

MEDICAL EXAMINING BOARD 2013 ANNUAL REPORT



(January 1, 2013 – December 31, 2013)

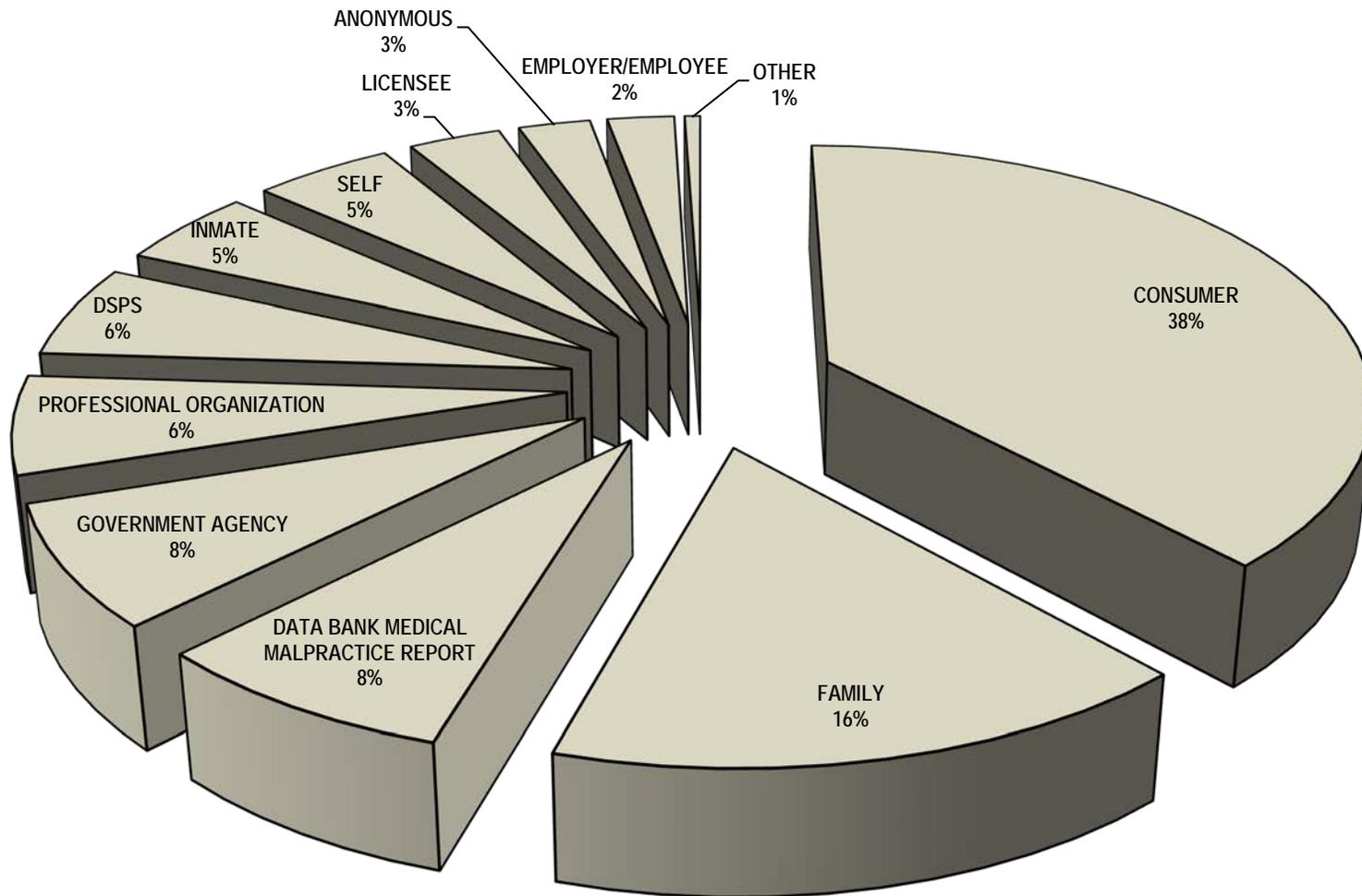
DIVISION OF LEGAL SERVICES AND COMPLIANCE

The Division of Legal Services and Compliance (DLSC) provides legal services to professional boards and regulated industries. A separately funded Prosecution Team serving the Medical Examining Board and its affiliated Credentialing Boards consists of intake staff, investigators, paralegals, prosecutors, and a designated board counsel. DLSC also monitors compliance with disciplinary orders and administers the Professional Assistance Procedure -- a confidential monitoring program for impaired professionals.

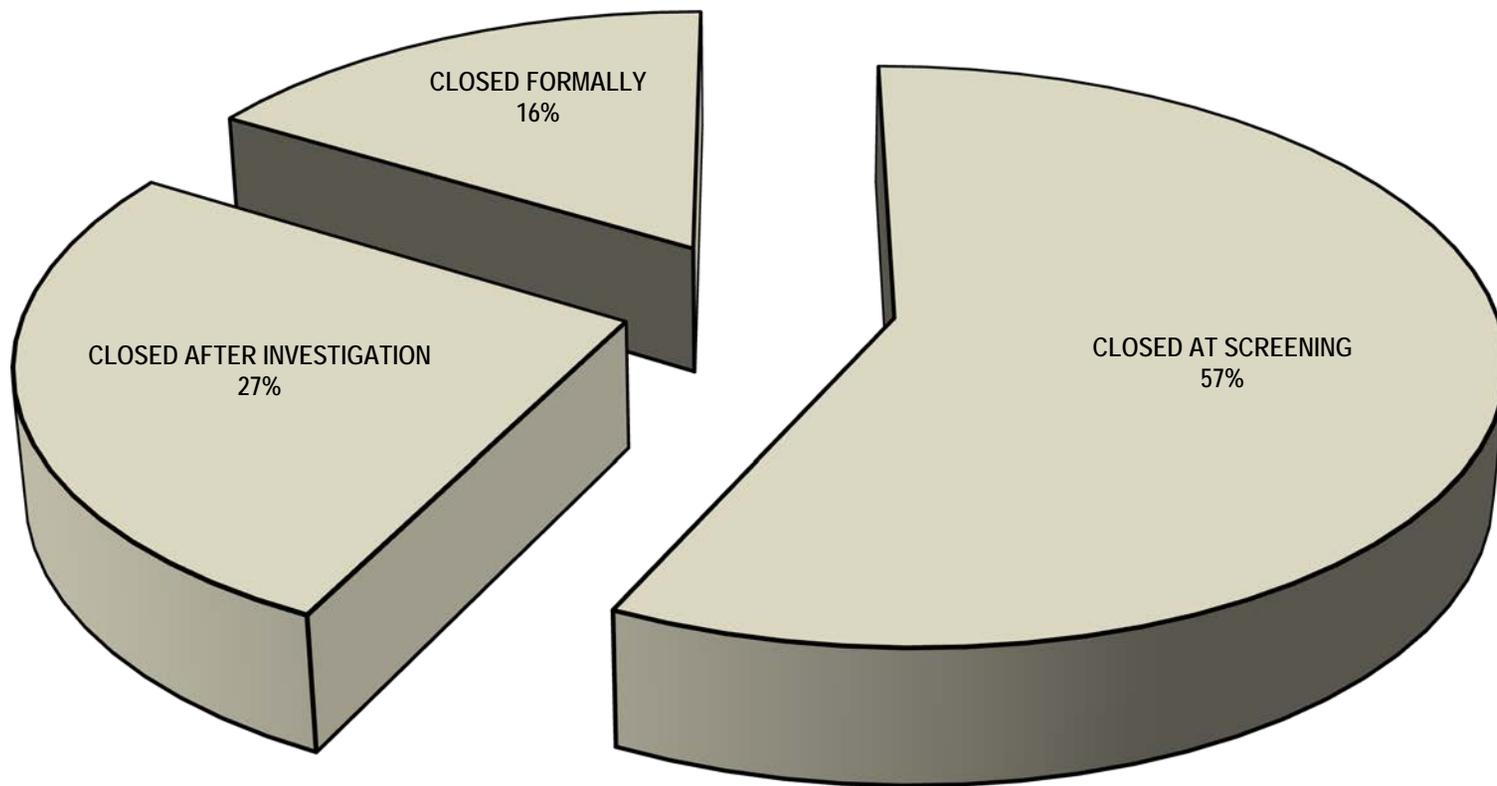
2013 Key DLSC Statistics/Information for the Medical Examining Board (MEB):

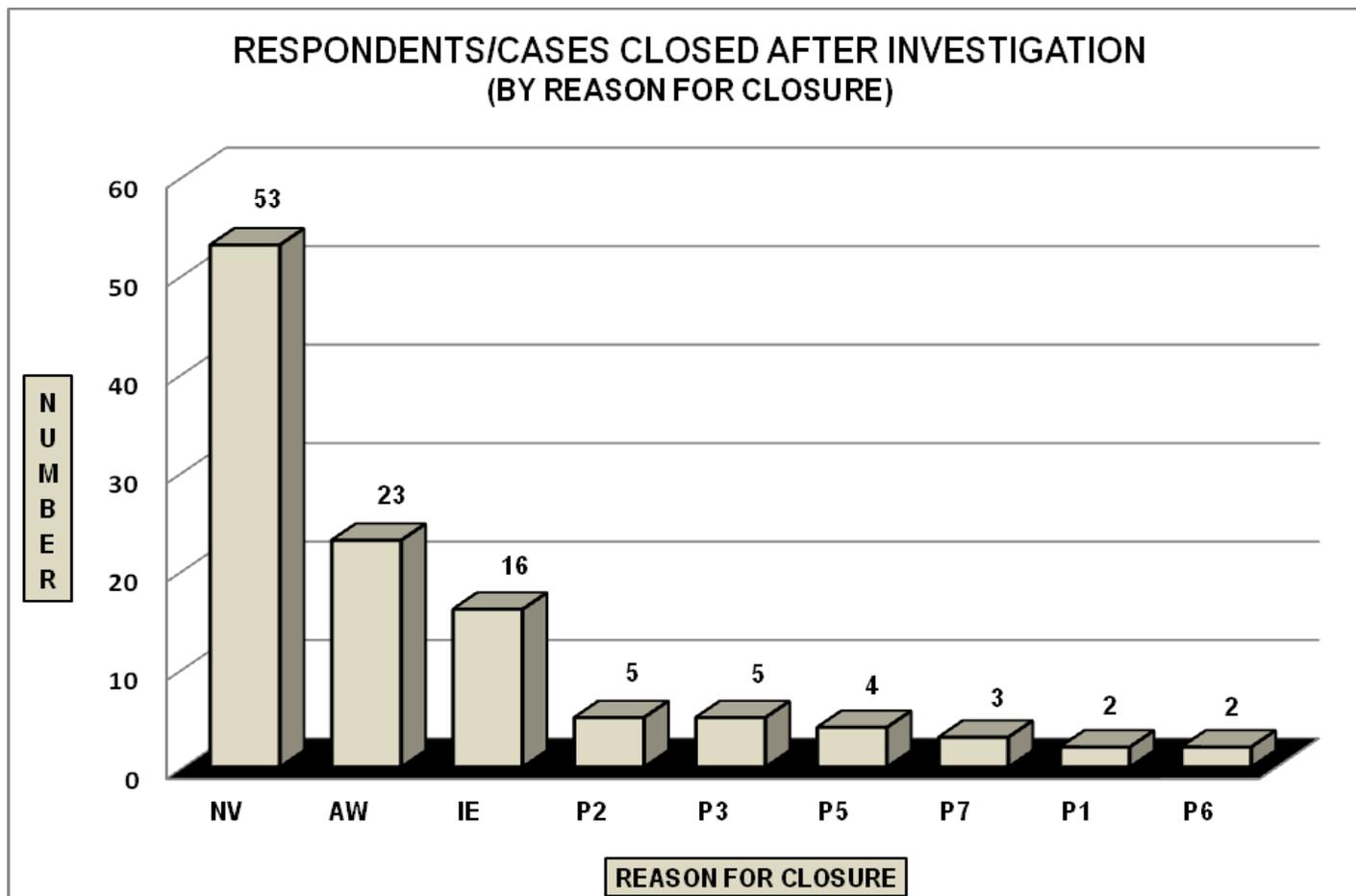
- Complaints Received: **542**
- Approximately **50%** of complaints received are closed at screening.
- Complaints Resolved:
 - Respondents/cases closed by the MEB Formally: **74**
 - Respondents/cases closed by the MEB after Investigation (without a Formal Order): **120**
 - 23 (of the 120) were Administrative Warnings
 - Respondents/cases closed by the MEB's Screening Panel: **259**
- MEB case backlog eliminated: Cases pending from **Year 2011 (9)** and **Year 2012 (31)**
- DLSC compliance with statutory deadlines (death and three year cases): **100%**
- Average resolution time for Closed Formally: **9.59** months; Closed after Investigation: **6.38** months
- Most common discipline issued by the Board: Reprimands and License Limitations.
- Primary source of complaints originated from consumers
- As of March 11, 2014, **155** active physicians are being monitored.
- As of March 11, 2014, **21** active physicians are enrolled in the Professional Assistance Procedure.
- Paperless case screening initiative for Medical Examining Board Screening Panel was implemented.

SOURCE OF COMPLAINTS



RESPONDENTS/CASES CLOSED - YEAR 2013





- **NO VIOLATION OF STATUTES OR RULES** - There is sufficient evidence to show that no violation of statutes or rules occurred.
- **ADMINISTRATIVE WARNING** - There was an Administrative Warning issued to the credential holder pursuant to Sec. 440.205, Stats. Administrative warnings do not constitute disciplinary action or the imposition of discipline and may not be used as evidence that the credential holder is guilty of the alleged misconduct.
- **INSUFFICIENT EVIDENCE FOR PROSECUTION (IE)** - There is insufficient evidence to meet the standard of proof required to prove that a violation occurred.
- **PROSECUTORIAL DISCRETION (P2)** - There may have been a minor or technical violation but a decision was made not to commence formal disciplinary action on the grounds that compliance with statutes or rules has been gained.
- **PROSECUTORIAL DISCRETION (P3)** - There may have been a violation that is more than a minor or technical violation. However, it is not a violation, which caused serious harm, and a determination has been made that the expenditure of resources required to pursue the violation would greatly exceed the value to the public of having the matter pursued.
- **PROSECUTORIAL DISCRETION (P5)** - There may have been a violation, but because the person or entity in question cannot be located, is no longer actively practicing or does not have a current credential to practice, a decision was made to close the case and place a "FLAG OR HOLD" on the credential in accordance with the Department's "Hold Status and Flagged Credentials" Policy. In the event that the person or entity is located, an application for renewal of the credential is received or the credential is renewed, the case may be re-opened and reconsidered.
- **PROSECUTORIAL DISCRETION (P7)** - There may have been a violation, but the regulatory authority has taken action in regard to this credential holder that addressed the conduct and further action is unnecessary.
- **PROSECUTORIAL DISCRETION (P1)** - There may have been a minor or technical violation but a decision was made not to commence formal disciplinary action because the incident in question was not seriously harmful to the public.
- **PROSECUTORIAL DISCRETION (P6)** - There may have been a violation, but litigation is pending which involves the credential holder and affects the licensing authority's ability to investigate the case. At the conclusion of the litigation, the case will be reviewed and the licensing authority may consider the case once again.

TYPE OF DISCIPLINE/OUTCOME ISSUED FROM FINAL DECISIONS and ORDERS	
TYPE OF DISCIPLINE/OUTCOME	NUMBER
REPRIMAND - Findings	31
LIMITATION REQUIRING EDUCATION/TESTING - Findings	15
SUSPENSION - Findings	15
LIMITATION RESTRICTING PRACTICE - Findings	13
SURRENDER/AGREEMENT NOT TO RENEW/PERMANENT RELINQUISHMENT - No Findings	11
LIMITATION REQUIRING REPORTS - Findings	9
LIMITATION REQUIRING TREATMENT - Findings	6
SURRENDER/AGREEMENT - IF REAPPLY BOARD MAY IMPOSE LIMITATIONS - No Findings	5
LIMITATION - MAINTAIN COMPLIANCE WITH EACH TERM OF ANOTHER STATE ORDER - Findings	4
LIMITATION REQUIRING SCREENS - Findings	4
LIMITATION RESTRICTING PRACTICE - No Findings	4
LIMITATION REQUIRING ASSESSMENT - Findings	2
LIMITATION REQUIRING EDUCATION/TESTING - No Findings	2
LIMITATION REQUIRING MENTOR/SUPERVISION - Findings	2
REVOCAION - Findings	2
SUSPENSION - No Findings	2
SUSPENSION (STAYED) - Findings	2
SUSPENSION (SUMMARY)	2
DENIAL (Apply for licensure after surrendering)	1
LIMITATION - MAINTAIN COMPLIANCE WITH EACH TERM OF ANOTHER STATE ORDER - No Findings	1
SHALL NOT REREGISTER LICENSE - Findings	1
SURRENDER/AGREEMENT - IF REAPPLY BOARD MAY IMPOSE LIMITATIONS - Findings	1
SURRENDER/AGREEMENT - REQUIREMENTS TO BE MET BEFORE REAPPLYING - Findings	1
TOTAL	136

Limitation: Wis. Stat. § 440.01(1)(d) to mean “to impose conditions and requirements upon the holder of the credential, and to restrict the scope of the holder’s practice.”

Reprimand: Wis. Stat. § 440.01(1)(e) to mean “publicly warn the holder of a credential.”

Revocation: Wis. Stat. § 440.01(f) to mean “to completely and absolutely terminate the credential and all rights, privileges and authority previously conferred by the credential.”

Suspension: Wis. Stat. § 440.01(h) to mean “to completely and absolutely withdraw and withhold for a period of time all rights, privileges and authority previously conferred by the credential.” Licensee may not engage in the practice of the profession during term of suspension.

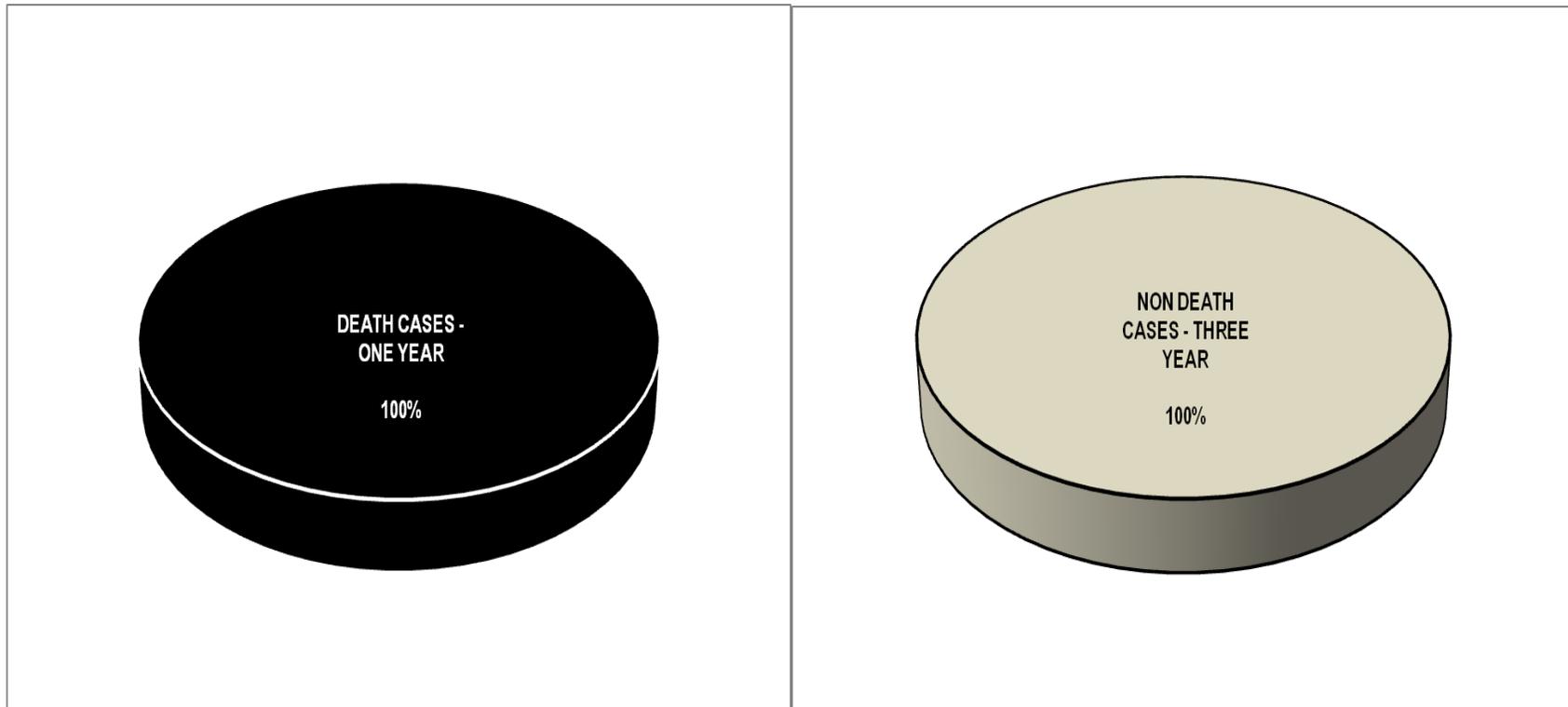
Suspension (Summary): Wis. Admin. Code § SPS 6.01(3) provides that summary suspension may be used when the facts establish “that the respondent has engaged in or is likely to engage in conduct such that the public health, safety or welfare imperatively requires emergency suspension of the respondent’s license.” If summary suspension issued by Board, a formal complaint must be filed shortly thereafter and the hearing must be held promptly, so it is critical that all evidence is ready, including expert testimony if necessary. The Respondent has the right to a Hearing to Show Cause under the provisions of Wis. Admin. Code § SPS 6.09.

Voluntary Surrender: A voluntary relinquishment of a credential as a means of resolving the matter.

Notes

- The total number of disciplines/outcomes will be higher than the number of Final Decisions and Orders. A Final Decision and Order may involve multiple discipline/outcomes.
- This chart does not include Administrative Warnings because they are not considered discipline.

PERCENTAGE OF CASES/RESPONDENTS THAT MET THE STATUTORY DEADLINE IN 2013



Wis. Stat. § 448.02(3)(cm) – The Board may initiate disciplinary action against a physician no later than one year after initiating an investigation of an allegation involving the death of a patient and no later than three years after initiating an investigation of any other allegation, unless the Board shows to the satisfaction of the Secretary that a specified extension of time is necessary for the Board to determine whether a physician is guilty of unprofessional conduct or negligence in treatment.

Date initiating an investigation – Wis. Admin. Code § SPS 2.20(2) Computing Time Limits. In computing time limits under s. 448.02(3)(cm), the date of initiating an investigation shall be the date of the decision to commence an investigation of an informal complaint following the screening of the informal complaint under s. SPS 2.023, except that if the decision to commence an investigation of an informal complaint is made more than 45 days after the date of receipt of the informal complaint in the division, or if no screening of the informal complaint is conducted, the time for initiating an investigation shall commence 45 days after the date of receipt of the informal complaint in the division. The date that the Medical Examining Board initiates a disciplinary action is the date that a disciplinary proceeding is commenced under s. SPS 2.04.

MONITORING and PAP

LICENSEES IN MONITORING PROGRAM AS OF MARCH 11, 2014 - Active: 155

Active monitoring is the monitoring of cases with pending requirements with specific due dates or timeframes. Such cases require considerable resources/action by monitoring staff to ensure compliance. Examples of these requirements are costs, work reports, drug screens, therapy, etc.

Types of disciplines/actions that require monitoring:

1. **Remedial Education:** The licensee is required to take continuing education in a specific topic.
2. **Exam:** The licensee is required to take and pass successfully an examination (ex. FSMB's Special Purpose Examination).
3. **Impairment:** The licensee is suspended for a period ordinarily of five years with stays allowing the licensee to practice as long as the licensee remains in compliance with the Order. The licensee must usually undergo random drug screens, attend AA/NA meetings, enter into treatment, submit self reports, and arrange for therapy reports and mentor reports.
4. **Limitations:** Impose conditions and requirements upon the holder of the credential, or restrict the scope of the holder's practice, or both.
5. **Mentor:** The licensee is required to have a professional mentor, who provides practice consultations and evaluations as specified by the Order.
6. **Reports:** The licensee is required to have reports by a therapist or supervisor submitted to the Department.
7. **Revocation:** The licensee must return their license to DSPS and is prohibited from practice in the State of Wisconsin. If the credential holder reapplies for licensure, the Board may grant the license with or without conditions.
8. **Suspension:** A licensee is suspended from practice for a set period of time or indefinitely. Some suspensions may be stayed under specific conditions.
9. **Voluntary Surrender:** The licensee surrenders the registration and/or license. The licensee is prohibited from practice in the State of Wisconsin. If the person reapplies for licensure, the Board may grant the license with or without conditions. Some Orders prohibit the licensee from seeking reinstatement/reapplying after surrendering.

LICENSEES ENROLLED IN PROFESSIONAL ASSISTANCE PROCEDURE (PAP) AS OF MARCH 11, 2014: 21

- For the majority of chemically dependent professionals, this is an opportunity to seek treatment without losing their professional credentials.
- PAP promotes early identification of chemically dependent professionals and encourages their rehabilitation.
- PAP offers participants an opportunity to obtain treatment for chemical dependency while ensuring that immediate action can be taken should a participant relapse or drop out of treatment. Participation in PAP will not exempt the professional from discipline.
- PAP does not provide treatment, but monitors participants' progress in treatment with an approved treatment provider.

DIVISION OF PROFESSIONAL CREDENTIAL PROCESSING

The Division of Professional Credential Processing (DPCP) issues over 230 types of credentials and renews these credentials on annual, biennial, or 4-year cycles. The DPCP also processes the verification requests of Wisconsin credential-holders seeking reciprocal credentials in other states.

The DPCP provides a specially funded team of credentialing specialists to the Medical Examining Board, and these specialists process those applications for physicians and associated professionals. The Medical Team ensures applications meet eligibility requirements established in Wisconsin statutes and administrative code, and annually issues over 2,000 new physician credentials and biennially renews over 22,000 licenses.

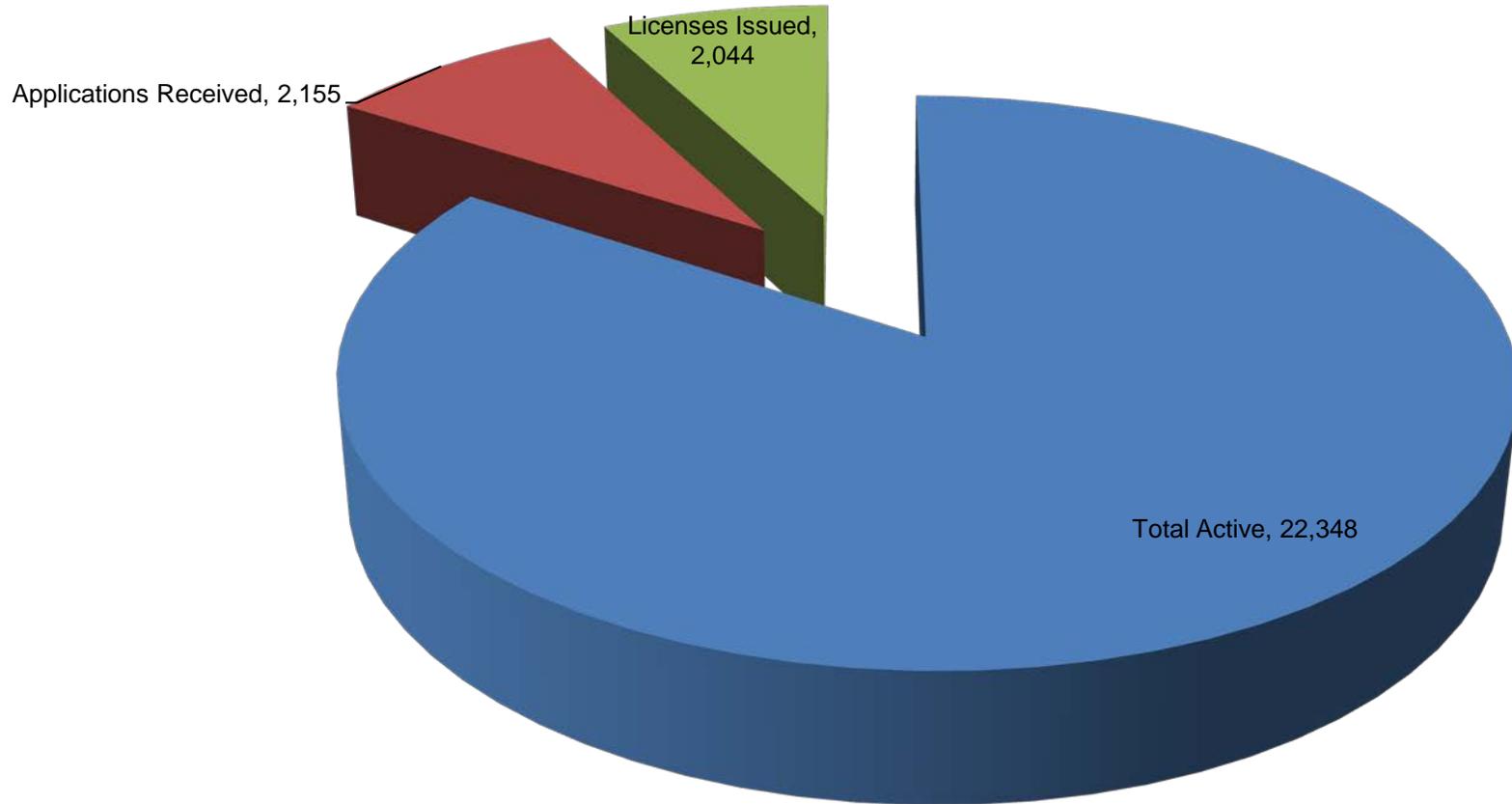
During 2013, the Medical Team worked to streamline application forms and credentialing processes to ensure those applicants seeking licensure by the Medical Examining Board had their applications processed in a timely manner.

2013 Key DPCP statistics for the Medical Examining Board:

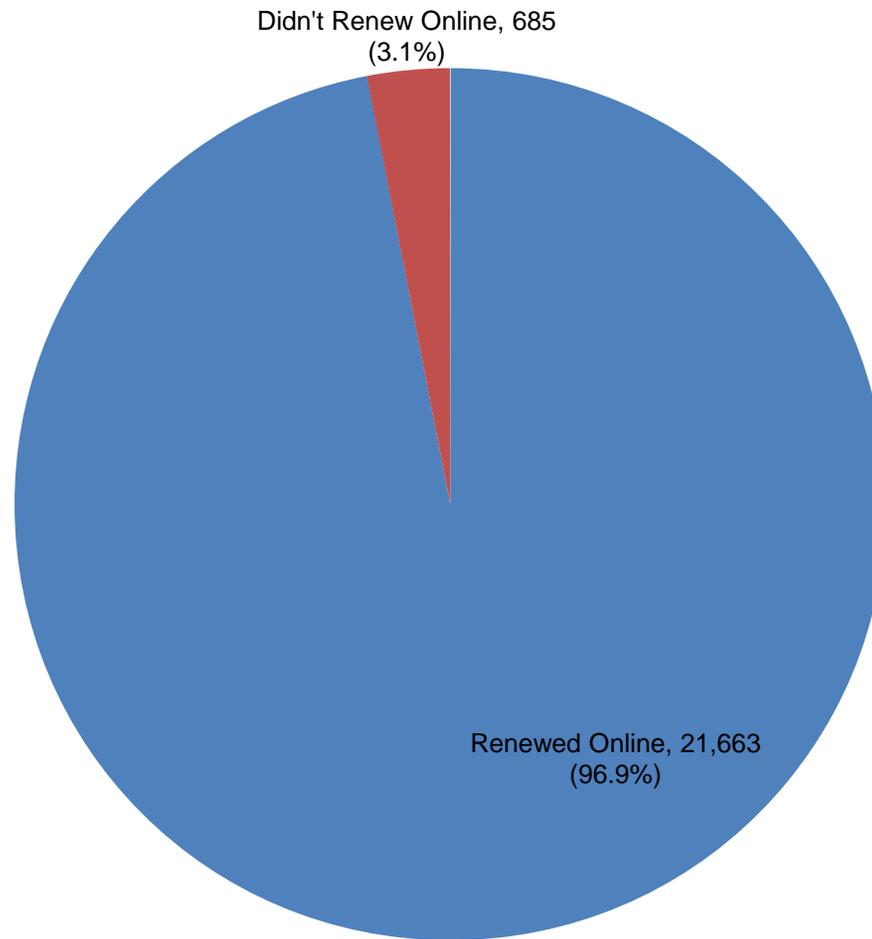
- Applications received: **2,155**
- Licenses issued: **2,044**
- Average new application review time: **7-10 business days**
 - In most cases, licenses were issued on the same day that all documents were received and requirements were met.
- Licenses renewed: **22,348**
- Licenses renewed online: **21,663** or **96.9%**.
- Verifications completed: **1,647**
- Applicants that sat for the oral exam: **98**
- Applicants that passed the oral exam: **84**

Note: During 2012, DPCP received 1,584 applications and issued 1,418 licenses.

2013 MD/DO Credentialing Activity



Total Licenses Renewed in 2013



MDs/DOs by Age

