine whether the applicant's training, experience and demonstrated competence is sufficient to justify the granting of medical staff privileges. If, as a result of peer investigation or written notice thereof, a hospital staff member who is licensed by the medical examining board loses his or her hospital staff privileges for 30 days or more, or has his or her hospital staff privileges reduced for 30 days or more, or resigns from the hospital staff for 30 days or more, the hospital shall so notify the medical examining board within 30 days after the loss, reduction or resignation takes effect. Temporary suspension due to incomplete records need not be reported.

SECTION 2. 448.02 (3) (intro.), (4) and (5) of the statutes are amended to read:

448.02 (3) INVESTIGATION; HEARING; ACTION. (intro.) The board shall investigate allegations of unprofessional conduct by persons holding a license or certificate granted by the board. A finding by a panel established under s. 655.02 or by a court that a physician has acted negligently is an allegation of unprofessional conduct. After the investigation, if the board finds that there is probable cause to believe that the person is guilty of unprofessional conduct, the board shall hold a hearing on such conduct. The board shall render a decision within 90 days following completion of the hearing. The board may, when it finds a person guilty of unprofessional conduct, do one or more of the following: warn or reprimand that person, or limit, suspend or revoke any license or certificate granted by the board to that person. The board shall comply with rules of procedure for ~~such~~ the investigation, hearing and action promulgated under ~~s.~~ ss. 440.03 (1) and 448.40. Any person who in good faith provides to the board information concerning possible unprofessional conduct by a person holding a license or certificate granted by the board is immune from civil liability for his or her acts or omissions in providing such information.

(4) SUSPENSION PENDING HEARING. The board may summarily suspend any license or certificate granted by the board for a period not to exceed 30 days pending hearing, when the board has in its possession evidence establishing probable cause to believe that the holder of ~~such~~ the license or certificate has violated the provisions of this chapter and that it is necessary to suspend ~~such~~ the license or certificate immediately to protect the public health, safety or welfare. The holder of ~~such~~ the license or certificate shall be granted an opportunity to be heard during the determination of probable cause. The board may designate any of its officers to exercise the authority granted by this subsection to suspend summarily a license or certificate, but such suspension shall be for a period of time not to exceed 72 hours. If a license or certificate has been summarily suspended by the board or any of its officers, the board may, while the hearing is in progress, extend the initial 30-day period of suspension for an additional 30 days. If the holder of the license or certificate has caused a delay in the hearing process, the board may subsequently suspend the license or certificate from the time the hearing is commenced until a final decision is issued or may delegate such authority to the hearing examiner.

(5) VOLUNTARY SURRENDER. The holder of any license or certificate granted by the board may voluntarily surrender the license or certificate to the secretary of the board at ~~any time~~, but the secretary may refuse to accept the surrender if the board has received allegations of unprofessional conduct against the holder of the license or certificate. The board may negotiate stipulations in consideration for accepting the surrender of licenses.

SECTION 3. 448.02 (7) of the statutes is created to read:

448.02 (7) HOSPITAL REPORTS. (a) Within 30 days of receipt of a report under s. 50.36 (3), the board shall notify the licensee, in writing, of the substance of the report. The licensee and the licensee's authorized representative may examine the report and may place into the record a statement, of reasonable length, of the licensee's view of the correctness or relevance of any information in the report. The licensee may institute an action in circuit court to amend or expunge any part of the licensee's record related to the report.

(b) If the board determines that a report submitted under s. 50.36 (3) is without merit or that the licensee has sufficiently improved his or her conduct or competence, the board shall remove the report from the licensee's record. If no report about a licensee is filed under s. 50.36 (3) for 2 consecutive years, the licensee may petition the board to remove any prior reports, which did not result in disciplinary action, from his or her record.

(c) Upon the request of a hospital, the board shall provide the hospital with all information relating to a licensee's loss, reduction or suspension of staff privileges from other hospitals and all information relating to the licensee's being found guilty of unprofes-

sional conduct. In this paragraph, "hospital" has the meaning specified under s. 50.33 (1).

SECTION 4. 448.065 of the statutes is amended to read:

**448.065 Permanent license for certain professors.** A person who possesses a temporary license under s. 448.04 (1) (b) 2 and who has practiced under such license for 4 or more years may apply for a license to practice medicine and surgery under s. 448.04 (1) (a). If the applicant achieves a passing grade in the examination for a license to practice medicine and surgery and three-fourths of the board find that the applicant is qualified, notwithstanding s. 448.05 (1) (b) and ~~(c)~~ and (2), the board may grant the license. The board may limit the license and, notwithstanding s. 448.02 (3) (a), may continue such limits indefinitely or may remove the limits when it is satisfied that the reasons for the limits no longer exist.

SECTION 5. **Initial applicability.** The treatment of section 448.02 (5) of the statutes by this act applies to allegations of unprofessional conduct received by the board on and after the effective date of this act.

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