

**Chapter Med 16****UNPROFESSIONAL CONDUCT DEFINED**

Med 16.01 Authority and purpose.

Med 16.02 Definitions.

**Med 16.01 Authority and purpose.** Pursuant to the authority granted by section 15.08(5) of the statutes, the definitions of this chapter are adopted for the purposes of chapter 448 of the statutes.

**History:** Cr. Register, April, 1975, No. 232, eff. 5-1-75.

**Med 16.02 Definitions.** (1) The terms "practices that are inimical to the public health", "conduct unbecoming a person licensed to practice or detrimental to the best interest of the public", "unprofessional conduct", and "unprofessional acts" are defined to mean and include but not be limited to the following, or aiding or abetting the same:

(a) Violating, or attempting to violate, any provision or term of chapter 448 of the statutes or of any valid rule of the examining board.

(b) Knowingly making or presenting or causing to be made or presented, any false, fraudulent, or forged statement, writing, certificate, diploma, or other thing in connection with any application for license or certificate.

(c) Practicing, fraud, forgery, deception, collusion, or conspiracy in connection with any examination for license or certificate.

(d) Giving, selling, buying, bartering, or attempting to give, sell, buy or barter any license or certificate granted by the examining board.

(e) Engaging in, or attempting to engage in, the practice of medicine or treating the sick, under any given name or surname other than that under which originally licensed or registered to practice in this or any other state. This subsection does not apply to change of name resulting from marriage, divorce, or order by a court of record.

(f) Aiding, assisting, or abetting the unlawful practice of medicine and surgery or treating the sick.

(g) Any practice or conduct under license or certificate granted by the examining board which tends to constitute a danger to the health, welfare, or safety of the patient or public.

(h) Practicing medicine and surgery or treating the sick or attempting to do so when unable to do so with reasonable skill and safety to patients.

(i) Offering, undertaking, or agreeing to treat or cure a disease or condition by a secret means, method, device, or instrumentality; or refusing to divulge to the examining board upon demand the means, method, device, or instrumentality used in the treatment of a disease or condition.

(j) Any practice of any branch or system of treating the sick beyond the scope of license or certificate granted therefor.

(k) Representing that a manifestly incurable disease or condition can be or will be permanently cured; or that a curable disease or condition can be cured within a stated time, if such is not the fact.

(l) Knowingly making any false statement, written or oral, in practicing under any license or certificate granted by the examining board.

(m) Willfully divulging a privileged communication or confidence entrusted to him or deficiencies in the character of patients observed in the course of professional attendance, unless lawfully required to do so.

(n) Solicitation of patients, directly, indirectly, or by agents.

(o) Giving or receiving directly or indirectly, to or from any person, firm, or corporation any fee, commission, rebate or other form of compensation or anything of value for sending, referring, or otherwise inducing a person to communicate with a person holding license or certificate granted by the examining board in his professional capacity, or for any professional services not actually rendered personally, or at his direction.

(p) Administering, dispensing, prescribing, or supplying controlled substances as defined in section 161.01(4) Stats., otherwise than in the course of legitimate professional practice, or as otherwise prohibited by law.

(q) Having a license granted by another state to practice medicine or treat the sick limited, restricted, suspended, or revoked, or having been subject to other disciplinary action by the licensing authority thereof.

(r) Conviction of any felony, or of any misdemeanor involving moral turpitude, or of violation of any federal or state law regulating the possession, distribution, or use of controlled substances as defined in section 161.01(4) Stats., which may relate to the practice of medicine or treating the sick. A certified copy of a judgment of a court of record showing such conviction, within this state or without, shall be presumptive evidence thereof.

**History:** Cr. Register, April, 1975, No. 232, eff. 5-1-75.