



2015 SENATE BILL 520

January 7, 2016 - Introduced by Senators HARSDORF, MOULTON, DARLING, MARKLEIN, PETROWSKI, OLSEN and HARRIS DODD, cosponsored by Representatives NYGREN, NOVAK, RIPP, PETRYK, SWEARINGEN, SCHRAA, STEFFEN, LOUDENBECK, SPIROS, CZAJA, HORLACHER, T. LARSON, DUCHOW, SKOWRONSKI, A. OTT, SANFELIPPO, KLEEFISCH, ROHRKASTE, KULP, DOYLE, KOLSTE, BILLINGS, SUBECK and OHNSTAD. Referred to Committee on Health and Human Services.

1 **AN ACT to repeal** 448.05 (6) (at); **to renumber** 440.035; **to amend** 440.035 (title),
2 448.05 (6) (a), 448.07 (1) (b) and 452.12 (4); and **to create** 227.01 (13) (zk) and
3 440.035 (2m) of the statutes; **relating to:** guidelines for prescribing controlled
4 substances and the examination authority of the Medical Examining Board.

Analysis by the Legislative Reference Bureau

This bill makes changes, described as follows, regarding the authority of certain credentialing boards in the Department of Safety and Professional Services:

1. The bill allows the Medical Examining Board (MEB), the Podiatry Affiliated Credentialing Board, the Board of Nursing, the Dentistry Examining Board, and the Optometry Examining Board to each issue guidelines regarding best practices in prescribing controlled substances for persons credentialed by that board who are authorized to prescribe controlled substances.

2. With certain exceptions, current law requires the MEB to examine each applicant it finds eligible in such subject matters as it deems applicable to the class of license or certificate that the applicant seeks to have granted, and provides that examinations may be both written and oral. As an exception to this, however, current law provides that when examining an applicant for a physician license, the MEB may only use examinations prepared, administered, and scored by national examining agencies, except that it may interview an individual applicant as needed to determine information specific to that applicant.

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This bill eliminates this exception providing that the MEB may only use examinations prepared, administered, and scored by national examining agencies with respect to applicants for physician licenses.

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

1 **SECTION 1.** 227.01 (13) (zk) of the statutes is created to read:

2 227.01 (13) (zk) Are guidelines issued under s. 440.035 (2m).

3 **SECTION 2.** 440.035 (title) of the statutes is amended to read:

4 **440.035 (title) General duties and powers of examining boards and**
5 **affiliated credentialing boards.**

6 **SECTION 3.** 440.035 of the statutes is renumbered 440.035 (1m).

7 **SECTION 4.** 440.035 (2m) of the statutes is created to read:

8 440.035 (2m) The medical examining board, the podiatry affiliated
9 credentialing board, the board of nursing, the dentistry examining board, or the
10 optometry examining board may issue guidelines regarding best practices in
11 prescribing controlled substances, as defined in s. 961.01 (4), for persons
12 credentialed by that board who are authorized to prescribe controlled substances.

13 **SECTION 5.** 448.05 (6) (a) of the statutes, as affected by 2013 Wisconsin Act 240,
14 is amended to read:

15 448.05 (6) (a) Except as provided in pars. (am), and (ar), ~~and~~ (at), the board
16 shall examine each applicant it finds eligible under this section in such subject
17 matters as the board deems applicable to the class of license or certificate which the
18 applicant seeks to have granted. Examinations may be both written and oral. In lieu
19 of its own examinations, in whole or in part, the board may make such use as it deems
20 appropriate of examinations prepared, administered, and scored by national

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1 examining agencies, or by other licensing jurisdictions of the United States or
2 Canada. The board shall specify passing grades for any and all examinations
3 required.

4 **SECTION 6.** 448.05 (6) (at) of the statutes, as created by 2013 Wisconsin Act 240,
5 is repealed.

6 **SECTION 7.** 448.07 (1) (b) of the statutes is amended to read:

7 448.07 (1) (b) The board shall maintain the register required by s. 440.035 (4)
8 (1m) (d), which shall be divided according to the activity for which the registrant is
9 licensed or certified. The board shall make copies available for purchase at cost.

10 **SECTION 8.** 452.12 (4) of the statutes is amended to read:

11 452.12 (4) REGISTER OF BROKERS AND SALESPERSONS. The board shall include in
12 the register the board maintains under s. 440.035 (4) (1m) (d) the names of all brokers
13 and salespersons whose licenses were revoked within the past 2 years. The register
14 shall be available for purchase at cost.

15 (END)