



**VIRTUAL/TELECONFERENCE
MEDICAL EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Valerie Payne (608) 266-2112
December 16, 2020**

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

8:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

A. Adoption of Agenda (1-5)

B. Approval of Minutes of November 18, 2020 (6-11)

C. Introductions, Announcements and Recognition

D. Conflicts of Interest

E. Administrative Matters – Discussion and Consideration

- 1) Board, Department and Staff Updates
- 2) Board Members – Term Expiration Dates
 - a. Milton Bond, Jr. – 7/1/2023
 - b. David A. Bryce – 7/1/2021
 - c. Clarence Chou – 7/1/2023
 - d. Padmaja Doniparthi – 7/1/2021
 - e. Diane Gerlach – 7/1/2024
 - f. Sumeet Goel – 7/1/2023
 - g. Michael Parish – 7/1/2023
 - h. David Roelke – 7/1/2021
 - i. Rachel Sattler – 7/1/2024
 - j. Sheldon Wasserman – 7/1/2023
 - k. Lemuel Yerby – 7/1/2024
 - l. Emily Yu – 7/1/2024
- 3) Appointments, Reappointments, Confirmations, and Committee, Panel and Liaison Appointments
- 4) Assignment of Screening Panel and Examination Panel Liaisons
- 5) Wis. Stat. § 15.085 (3)(b) – Affiliated Credentialing Boards’ Biannual Meeting with the Medical Examining Board to Consider Matters of Joint Interest

F. 8:00 A.M. Public Hearing: CR 20-053 – Med 13, Relating to Continuing Medical Education for Physicians (12-19)

- 1) Review and Respond to Public Comments and Clearinghouse Report
- G. **8:00 A.M. Public Hearing: Scope Statement SS 146-20 – Med 13, Relating to Continuing Medical Education Requirements (20-21)**
 - 1) Review and Respond to Public Comments
- H. Legislative and Policy Matters – Discussion and Consideration
- I. **Administrative Rule Matters – Discussion and Consideration (22)**
 - 1) Review of Preliminary Draft Rules of the Podiatry Affiliated Credentialing Board **(23-28)**
 - 2) Proposals for MED 13, Relating to Continuing Medical Education Requirements **(29-32)**
 - 3) Administrative Rules Reporting Requirement Under 227.29, Stats. **(33-35)**
 - a. Review of 2021 Report
 - 4) Pending or Possible Rulemaking Projects
 - a. Standard of Care – Performance of Physical Examinations
- J. **CE Broker – Discussion and Consideration**
- K. **Creation of Physician Assistant Scope of Practice Sub-Committee**
- L. **COVID-19 – Discussion and Consideration**
- M. Federation of State Medical Boards (FSMB) Matters – Discussion and Consideration
- N. Controlled Substances Board Report
- O. **Interstate Medical Licensure Compact Commission (IMLCC) – Report from Wisconsin’s Commissioners – Discussion and Consideration**
 - 1) Compact Application Process & License Options
- P. **Wisconsin Medical Society Request: Physician Wellness Program Advisory Committee – Discussion and Consideration (36)**
- Q. **Newsletter Matters – Discussion and Consideration**
- R. **Screening Panel Report**
- S. Future Agenda Items
- T. Discussion and Consideration of Items Added After Preparation of Agenda:
 - 1) Introductions, Announcements and Recognition
 - 2) Elections, Appointments, Reappointments, Confirmations, and Committee, Panel and Liaison Appointments
 - 3) Administrative Matters
 - 4) Election of Officers
 - 5) Appointment of Liaisons and Alternates
 - 6) Delegation of Authorities
 - 7) Education and Examination Matters
 - 8) Credentialing Matters
 - 9) Practice Matters
 - 10) Legislative and Policy Matters
 - 11) Administrative Rule Matters
 - 12) Liaison Reports

- 13) Board Liaison Training and Appointment of Mentors
- 14) Informational Items
- 15) Division of Legal Services and Compliance (DLSC) Matters
- 16) Presentations of Petitions for Summary Suspension
- 17) Petitions for Designation of Hearing Examiner
- 18) Presentation of Stipulations, Final Decisions and Orders
- 19) Presentation of Proposed Final Decisions and Orders
- 20) Presentation of Interim Orders
- 21) Petitions for Re-Hearing
- 22) Petitions for Assessments
- 23) Petitions to Vacate Orders
- 24) Requests for Disciplinary Proceeding Presentations
- 25) Motions
- 26) Petitions
- 27) Appearances from Requests Received or Renewed
- 28) Speaking Engagements, Travel, or Public Relation Requests, and Reports

U. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), and 448.02(8), Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

V. Credentialing Matters

- 1) **Full Board Oral Examination**
 - a. 9:00 A.M. APPEARANCE – Michael Perez Rodriguez **(37-115)**
- 2) **Application Review**
 - a. Navkiran Dhillon **(116-138)**
 - b. Pamela Vincent **(139-185)**
 - c. Cully White **(186-280)**

W. Deliberation on DLSC Matters

- 1) **Complaints**
 - a. 19 MED 545 – D.J.A. **(281-283)**
- 2) **Proposed Stipulations, Final Decisions and Orders**
 - a. 18 MED 487 – Dennis J. Maiman, M.D. **(284-289)**
 - b. 18 MED 713 – Mohammad R. Khan, M.D. **(290-295)**
 - c. 20 MED 194 – John C. Wynsen, M.D. **(296-305)**
 - d. 20 MED 209 – Laurie B. Scheidegger, R.C.P. **(306-311)**
- 3) **Case Closings**
 - a. 17 MED 517 – D.I.S. **(312-316)**
 - b. 18 MED 101 – K.L. **(317-337)**
 - c. 18 MED 487 – H.S. **(338-352)**
 - d. 19 MED 545 – D.J.A. **(353-361)**
 - e. 19 MED 254 – A.K.N. **(362-369)**
 - f. 20 MED 158 – W.D.L. **(370-375)**

g. 20 MED 342 – K.S. **(376-382)**

4) Monitoring Matters (383-384)

a. Westcot G. Krieger, M.D. – Requesting Reinstatement of Full Licensure **(385-417)**

b. Raymond Watts, M.D. – Requesting Full Licensure **(418-442)**

X. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Order
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Complaints
- 15) Case Closings
- 16) Board Liaison Training
- 17) Petitions for Extension of Time
- 18) Petitions for Assessments and Evaluations
- 19) Petitions to Vacate Orders
- 20) Remedial Education Cases
- 21) Motions
- 22) Petitions for Re-Hearing
- 23) Appearances from Requests Received or Renewed

Y. Open Cases

Z. Consulting with Legal Counsel

- 1) 20 MED 043 – Tatjana Stevanovic **(443)**
- 2) CME Violation Procedures
- 3) Return to Practice After Out of State Service

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

AA. Vote on Items Considered or Deliberated Upon in Closed Session if Voting is Appropriate

BB. Open Session Items Noticed Above Not Completed in the Initial Open Session

CC. Delegation of Ratification of Examination Results and Ratification of Licenses and Certificates

ADJOURNMENT

ORAL EXAMINATION OF CANDIDATES FOR LICENSURE

VIRTUAL/TELECONFERENCE

10:00 A.M. OR IMMEDIATELY FOLLOWING THE FULL BOARD MEETING

CLOSED SESSION – Reviewing Applications and Conducting Oral Examination of **zero (0)** (at time of agenda publication) Candidates for Licensure – **Dr. Gerlach** and **Dr. Goel**

NEXT DATE: JANUARY 20, 2020

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board’s agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
MEDICAL EXAMINING BOARD
MEETING MINUTES
NOVEMBER 18, 2020**

PRESENT: Milton Bond, Jr. (*arrived at 8:14 a.m.*), David Bryce, M.D; Clarence Chou, M.D.; Padmaja Doniparthi, M.D.; Diane Gerlach, D.O.; Sumeet Goel, D.O.; Michael Parish, M.D.; David Roelke, M.D.; Rachel Sattler (*excused at 10:00 a.m.*); Sheldon Wasserman, M.D.; Lemuel Yerby, M.D.; Emily Yu, M.D.

STAFF: Valerie Payne, Executive Director; Yolanda McGowan, Legal Counsel; Megan Glaeser, Bureau Assistant; and other Department staff

CALL TO ORDER

Sheldon Wasserman, Chairperson, called the meeting to order at 8:00 a.m. A quorum was confirmed with eleven (11) members present.

ADOPTION OF AGENDA

Amendment to the Agenda

- Closed Session: Under item “R. Credentialing Matters” **REMOVE** “2) Waiver of Post Graduate Training; a. Tatjana Stevanovic”

MOTION: David Roelke moved, seconded by Diane Gerlach, to adopt the Agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF OCTOBER 21, 2020

Amendment to the Minutes

- Amend the title for Diane Gerlach to D.O.

MOTION: David Roelke moved, seconded by Padmaja Doniparthi, to approve the Minutes of October 21, 2020 as amended. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Appointments, Reappointments, Confirmations, and Committee, Panel and Liaison Appointments

LIAISON APPOINTMENTS	
PA Committee	Sumeet Goel, Lemuel Yerby, David Bryce, Jennifer Jarrett

(Milton Bond, Jr. arrived at 8:14 a.m.)

CLOSED SESSION

MOTION: David Bryce moved, seconded by Rachel Sattler, to convene to Closed Session to deliberate on cases following hearing (§ 19.85(1)(a), Stats.); to

consider licensure or certification of individuals (§ 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85(1)(b), Stats. and § 448.02(8), Stats.); to consider individual histories or disciplinary data (§ 19.85(1)(f), Stats.); and to confer with legal counsel (§ 19.85(1)(g), Stats.). Sheldon Wasserman, Chairperson, read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Milton Bond, Jr.-yes; David Bryce-yes; Clarence Chou-yes; Padmaja Doniparthi-yes; Diane Gerlach-yes; Sumeet Goel-yes; Michael Parish-yes; David Roelke-yes; Rachel Sattler-yes; Sheldon Wasserman-yes; Lemuel Yerby-yes; and Emily Yu-yes. Motion carried unanimously.

The Board convened into Closed Session at 8:37 a.m.

CREDENTIALING MATTERS

Application Review

Michael Perez Rodriguez

MOTION: Sumeet Goel moved, seconded by Michael Parish, to find that Michael Perez Rodriguez is subject to an oral exam pursuant to Wis. Admin. Code § Med 1.06(1), and to require that he come before the full board to evaluate the applicant's eligibility for a license to practice medicine and surgery. Motion carried unanimously.

Cully White

MOTION: David Roelke moved, seconded by Diane Gerlach, to table action on the application review of Cully White for reinstatement of licensure in order to obtain additional information which will assist the board in its determination. Motion carried unanimously.

DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Stipulations, Final Decisions and Orders

18 MED 313 – Cindy Wood, M.D.

MOTION: Clarence Chou moved, seconded by Diane Gerlach, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Cindy Wood, M.D., DLSC Case Number 18 MED 313. Motion carried unanimously.

18 MED 510 – Deborah L. Turski, M.D.

MOTION: Diane Gerlach moved, seconded by Padmaja Doniparthi, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of

disciplinary proceedings against Deborah L. Turski, M.D., DLSC Case Number 18 MED 510. Motion carried unanimously.

20 MED 192 – Robert J. Brodish, M.D.

MOTION: David Roelke moved, seconded by Sumeet Goel, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Robert J. Brodish, M.D., DLSC Case Number 20 MED 192. Motion carried unanimously.

20 MED 243 – Kurtis D. Scheer, M.D.

MOTION: David Roelke moved, seconded by Diane Gerlach, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Kurtis D. Scheer, M.D., DLSC Case Number 20 MED 243. Motion carried unanimously.

Administrative Warnings

18 MED 245 – R.A.C.

MOTION: Michael Parish moved, seconded by Lemuel Yerby, to issue an Administrative Warning in the matter of R.A.C., DLSC Case Number 18 MED 245. Motion carried unanimously.

18 MED 551 – A.H.

MOTION: Michael Parish moved, seconded by Rachel Sattler, to issue an Administrative Warning in the matter of A.H., DLSC Case Number 18 MED 551. Motion carried unanimously.

20 MED 185 – E.O.

MOTION: David Roelke moved, seconded by Clarence Chou, to issue an Administrative Warning in the matter of E.O., DLSC Case Number 20 MED 185. Motion carried unanimously.

20 MED 267 – G.L.Y.

MOTION: Sumeet Goel moved, seconded by Michael Parish, to issue an Administrative Warning in the matter of G.L.Y., DLSC Case Number 20 MED 267. Motion carried unanimously.

Case Closings

MOTION: David Roelke moved, seconded by Sumeet Goel, to close the following DLSC Cases for the reasons outlined below:

1. 14 MED 581 – N.J.L. – Lack of Jurisdiction (L2)
2. 18 MED 551 – B.K.T. – No Violation
3. 18 MED 373 – G.N.P. – Prosecutorial Discretion (P2)
4. 18 MED 384 – C.H. – Insufficient Evidence
5. 18 MED 411 – K.R.S. – Insufficient Evidence
6. 18 MED 699 – M.R. – No Violation
7. 19 MED 038 – J.M. – Prosecutorial Discretion (P5)
8. 19 MED 386 – S.T.B. – Prosecutorial Discretion (P5)
9. 19 MED 439 – C.P.N. – No Violation
10. 19 MED 445 – A.W.S. – No Violation
11. 19 MED 560 – A.D.A. – No Violation
12. 19 MED 583 – G.T.B. – No Violation
13. 20 MED 041 – C.E.F. – No Violation
14. 20 MED 154 – D.M.B., K.F.K. – No Violation
15. 20 MED 161 – Y.S.P., S.H., T.L.G. – No Violation
16. 20 MED 180 – M.J.T. – Prosecutorial Discretion (P7)
17. 20 MED 233 – U. – No Violation
18. 20 MED 286 – C.L.O. – No Violation
19. 20 MED 312 – N.H. – No Violation

Motion carried unanimously.

19 MED 076 & 20 MED 106 – J.A.C.

MOTION: Rachel Sattler moved, seconded by Diane Gerlach, to table deliberation of DLSC Case Number 19 MED 076 and 20 MED 106, against J.A.C. until the next Board meeting. Motion carried unanimously.

19 MED 078 – J.G.

MOTION: David Roelke moved, seconded by Diane Gerlach, to close DLSC Case Number 19 MED 078, against J.G., for Prosecutorial Discretion (P2). Motion carried unanimously.

(Sheldon Wasserman recused himself and left the room for deliberation and voting in the matter concerning J.G., DLSC Case Number 19 MED 078.)

19 MED 253 – G.M.M.

MOTION: Rachel Sattler moved, seconded by David Roelke, to table the matter of DLSC Case Number 19 MED 253, against G.M.M. until the next Board meeting. Motion carried unanimously.

(Rachel Sattler was excused at 10:00 a.m.)

Complaints

20 MED 216 – I.G.

MOTION: Sumeet Goel moved, seconded by David Roelke, to find probable cause in DLSC Case Number 20 MED 216, to believe that I.G. has committed unprofessional conduct, and therefore, to issue the Complaint and hold a hearing on such conduct pursuant to Wis. Stat§ 448.02(3)(b). Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Clarence Chou moved, seconded by David Bryce, to reconvene to Open Session. Motion carried unanimously.

The Board reconvened to Open Session at 10:02 a.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: David Bryce moved, seconded by Sumeet Goel, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the closed session motions stand for the purposes of the affirmation vote.)

DELEGATION OF RATIFICATION OF EXAMINATION RESULTS AND RATIFICATION OF LICENSES AND CERTIFICATES

MOTION: Michael Parish moved, seconded by Lemuel Yerby, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Diane Gerlach moved, seconded by David Roelke, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:04 a.m.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dale Kleven Administrative Rules Coordinator		2) Date When Request Submitted: 12/4/20 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Medical Examining Board			
4) Meeting Date: 12/16/20	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 8:00 A.M. Public Hearing: CR 20-053 – Med 13, Relating to Continuing Medical Education for Physicians 1. Review and Respond to Public Comments and Clearinghouse Report 8:00 A.M. Preliminary Public Hearing: Scope Statement SS 143-20 – Med 13, Relating to Continuing Medical Education Requirements 1. Review and Respond to Public Comments	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: <div style="height: 50px;"></div>			
11) <i>Dale Kleven</i> <hr/> Signature of person making this request		Authorization <div style="text-align: right;"><i>December 4, 2020</i></div> <hr/> Date	
<hr/> Supervisor (if required)		<hr/> Date	
<hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

IN THE MATTER OF RULEMAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : MEDICAL EXAMINING BOARD
MEDICAL EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Medical Examining Board to amend Med 13.05 (1) (intro.) and (2), relating to continuing medical education for physicians.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 448.13, Stats.

Statutory authority:

Sections 15.08 (5) (b) and 448.40 (1), Stats.

Explanation of agency authority:

Section 15.08 (5) (b), Stats., provides an examining board “shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 448.40 (1), Stats., provides the Medical Examining Board “may promulgate rules to carry out the purposes of this subchapter, including rules requiring the completion of continuing education, professional development, and maintenance of certification or performance improvement or continuing medical education programs for renewal of a license to practice medicine and surgery.”

Related statute or rule:

Chapter Med 14 provides the requirements for biennial registration, which include the completion of continuing medical education.

Plain language analysis:

The proposed rule makes updates to clarify that a physician’s use of electronic continuing medical education tracking and reporting is permitted.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:

Illinois:

Rules of the Illinois Department of Financial and Professional Regulation establish continuing medical education requirements for physicians licensed in Illinois (68 Ill. Adm. Code 1285.110). The rules do not explicitly authorize or prohibit a physician's use of electronic continuing medical education tracking and reporting.

Iowa:

Rules of the Iowa Board of Medicine establish continuing education requirements for physicians licensed in Iowa (653 IAC 11). The rules do not explicitly authorize or prohibit a physician's use of electronic continuing education tracking and reporting.

Michigan:

Rules of the Michigan Department of Licensing and Regulatory Affairs establish continuing medical education requirements for physicians licensed in Michigan (Mich Admin Code, R 338.2441 to R 338.2443). The rules do not explicitly authorize or prohibit a physician's use of electronic continuing medical education tracking and reporting.

Minnesota:

Rules of the Minnesota Board of Medical Practice establish continuing education requirements for physicians licensed in Minnesota (Minnesota Rules, chapter 5605). The rules do not explicitly authorize or prohibit a physician's use of electronic continuing education tracking and reporting.

Summary of factual data and analytical methodologies:

The proposed rules were developed by obtaining input and feedback from the Medical Examining Board.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held at 8:00 a.m. on November 18, 2020, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Med 13.05 (1) (intro.) and (2) are amended to read:

Med 13.05 (1) (intro.) PHYSICIANS. The board will accept as evidence of compliance by physicians with the requirements of this chapter, as original electronic or hard copy documents or verified copies thereof, any or all or any combination of the following:

(2) RETENTION REQUIREMENT. Evidence of compliance shall be retained in electronic or hard copy format by each physician through the biennium for which 30 hours of credit are required for registration.

SECTION 2. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected</p>	<p>2. Date October 13, 2020</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Med 13</p>	
<p>4. Subject Continuing medical education for physicians</p>	
<p>5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S</p>	<p>6. Chapter 20, Stats. Appropriations Affected</p>
<p>7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget</p>	
<p>8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)</p>	
<p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0</p>	
<p>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>11. Policy Problem Addressed by the Rule The proposed rule makes updates to clarify that a physician's use of electronic continuing medical education tracking and reporting is permitted.</p>	
<p>12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.</p>	
<p>13. Identify the Local Governmental Units that Participated in the Development of this EIA. No local governmental units participated in the development of this EIA.</p>	
<p>14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) The proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.</p>	
<p>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit to implementing the rule is clarity concerning a physician's use of electronic medical education tracking and reporting. Not implementing the rule would mean the Board's rules would remain unclear with regard to this issue.</p>	
<p>16. Long Range Implications of Implementing the Rule The long range implication of implementing the rule is clarity concerning a physician's use of electronic medical education tracking and reporting.</p>	
<p>17. Compare With Approaches Being Used by Federal Government None</p>	

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois:

Rules of the Illinois Department of Financial and Professional Regulation establish continuing medical education requirements for physicians licensed in Illinois (68 Ill. Adm. Code 1285.110). The rules do not explicitly authorize or prohibit a physician's use of electronic continuing medical education tracking and reporting.

Iowa:

Rules of the Iowa Board of Medicine establish continuing education requirements for physicians licensed in Iowa (653 IAC 11). The rules do not explicitly authorize or prohibit a physician's use of electronic continuing education tracking and reporting.

Michigan:

Rules of the Michigan Department of Licensing and Regulatory Affairs establish continuing medical education requirements for physicians licensed in Michigan (Mich Admin Code, R 338.2441 to R 338.2443). The rules do not explicitly authorize or prohibit a physician's use of electronic continuing medical education tracking and reporting.

Minnesota:

Rules of the Minnesota Board of Medical Practice establish continuing education requirements for physicians licensed in Minnesota (Minnesota Rules, chapter 5605). The rules do not explicitly authorize or prohibit a physician's use of electronic continuing education tracking and reporting.

19. Contact Name

Dale Kleven

20. Contact Phone Number

(608) 261-4472

This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
 - Less Stringent Schedules or Deadlines for Compliance or Reporting
 - Consolidation or Simplification of Reporting Requirements
 - Establishment of performance standards in lieu of Design or Operational Standards
 - Exemption of Small Businesses from some or all requirements
 - Other, describe:
-

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)
 Yes No



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit S. Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **20-053**

AN ORDER to amend Med 13.05 (1) (intro.) and (2), relating to continuing medical education for physicians.

Submitted by **MEDICAL EXAMINING BOARD**

10-14-2020 RECEIVED BY LEGISLATIVE COUNCIL.

11-03-2020 REPORT SENT TO AGENCY.

SG:AB

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO

STATEMENT OF SCOPE

Medical Examining Board

Rule No.: Med 13

Relating to: Continuing Medical Education Requirements

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to continue to promote best practices for prescribing controlled substances. The proposed rule would define the requirements for the completion of continuing education hours relating to prescribing controlled substances as a portion of the biennial training requirements for physicians.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Section 448.13, Stats., requires the completion of at least 30 hours of continuing medical education for biennial registration. Chapter Med 13 more precisely defines the requirements for continuing medical education. The chapter lists acceptable sources of continuing education, sets the standards for evidence of compliance with the requirements, and allows the Board to waive and audit the completion of continuing education requirements.

Current rules require a physician who holds a U.S. Drug Enforcement Administration number to complete 2 of the 30 required hours of continuing medical education from a Board-approved educational course or program related to opioid prescribing. As this requirement expires after the current biennium, the proposed rule would define future requirements for the completion of continuing education hours related to prescribing controlled substances. The alternative to this rule change is to leave ch. Med 13 as written, which will not address the continued concern with prescription drug abuse.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.08 (5) (b), Stats., provides examining boards, "shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . ."

Section 448.40 (1), Stats., provides that the Medical Examining Board "may promulgate rules to carry out the purposes of this subchapter, including rules requiring the completion of continuing education, professional development, and maintenance of certification or performance improvement or continuing medical education programs for renewal of a license to practice medicine and surgery."

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

60 hours

6. List with description of all entities that may be affected by the proposed rule:

Wisconsin licensed physicians

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

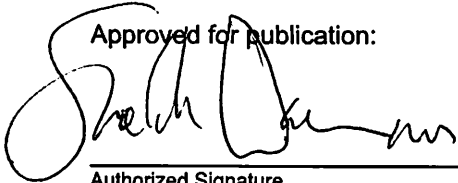
None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule will have minimal to no economic impact on small businesses and the state's economy as a whole.

Contact Person: Dale Kleven, Administrative Rule Coordinator, DSPSAdminRules@wisconsin.gov, (608) 261-4472

Approved for publication:



Authorized Signature

9/17/20

Date Submitted

Approved for implementation:

Authorized Signature

Date Submitted

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dale Kleven Administrative Rules Coordinator		2) Date When Request Submitted: 12/4/20 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Medical Examining Board			
4) Meeting Date: 12/16/20	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Review of Preliminary Draft Rules of the Podiatry Affiliated Credentialing Board 2. Proposals for Med 13, Relating to Continuing Medical Education Requirements 3. Administrative Rules Reporting Requirement Under 227.29, Stats. a. Review of 2021 Report 4. Pending or Possible Rulemaking Projects a. Standard of Care – Performance of Physical Examinations	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: 1. Under s. 15.085 (5), Stats., the Podiatry Affiliated Credentialing Board is required to submit a proposed rule to the Medical Examining Board for comment at least 60 days before the proposed rule is submitted to the Legislative Clearinghouse. Any comments on the proposed rule must be considered and included in the report on the proposed rule submitted to the Legislature.			
11) <i>Dale Kleven</i> Signature of person making this request		Authorization <i>December 4, 2020</i> Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN
PODIATRY AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF RULEMAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : PODIATRY AFFILIATED
PODIATRY AFFILIATED : CREDENTIALING BOARD
CREDENTIALING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Podiatry Affiliated Credentialing Board to create Pod 1.095, relating to reciprocal credentials for service members, former service members, and their spouses.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 440.09, Stats.

Statutory authority:

Sections 15.085 (5) (b) and 440.09 (5), Stats.

Explanation of agency authority:

Section 15.085 (5) (b), Stats., provides an affiliated credentialing board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 440.09 (5), Stats., provides that “[t]he department or credentialing board, as appropriate, may promulgate rules necessary to implement this section.”

Related statute or rule:

Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

Plain language analysis:

The proposed rule creates a provision to implement s. 440.09, Stats., as created by 2019 Wisconsin Act 143. Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:

Illinois:

The Illinois Statutes provide for the expedited licensure of service members and their spouses (20 ILCS 5/5-715). “Service member” includes a person whose active duty service concluded within the 2 years preceding application for licensure. A license issued to a service member or the spouse of a service member may be renewed.

Iowa:

Rules of the Professional Licensure Division of the Iowa Department of Public Health provide for the expedited reciprocal licensure of a veteran or a spouse of an active duty service member (645 IAC 645.20.3). A reciprocal license issued to a veteran or a spouse of an active duty service member may be renewed.

Michigan:

The Michigan Statutes provide for temporary licensure of the spouse of an active duty service member (MCL 339.213). A temporary license is valid for 6 months and may be renewed for one additional 6-month term if it is determined the licensee continues to meet the requirements for temporary licensure and needs additional time to fulfill the requirements for initial licensure.

Minnesota:

The Minnesota Statutes provide for temporary licensure of an individual who is an active duty military member, the spouse of an active duty military member, or a veteran who has left service in the 2 years preceding the date of license application (2019 Minnesota Statutes, Section 197.4552). A temporary license allows a qualified individual to perform regulated professional services for a limited length of time as determined by the applicable licensing board. During the temporary license period, the individual must complete the full application procedure as required by applicable law.

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing the provisions of s. 440.09, Stats., as created by 2019 Wisconsin Act 143, and obtaining input and feedback from the Podiatry Affiliated Credentialing Board.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The proposed rules will be posted for a period of 14 days for public comment on the economic impact of the proposed rules, including how the proposed rules may affect businesses, local government units, and individuals.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Daniel.Hereth@wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. Pod 1.095 is created to read:

Pod 1.095 Reciprocal credentials for service members, former service members, and their spouses. A reciprocal license to practice podiatric medicine and surgery shall be granted to a service member, former service member, or the spouse of a service member or former service member who the board determines meets all of the requirements under s. 440.09 (2), Stats. Subject to s. 440.09 (2m), Stats., the board may request verification necessary to make a determination under this section.

Note: Forms to apply for a reciprocal credential are available from the department of safety and professional services' website at www.dsps.wi.gov.

SECTION 2. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date November 13, 2020
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Pod 1	
4. Subject Reciprocal credentials for service members, former service members, and their spouses	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected
7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule The proposed rule creates a provision to implement s. 440.09, Stats., as created by 2019 Wisconsin Act 143. Section 440.09, Stats., specifies the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. No local governmental units participated in the development of this EIA.	
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) The proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole.	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit to implementing the rule is reflecting s. 440.09, Stats., as created by 2019 Wisconsin Act 143. If the rule is not implemented, it will not reflect current requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.	
16. Long Range Implications of Implementing the Rule The long range implication of implementing the rule is reflecting the requirements for issuing reciprocal credentials to service members, former service members, and the spouses of service members and former service members.	

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

17. Compare With Approaches Being Used by Federal Government
None

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois:

The Illinois Statutes provide for the expedited licensure of service members and their spouses (20 ILCS 5/5-715). “Service member” includes a person whose active duty service concluded within the 2 years preceding application for licensure. A license issued to a service member or the spouse of a service member may be renewed.

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19. Contact Name

Dale Kleven

20. Contact Phone Number

(608) 261-4472

This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
 - Less Stringent Schedules or Deadlines for Compliance or Reporting
 - Consolidation or Simplification of Reporting Requirements
 - Establishment of performance standards in lieu of Design or Operational Standards
 - Exemption of Small Businesses from some or all requirements
 - Other, describe:
-

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
-

STATEMENT OF SCOPE

Medical Examining Board

Rule No.: Med 13

Relating to: Continuing Medical Education Requirements

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to continue to promote best practices for prescribing controlled substances. The proposed rule would define the requirements for the completion of continuing education hours relating to prescribing controlled substances as a portion of the biennial training requirements for physicians.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Section 448.13, Stats., requires the completion of at least 30 hours of continuing medical education for biennial registration. Chapter Med 13 more precisely defines the requirements for continuing medical education. The chapter lists acceptable sources of continuing education, sets the standards for evidence of compliance with the requirements, and allows the Board to waive and audit the completion of continuing education requirements.

Current rules require a physician who holds a U.S. Drug Enforcement Administration number to complete 2 of the 30 required hours of continuing medical education from a Board-approved educational course or program related to opioid prescribing. As this requirement expires after the current biennium, the proposed rule would define future requirements for the completion of continuing education hours related to prescribing controlled substances. The alternative to this rule change is to leave ch. Med 13 as written, which will not address the continued concern with prescription drug abuse.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 15.08 (5) (b), Stats., provides examining boards, "shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . ."

Section 448.40 (1), Stats., provides that the Medical Examining Board "may promulgate rules to carry out the purposes of this subchapter, including rules requiring the completion of continuing education, professional development, and maintenance of certification or performance improvement or continuing medical education programs for renewal of a license to practice medicine and surgery."

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

60 hours

6. List with description of all entities that may be affected by the proposed rule:

Wisconsin licensed physicians

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

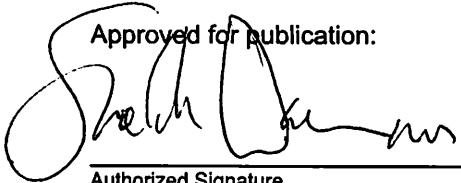
None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule will have minimal to no economic impact on small businesses and the state's economy as a whole.

Contact Person: Dale Kleven, Administrative Rule Coordinator, DSPSAdminRules@wisconsin.gov, (608) 261-4472

Approved for publication:



Authorized Signature

9/17/20

Date Submitted

Approved for implementation:

Authorized Signature

Date Submitted

Chapter Med 13

CONTINUING MEDICAL EDUCATION FOR PHYSICIANS

Med 13.01 Authority and purpose.
 Med 13.02 Continuing medical education required; waiver.
 Med 13.03 Acceptable continuing medical educational programs.

Med 13.04 Physician postgraduate training program; length of service.
 Med 13.05 Evidence of compliance.
 Med 13.06 Audit.

Med 13.01 Authority and purpose. The rules in this chapter are adopted by the medical examining board pursuant to the authority delegated by ss. 15.08 (5) (b), 227.11 (2) and 448.13, Stats., and govern the biennial training requirements for physicians as provided under s. 448.13, Stats.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77; am. Register, March, 1979, No. 279, eff. 4-1-79; correction made under s. 13.93 (2m) (b) 7., Stats., Register, May, 1989, No. 401; am. Register, May, 1997, No. 497, eff. 6-1-97; am. Register, December, 1999, No. 528, eff. 1-1-00.

Med 13.02 Continuing medical education required; waiver. (1) Each physician required to complete the biennial training requirements provided under s. 448.13, Stats., shall, in each second year at the time of making application for a certificate of registration as required under s. 448.07, Stats., sign a statement on the application for registration certifying that the physician has completed at least 30 hours of acceptable continuing medical educational programs within the biennial registration period.

(1g) (a) Except as provided under par. (b), for a renewal date occurring in 2017 or 2018, a minimum of 2 of the 30 hours of continuing medical education required under sub. (1) shall be an educational course or program related to the guidelines issued by the board under s. 440.035 (2m), Stats., that is approved under s. Med 13.03 (3) at the time of the physician's attendance.

(b) This subsection does not apply to a physician who, at the time of making application for a certificate of registration, does not hold a U.S. drug enforcement administration number to prescribe controlled substances.

(1r) (a) Except as provided under par. (b), for the renewal date occurring on November 1, 2019, a minimum of 2 of the 30 hours of continuing medical education required under sub. (1) shall be an educational course or program related to the guidelines issued by the board under s. 440.035 (2m), Stats., that is approved under s. Med 13.03 (3) at the time of the physician's attendance.

(b) This subsection does not apply to a physician who, at the time of making application for a certificate of registration, does not hold a U.S. drug enforcement administration number to prescribe controlled substances.

(1v) (a) Except as provided under par. (b), for the renewal date occurring on November 1, 2021, a minimum of 2 of the 30 hours of continuing medical education required under sub. (1) shall be an educational course or program related to opioid prescribing that is approved under s. Med 13.03 (3) at the time of the physician's attendance.

(b) This subsection does not apply to a physician who, at the time of making application for a certificate of registration, does not hold a U.S. drug enforcement administration number to prescribe controlled substances.

(2) A physician may apply to the board for waiver of the requirements of this chapter on grounds of prolonged illness or disability or other similar circumstances, and each case will be considered individually on its merits by the board.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77; am. (1), Register, March, 1979, No. 279, eff. 4-1-79; am. (1), February, 1981, No. 302, eff. 3-1-81; am. Register, May, 1997, No. 497, eff. 6-1-97; am. Register, December, 1999, No. 528, eff. 1-1-00; EmR1631; emerg. am. (1), cr. (1g), (1r), eff. 11-10-16; CR 16-070; am. (1), cr. (1g), (1r) Register May 2017 No. 737, eff. 6-1-17; CR 18-072; am. (1g), (1r), cr. (1v), Register July 2019 No. 763, eff. 8-1-19.

Med 13.03 Acceptable continuing medical educational programs. The board shall accept the following in satisfaction of the biennial training requirement provided under s. 448.13, Stats.:

(1) (a) *Program approval.* Educational courses and programs approved in advance by the board may be used for credit, except that the board may approve for credit completed programs and courses conducted in other countries.

(b) *Physicians.* The board recognizes only those educational programs recognized as approved at the time of the physician's attendance by the council on medical education of the American medical association, or the American osteopathic association, or the accreditation council for continuing medical education or may recognize program providers outside the United States unless any of the foregoing have been previously disapproved by the board. The board will accept attendance at and completion of programs accredited as the American medical association's or the American osteopathic association's "Category I" or an equivalent as fulfilling the requirements of this chapter for continuing medical education. One clock hour of attendance shall be deemed to equal one hour of acceptable continuing medical education.

(2) (a) The board shall accept for continuing medical education credit, voluntary, uncompensated services provided by physicians specializing in psychiatry in assisting the department of health services in the evaluation of community outpatient mental health programs, as defined in s. 51.01 (3n), Stats., and approved by the department of health services according to rules promulgated under s. 51.42 (7) (b), Stats. Four hours of assistance, including hours expended in necessary training by the department of health services, shall be deemed to equal one hour of acceptable continuing medical education for the purposes of this chapter.

(b) Physicians wishing to apply for continuing medical education credit under this subsection shall register in advance with the board and shall notify the board on forms provided by the board of the dates and the total number of hours in any biennium for which the applicant will be available to provide assistance. Referrals shall be made to the department of health services in the order received pursuant to requests for assistance received from that department by the medical examining board and by the psychology examining board.

Note: Forms to apply for continuing medical education credit are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708 or by email at dsp@wisconsin.gov.

(3) (a) Only educational courses and programs approved by the board may be used to satisfy the requirement under s. Med 13.02 (1g) (a) and (1r) (a). To apply for approval of a continuing education course or program, a provider shall submit to the board an application on forms provided by the department. The application shall include all of the following concerning the course or program:

1. The title.
2. A general description and a detailed outline of the content.
3. The dates and locations.
4. The name and qualifications of the instructor.
5. The sponsor.

Note: An application for continuing education course or program approval may be obtained from the board at the Department of Safety and Professional Services,

Office of Education and Examinations, P.O. Box 8366, Madison, Wisconsin, 53708, or from the department's website at <http://dsps.wi.gov>.

(b) A continuing education course or program must meet all of the following criteria to be approved:

1. The course or program is accepted by the board under sub. (1) (b).
2. The subject matter of a course under s. Med 13.02 (1g) (a) or (1r) (a) shall pertain to the guidelines issued by the board under s. 440.035 (2m), Stats.

2m. The subject matter of a course under s. Med 13.02 (1v) (a) shall pertain to opioid prescribing.

3. The provider agrees to monitor the attendance and furnish a certificate of attendance to each participant. The certificate of attendance shall certify successful completion of the course or program.

4. The provider is approved by the board.

5. The course or program content and instructional methodologies are approved by the board.

(c) A separate application shall be submitted for each continuing education course or program approval request.

(d) A course or program sponsor may repeat a previously approved course or program without application, if the subject matter and instructor has not changed.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77; am. Register, February, 1981, No. 302, eff. 3-1-81; renum. Med 13.03 to be 13.03 (1) and am., cr. (intro.), (2), Register, November, 1995, No. 479, eff. 12-1-95; r. and recr. (1), Register, May, 1997, No. 497, eff. 6-1-97; r. (1) (c), Register, December, 1999, No. 528, eff. 1-1-00; correction in (2) made under s. 13.92 (4) (b) 6., Stats., Register November 2011 No. 671; EmR1631: emerg. cr. (3), eff. 11-10-16; CR 16-070: cr. (3) Register May 2017 No. 737, eff. 6-1-17; CR 18-072: am. (3) (b) 2., cr. (3) (b) 2m. Register July 2019 No. 763, eff. 8-1-19.

Med 13.04 Physician postgraduate training program; length of service. The board will accept postgraduate training in a program approved by the board under the provisions of s. Med 1.02 (3), as fulfilling the requirements of this chapter for continuing medical education for physicians. Three consecutive months of such postgraduate training shall be deemed to equal 30

hours of acceptable continuing medical education for the purposes of this chapter.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77; am. Register, March, 1979, No. 279, eff. 4-1-79; am. Register, May, 1997, No. 497, eff. 6-1-97.

Med 13.05 Evidence of compliance. (1) PHYSICIANS. The board will accept as evidence of compliance by physicians with the requirements of this chapter, as original documents or verified copies thereof, any or all or any combination of the following:

(a) Certification by either the providing institution or organization or the American medical association or the American osteopathic association, or components thereof, of attendance at and completion of continuing medical education programs approved under the provisions of s. Med 13.03 (1) (a).

(b) A "Physician's Recognition Award" of the American medical association or a certificate of continuing medical education from the American academy of family physicians awarded not more than 12 months prior to the beginning of the calendar year for which application for registration is being made.

(c) Certification by a chief of service or head of department or director of medical education of the providing facility of appointment to and satisfactory participation in a postgraduate training program approved under the provisions of s. Med 13.04.

(2) RETENTION REQUIREMENT. Evidence of compliance shall be retained by each physician through the biennium for which 30 hours of credit are required for registration.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77; am. (1) (intro.) and r. and recr. (2), Register, February, 1981, No. 302, eff. 3-1-81; am. (1) (intro.), (a) and (2), cr. (1m), Register, May, 1997, No. 497, eff. 6-1-97; r. (1m), am. (2), Register, December, 1999, No. 528, eff. 1-1-00.

Med 13.06 Audit. The board shall conduct a random audit of licensees on a biennial basis for compliance with the continuing education requirement stated in s. Med 13.02 (1). The board may require any physician to submit evidence of compliance with the continuing education requirement to the board during the biennium for which 30 hours of credit are required for registration to audit compliance.

History: Cr. Register, February, 1981, No. 302, eff. 3-1-81; am. Register, May, 1997, No. 497, eff. 6-1-97; am. Register, December, 1999, No. 528, eff. 1-1-00; CR 14-033: am. Register May 2015 No. 713, eff. 6-1-15.

Sheldon A. Wasserman
Chairperson

Sumeet K. Goel
Vice Chairperson

Clarence P. Chou
Secretary

MEDICAL EXAMINING BOARD



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March ??, 2021

Senator Stephen Nass, Senate Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 10 South, State Capitol
Madison, WI 53702

Representative Joan Ballweg, Assembly Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 210 North, State Capitol
Madison, WI 53702

RE: Report Submitted in Compliance with s. 227.29 (1), Stats.

Dear Senator Nass and Representative Ballweg:

This report has been prepared and submitted in compliance with s. 227.29 (1), Stats.

I. Unauthorized rules, as defined in s. 227.26 (4) (a), Stats.:

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules are unauthorized.

II. Rules for which the authority to promulgate has been restricted:

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules have restricted authority.

Status of rules listed in the Board's report submitted in March of 2019:

Rule	Description of the legislation that restricted the authority	Status of action taken to address
Med 22.10 (5)	The Board's authority to conduct random audits for compliance with continuing education requirements has been restricted by 2017 Act 59, s. 1929.	Section Med 22.10 (5) has been amended to reflect the provisions of 2017 Act 59. Final rules (CR 18-074) were effective August 1, 2019.

III. Rules that are obsolete or that have been rendered unnecessary:

After careful review of the Board’s administrative rules, the Board has determined that no promulgated rules are obsolete or have been rendered unnecessary.

Status of rules listed in the Board’s report submitted in March of 2019:

Rule	Description of why the rule is obsolete or has been rendered unnecessary	Status of action taken to address
Med 20.02	Effective January 2015, the National Board for Respiratory Care (NBRC) changed the Certified Respiratory Technician examination from the Entry Level CRT Examination to the Therapist Multiple-Choice Examination (TMC).	Section Med 20.02 has been amended to reference the current examination. Final rules (CR 18-101) were effective November 1, 2019.
Med 20.03	This section contains requirements for applications filed prior to January 1, 1992, and an obsolete requirement that an applicant provide a recent passport type photograph.	The obsolete provisions in s. Med 20.03 have been repealed. Final rules (CR 18-101) were effective November 1, 2019.
Med 20.05	This section concerning a temporary certificate was created at a time when results of an examination could take several months. As results of the current examination are available immediately, the temporary certificate under s. Med 20.05 is no longer necessary.	Section Med 20.05 has been repealed. Final rules (CR 18-101) were effective November 1, 2019.
Med 22.03 Med 22.04	These sections contain requirements for applications filed prior to January 1, 2004.	The provisions in ss. Med 22.03 and 22.04 relating to applications filed prior to January 1, 2004 have been repealed. Final rules (CR 18-074) were effective August 1, 2019.

IV. Rules that are duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction:

After careful review of the Board’s administrative rules, the Board has determined that no promulgated rules are duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction.

V. Rules that are economically burdensome:

After careful review of the Board's administrative rules, the Board has determined that no promulgated rules are economically burdensome.

Thank you.

Sincerely,

Sheldon A. Wasserman
Chairperson
Medical Examining Board

DRAFT

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Valerie Payne, Executive Director on behalf of Sheldon Wasserman, Chairperson		2) Date when request submitted: 12/10/2020 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Medical Examining Board			
4) Meeting Date: 12/16/2020	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Wisconsin Medical Society - Physician Wellness Program Advisory Committee	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: The Wisconsin Medical Society is promoting the establishment of their Physician Wellness Program Advisory Committee and is seeking a volunteer from the Medical Examining Board to represent and serve on this committee.			
11) Authorization			
<i>Valerie Payne</i>		12/10/2020	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			