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Governor Scott Walker Secretary Dave Ross

**MEDICAL EXAMINING BOARD
LICENSING COMMITTEE
Room 121A, 1400 E. Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
October 16, 2013**

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.

AGENDA

12:00 P.M. OR IMMEDIATELY FOLLOWING THE FULL BOARD MEETING

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-2)**
- B. Approval of Minutes**
 - 1. August 14, 2013 (3-4)**
 - 2. August 23, 2013 (5-6)**
- C. Licensing Changes – Discussion (7-12)**

ADJOURNMENT

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**LICENSURE COMMITTEE
MEDICAL EXAMINING BOARD
MEETING MINUTES
AUGUST 14, 2013**

PRESENT: Kenneth Simons, Timothy Swan, Gene Musser, Timothy Westlake

STAFF: Tom Ryan, Executive Director; Joshua Archiquette, Bureau Assistant; and other
DSPS staff

CALL TO ORDER

Tom Ryan, Executive Director; called the meeting to order at 12:58 a.m. A quorum of 4 (four) members was confirmed.

ADOPTION OF AGENDA

MOTION: Kenneth Simons moved, seconded by Timothy Westlake, to adopt the agenda as published. Motion carried unanimously.

Discussion was held about possible legislative changes regarding licensure but no motions were made on this topic.

ADJOURNMENT

MOTION: Timothy Swan moved, seconded by Kenneth Simons, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:30 p.m.

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**LICENSURE COMMITTEE
MEDICAL EXAMINING BOARD
MEETING MINUTES
AUGUST 23, 2013**

PRESENT: Kenneth Simons, Timothy Swan, Gene Musser, Timothy Westlake

STAFF: Tom Ryan, Executive Director; Nicholas Tank, Bureau Assistant; and other DSPS staff

CALL TO ORDER

Tom Ryan, Executive Director; called the meeting to order at 8:17 a.m. A quorum of four (4) members was confirmed.

ADOPTION OF AGENDA

MOTION: Timothy Westlake moved, seconded by Timothy Swan, to adopt the agenda as published. Motion carried unanimously.

Licensing Changes

MOTION: Kenneth Simons moved, seconded by Gene Musser, to adopt the revised draft as the committee's current working document. Motion carried unanimously.

ADJOURNMENT

MOTION: Kenneth Simons moved, seconded by Gene Musser, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 9:43 p.m.

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State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2237/P1
MED:jld:jm

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** to renumber and amend 448.05 (2); to amend 448.05 (1) (d) and 448.05
2 (6) (a); and to create 448.04 (1) (bm), 448.05 (2) (a) 3. to 5., 448.05 (2) (c), 448.05
3 (2) (d) and 448.05 (6) (at) of the statutes; relating to: licensure of physicians
4 and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

5 SECTION 1. 448.04 (1) (bm) of the statutes is created to read:
6 448.04 (1) (bm) *Restricted license to practice medicine and surgery.* 1. The
7 board may grant a restricted license to practice medicine and surgery as a resident
8 enrolled in a postgraduate training program to an applicant who satisfies the
9 requirements under s. 448.05 (2) (a) 1., 2., and 5.

***NOTE: Please review this provision and the cross-references and confirm that they are correct.

1 2. Subject to subd. 3., a license issued under this paragraph is valid for one year,
2 except that the board may allow a licensee to renew a license in accordance with rules
3 promulgated by the board.

4 3. A license issued under this paragraph remains valid only while the licensee
5 is actively engaged in the practice of medicine and surgery in the postgraduate
6 training program and is lawfully entitled to work in the United States.

7 4. The holder of a license issued under this paragraph may engage in the
8 practice of medicine and surgery only in connection with his or her duties under the
9 postgraduate training program or under conditions approved by the director of the
10 program.

11 **SECTION 2.** 448.05 (1) (d) of the statutes is amended to read:

12 448.05 (1) (d) Be found qualified by three-fourths of the members of the board,
13 except that an applicant for a temporary license under s. 448.04 (1) (b) 1. and 3., (e),
14 and (g) or a restricted license under s. 448.04 (1) (bm) must be found qualified by 2
15 members of the board.

***NOTE: This provision allows a restricted license to be granted by two members of the MEB, like a temporary license, instead of three-fourths of the board, which is required for a regular license. I thought this change should be made so that restricted licenses are more similar to temporary licenses, but if you would like to require three-fourths approval for the restricted license, let me know and I can delete this change.

16 **SECTION 3.** 448.05 (2) of the statutes is renumbered 448.05 (2) (a) (intro.) and
17 amended to read:

18 448.05 (2) (a) (intro.) An Except as provided in par. (b), an applicant for any
19 class of license to practice medicine and surgery, other than a restricted license under

1 s. 448.04 (1) (bm), must supply evidence satisfactory to the board ~~that~~ of all of the
2 following:

3 1. That the applicant is a graduate of and possesses a diploma from a medical
4 or osteopathic college approved by the board and,

5 2. That the applicant has completed postgraduate training of 12 months in a
6 facility approved by the board.

7 (b) If an applicant is a graduate of a foreign medical school ~~which~~ that has not
8 been approved by the board, and if such applicant ~~has had postgraduate training in~~
9 this country in a 12-month program approved by the board satisfies the
10 requirements under par. (a) 2. to 5. or has had other professional experience ~~which~~
11 that the board deems has given the applicant the education and training
12 substantially equivalent, and if such applicant has passed the examinations given
13 by the educational council for foreign medical graduates or its successors, the board
14 may make such additional inquiry including a personal interview as satisfies it that
15 the applicant has had such education and training. If a majority of the board is so
16 satisfied, the applicant may then be admitted to examination for a license to practice
17 medicine and surgery. If an applicant is a graduate of a foreign medical school that
18 has not been approved by the board, and such foreign medical school requires either
19 social service or internship or both of its graduates, and if such applicant has not
20 completed such requirements but has completed a 12-month supervised clinical
21 training program under the direction of a medical school approved by the board and
22 has complied with all other requirements of this subsection for graduates of foreign
23 medical schools not approved by the board, the applicant may then be admitted to
24 examination for a license to practice medicine and surgery.

****NOTE: Please review this provision carefully. This is structured so that an applicant who graduated from a foreign medical school not approved by the MEB would otherwise have to satisfy all of the other requirements required for other applicants. However, the language in current law appears to allow the MEB to exempt foreign medical school graduates from these requirements if they have equivalent professional experience. Please let me know if this language should be further modified.

Current law also appears to distinguish between applicants from foreign medical schools who have had 12 months of postgraduate training vs. those who have completed a 12-month supervised clinical training program. Let me know if you would not like to maintain this distinction, or if this language about 12-month clinical programs should be modified.

1 **SECTION 4.** 448.05 (2) (a) 3. to 5. of the statutes are created to read:

2 448.05 (2) (a) 3. Subject to par. (d), that the 12 months of postgraduate training
3 under subd. 2. were completed in 12 consecutive months.

4 4. Subject to par. (d), that the applicant is in good standing with the
5 postgraduate training program in which the applicant completed the training under
6 subd. 2. or, if the applicant has left the program, that the applicant left the program
7 in good standing.

****NOTE: Please review this provision. Does this accomplish your intent?

8 5. That the applicant, if he or she has not already successfully ~~completed~~
9 completed a postgraduate training program, is currently enrolled in a postgraduate
10 training program.

****NOTE: Please review this provision. Does this accomplish your intent?

11 **SECTION 5.** 448.05 (2) (c) of the statutes is created to read:

12 448.05 (2) (c) An applicant for a restricted license under s. 448.04 (1) (bm) shall
13 provide the board with all of the following:

14 1. Written confirmation from the medical school or other institution sponsoring
15 the postgraduate training program in which the applicant is enrolled confirming
16 that the applicant has been appointed to a position in the program.

17 2. Evidence that the applicant is a U.S. citizen or is otherwise lawfully entitled
18 to work in the United States.

1 **SECTION 6.** 448.05 (2) (d) of the statutes is created to read:

2 448.05 (2) (d) The board may promulgate rules specifying circumstances in
3 which the board, in cases of hardship or in cases in which the applicant possesses a
4 medical license issued by another jurisdiction, may grant a waiver from the
5 requirements under par. (a) 3. and 4. The board may grant such a waiver in
6 accordance with those rules.

 ***NOTE: As I understood it, the waiver would be for people who had to take some
 kind of leave due to hardship. Does this language capture the intent? I also had it apply
 to the requirement under subd. 4. that the applicant left a program in good standing. Let
 me know if the hardship waiver should not apply to this requirement.

 This provision also allows the MEB to promulgate rules to exempt physicians who
 are licensed in other states from these requirements. It is my understanding that the
 concept of "board eligible/board certified" refers to physicians who are eligible to take an
 exam for, or certified in, a particular medical specialty, and not their general MD/DO
 license, so I simply referred to applicants licensed in other jurisdictions.

7 **SECTION 7.** 448.05 (6) (a) of the statutes is amended to read:

8 448.05 (6) (a) Except as provided in pars. (am) and, (ar), and (at), the board
9 shall examine each applicant it finds eligible under this section in such subject
10 matters as the board deems applicable to the class of license or certificate which the
11 applicant seeks to have granted. Examinations may be both written and oral. In lieu
12 of its own examinations, in whole or in part, the board may make such use as it deems
13 appropriate of examinations prepared, administered, and scored by national
14 examining agencies, or by other licensing jurisdictions of the United States or
15 Canada. The board shall specify passing grades for any and all examinations
16 required.

17 **SECTION 8.** 448.05 (6) (at) of the statutes is created to read:

18 448.05 (6) (at) When examining an applicant for a license to practice medicine
19 and surgery under par. (a), the board may only use examinations prepared,
20 administered, and scored by national examining agencies, except that the board may

1 interview an individual applicant as needed to determine information specific to that
2 applicant.

3 **SECTION 9. Initial applicability.**

4 (1) The treatment of section 448.05 (6) (a) and (at) of the statutes first applies
5 to an applicant who is admitted to examination for a license to practice medicine and
6 surgery by the medical examining board under section 448.05 (2) of the statutes, as
7 affected by this act, on the effective date of this subsection.

8 (2) The renumbering and amendment of section 448.05 (2) of the statutes and
9 the creation of section 448.05 (2) (a) 3. to 5. of the statutes first apply to an application
10 for a license to practice medicine and surgery under section 448.05 (2) of the statutes,
11 as affected by this act, that is received by the medical examining board on the
12 effective date of this subsection.

***NOTE: I was not entirely sure how the initial applicability should work. Please
review these and let me know if further changes are needed.

13 **SECTION 10. Effective date.**

14 (1) This act takes effect on the first day of the 12th month beginning after
15 publication.

***NOTE: Because of the rule making required under the bill, I have included a
delayed effective date. I chose one year, but let me know if you would like something
different.

16 (END)