



**VIRTUAL/TELECONFERENCE
MEDICAL EXAMINING BOARD**
Virtual, 4822 Madison Yards Way, Madison
Contact: Tom Ryan (608) 266-2112
April 17, 2024

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 March 20, 2024 (6-10)**
- C. Introductions, Announcements and Recognition
- D. Reminders: Conflicts of Interest, Scheduling Concerns
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Board Updates
 - 2) Board Members – Term Expiration Dates
 - a. Bond, Jr., Milton – 7/1/2027
 - b. Chou, Clarence P. – 7/1/2027
 - c. Clarke, Callisia N. – 7/1/2024
 - d. Ferguson, Kris – 7/1/2025
 - e. Gerlach, Diane M. – 7/1/2024
 - f. Goel, Sumeet K. – 7/1/2027
 - g. Hilton, Stephanie – 7/1/2024
 - h. Lerma, Carmen – 7/1/2024
 - i. Leuthner, Steven R. – 7/1/2027
 - j. Majeed-Haqqi, Lubna – 7/1/2027
 - k. Schmeling, Gregory J. – 7/1/2025
 - l. Siebert, Derrick R. – 7/1/2025
 - m. Yu, Emily S. – 7/1/2024
 - 3) Wis. Stat. § 15.085 (3)(b) – Affiliated Credentialing Boards’ Biannual Meeting with the Medical Examining Board to Consider Matters of Joint Interest**
 - a. Physician Assistant Affiliated Credentialing Board – Jennifer Jarrett, Chairperson
- F. Legislative and Policy Matters – Discussion and Consideration

- G. Administrative Rule Matters – Discussion and Consideration (11)**
 - 1) Preliminary Rule Draft: OT 1 to 5, relating to Implementation of the Occupational Licensure Compact **(12-16)**
 - 2) Scope Statement:
 - a. Med 1, Relating to Licensure Requirements **(17-18)**
 - b. Med 27, Provisional Licensure for International Physicians (2023 Wisconsin Act 214) **(19-22)**
 - 3) Pending or Possible Rulemaking Projects **(23)**
- H. Physician Licensure Application Review – Malpractice Review Delegation Motion for Board Consideration**
- I. Professional Assistance Procedure (PAP) Discussion of Expansion to Include Mental Health Disorders**
- J. Federation of State Medical Boards (FSMB) Matters – Discussion and Consideration
- K. Newsletter Matters – Discussion and Consideration
- L. Controlled Substances Board Report – Discussion and Consideration
- M. Interstate Medical Licensure Compact Commission (IMLCC) – Report from Wisconsin’s Commissioners – Discussion and Consideration
- N. Screening Panel Report
- O. Future Agenda Items
- P. 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) Public Health Emergencies
 - 11) Legislative and Policy Matters
 - 12) Administrative Rule Matters
 - 13) Liaison Reports
 - 14) Board Liaison Training and Appointment of Mentors
 - 15) Informational Items
 - 16) Division of Legal Services and Compliance (DLSC) Matters
 - 17) Presentations of Petitions for Summary Suspension
 - 18) Petitions for Designation of Hearing Examiner
 - 19) Presentation of Stipulations, Final Decisions and Orders
 - 20) Presentation of Proposed Final Decisions and Orders
 - 21) Presentation of Interim Orders
 - 22) Petitions for Re-Hearing
 - 23) Petitions for Assessments

- 24) Petitions to Vacate Orders
- 25) Requests for Disciplinary Proceeding Presentations
- 26) Motions
- 27) Petitions
- 28) Appearances from Requests Received or Renewed
- 29) Speaking Engagements, Travel, or Public Relation Requests, and Reports

Q. 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.).

R. Deliberation on DLSC Matters

1) Proposed Stipulations, Final Decisions and Orders

- a. 21 MED 178 – Antoinette M. Zell **(24-32)**
- b. 23 MED 021 – Daryl J. Melzer **(33-38)**
- c. 23 MED 281 – Rafael Walker Santiago **(39-44)**
- d. 23 MED 333 – Vishwanatha S. Nadig **(45-50)**
- e. 23 MED 474 – John N. Jesse **(51-56)**
- f. 24 MED 065 – Brenda A. Blohm **(57-63)**

2) Administrative Warnings

- a. 22 MED 433 – S.P.T. **(64-66)**
- b. 23 MED 255 – C.C.K. **(67-68)**
- c. 23 MED 474 – M.R.S. **(69-70)**

3) Case Closings

- a. 22 MED 474 – B.L.G. **(71-77)**
- b. 22 MED 492 – H.G.A. **(78-98)**
- c. 23 MED 072 – S.A.A. **(99-123)**
- d. 23 MED 076 – K.L.N. **(124-132)**
- e. 23 MED 082 – E.J.M. **(133-147)**
- f. 23 MED 168 – C.R.S.K. **(148-156)**
- g. 23 MED 224 – K.J.B. **(157-170)**
- h. 23 MED 361 – B.R. **(171-177)**
- i. 23 MED 479 – J.T.N. **(178-194)**
- j. 23 MED 489 – D.J.M. **(195-210)**
- k. 23 MED 499 – M.C. **(211-223)**
- l. 23 MED 568 – S.B.A. **(224-234)**

S. Credentialing Matters

1) Waiver of 24 Months of ACGME/AOA Accredited Post-Graduate Training

- a. Adedamola Akinsiku, M.D. **(235-329)**
- b. Garima Suman, M.D. **(330-370)**

2) Application Review

- a. Muhannah Hafi, M.D. – Administrative Physician **(371-473)**
- b. Roman Wehry, M.D. – Visiting Physician **(474-516)**

T. Medical Military Personnel Application Re-Review (517-530)

U. 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

V. Open Cases

W. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

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

ADJOURNMENT

ORAL INTERVIEWS OF CANDIDATES FOR LICENSURE

VIRTUAL/TELECONFERENCE

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

CLOSED SESSION – Reviewing Applications and Conducting Oral Interview(s) of **three (3)** (at time of agenda publication) Candidate(s) for Licensure – **Dr. Goel** and **Dr. Clarke**

NEXT MEETING: MAY 15, 2024

 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 virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dps.wi.gov>. 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 hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, or reach the Meeting Staff by calling 608-267-7213.

**VIRTUAL/TELECONFERENCE
MEDICAL EXAMINING BOARD
MEETING MINUTES
MARCH 20, 2024**

PRESENT: Milton Bond, Jr. (*arrived at 8:08 a.m.*) (*excused at 9:53 a.m.*); Clarence Chou, M.D.; Kris Ferguson, M.D., Diane Gerlach, D.O.; Stephanie Hilton; Steven Leuthner, M.D. (*excused at 11:06 a.m.*); Lubna Majeed-Haqqi, M.D.; Gregory Schmeling, M.D.; Derrick Siebert, M.D.; Emily Yu, M.D.

EXCUSED: Callisia Clarke, M.D.; Sumeet Goel, D.O.; Carmen Lerma

STAFF: Tom Ryan, Executive Director; Jameson Whitney, Legal Counsel; Nilajah Hardin, Administrative Rules Coordinator; Dialah Azam, Board Administration Specialist; and other Department staff

CALL TO ORDER

Clarence Chou, Chairperson, called the meeting to order at 8:00 a.m. A quorum was confirmed with nine (9) members present.

ADOPTION OF AGENDA

Amendment to the Agenda

- **REMOVE** S.4.o. 23 MED 419 – B.J.T.

MOTION: Steven Leuthner moved, seconded by Lubna Majeed-Haqqi, to adopt the Agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF FEBRUARY 21, 2024

MOTION: Diane Gerlach moved, seconded by Emily Yu, to approve the Minutes of February 21, 2024 as published. Motion carried.

(Milton Bond Jr arrived at 8:08 a.m.)

ADMINISTRATIVE RULE MATTERS

Preliminary Rule Draft: Med 24, Relating to Telemedicine and Telehealth

MOTION: Gregory Schmeling moved, seconded by Derrick Siebert, to approve the preliminary rule draft of Med 24, relating to Telemedicine and Telehealth, for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

PHYSICIAN LICENSING APPLICATION REVIEW

PRESENTATION: Credentialing Recommendations for Employment Verification Updates

MOTION: Gregory Schmeling moved, seconded by Steven Leuthner, to acknowledge and thank Melinda Boyle-Prior for their appearance and presentation to the Medical Examining Board. Motion carried unanimously.

MOTION: Gregory Schmeling moved, seconded by Stephanie Hilton, to request DSPS staff draft a Scope Statement revising Med 1, relating to Licensure Requirements. Motion carried unanimously.

CLOSED SESSION

MOTION: Diane Gerlach moved, seconded by Gregory Schmeling, 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.). Clarence Chou, 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; Clarence Chou-yes; Kris Ferguson-yes; Diane Gerlach-yes; Stephanie Hilton-yes; Steven Leuthner-yes; Lubna Majeed-Haqqi-yes; Gregory Schmeling-yes; Derrick Siebert-yes; and Emily Yu-yes. Motion carried unanimously.

The Board convened into Closed Session at 9:38 a.m.

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

Proposed Stipulations, Final Decisions and Orders

23 MED 069 – Robin K. Purdy

MOTION: Diane Gerlach moved, seconded by Emily Yu, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Robin K. Purdy, DLSC Case Number 23 MED 069. Motion carried unanimously.

23 MED 387 – Jeffrey M. Gremmels

MOTION: Gregory Schmeling moved, seconded by Steven Leuthner, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Jeffrey M. Gremmels, DLSC Case Number 23 MED 387. Motion carried unanimously.

(Milton Bond Jr. excused 9:53 a.m.)

23 MED 115 – Christopher M. Marowski

MOTION: Lubna Majeed-Haqqi moved, seconded by Emily Yu, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Christopher M. Marowski, DLSC Case Number 23 MED 115. Motion carried unanimously.

23 MED 418 – Wendy R. Sinjakovic

MOTION: Gregory Schmeling moved, seconded by Steven Leuthner, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Wendy R. Sinjakovic, DLSC Case Number 23 MED 418. Motion carried unanimously.

CREDENTIALING MATTERS

Full Board Oral Interview

Kimyona Roberts, M.D. – Medicine and Surgery Renewal Applicant

MOTION: Steven Leuthner moved, seconded by Emily Yu, to ask Kimyona Roberts, M.D. to submit a Fitness to Practice assessment with an evaluator approved by the Board or its designee. The applicant shall within 15 days of the communication of this action submit an evaluator for approval by the Board or its designee, the approved evaluator shall conduct the Fitness to Practice assessment within 60 days from the date of the communication of this action and submit the evaluation to the Board in writing within 15 days of concluding the assessment. No action will be taken on the applicant's renewal application until the assessment is received and reviewed. Motion carried.

MOTION: Emily Yu moved, seconded by Diane Gerlach, to delegate the matter of the application of Kimyona Roberts back to the credentialing liaisons for further action as appropriate. Motion carried unanimously.

(Steven Leuthner was excused at 11:06 a.m.)

Administrative Warnings

23 MED 412 – S.G.

MOTION: Gregory Schmeling moved, seconded by Emily Yu, to issue an Administrative Warning in the matter of S.G., DLSC Case Number 23 MED 412. Motion carried unanimously.

Case Closings

MOTION: Gregory Schmeling moved, seconded by Lubna Majeed-Haqqi, to close the following DLSC Cases for the reasons outlined below:

- a) 22 MED 074 – D.A.E. – No Violation
- b) 22 MED 265 – R.P.B. – No Violation
- c) 22 MED 511 – J.A.S. – Prosecutorial Discretion (P2)

- d) 22 MED 553 – U.K.V. – No Violation
- e) 23 MED 004 – L.M.A.W. – Lack of Jurisdiction (L3)
- f) 23 MED 037 – I.C. – No Violation
- g) 23 MED 204 – P.J.M. – No Violation
- h) 23 MED 207 – D.E.H. – No Violation
- i) 23 MED 223 – S.P.P. – Prosecutorial Discretion (P2)
- j) 23 MED 257 – H.V. – Insufficient Evidence
- k) 23 MED 294 – T.J.B. – No Violation
- l) 23 MED 311 – R.E.V.L. – Prosecutorial Discretion (P2)
- m) 23 MED 327 – P.R.J. – No Violation
- n) 23 MED 352 – H.H.L. – No Violation
- o) 23 MED 432 – N.N.K. – No Violation
- p) 23 MED 512 – S.W.P. – Lack of Jurisdiction (L2)

Motion carried unanimously.

CREDENTIALING MATTERS

Waiver of 24 Months of ACGME/AOA Accredited Post-Graduate Training

Gabrielle Turski, M.D.

MOTION: Diane Gerlach moved, seconded by Gregory Schmeling, to approve the waiver of 24 Months of ACGME/AOA Accredited Post-Graduate Training application of Gabrielle Turski, M.D. Motion carried unanimously.

Application Review

Willard C. Hurley, M.D. – Physician Applicant

MOTION: Gregory Schmeling moved, seconded by Lubna Majeed-Haqqi, to require applicant to submit to a new Fitness to Practice assessment with an evaluator approved by the Board or its designee. The applicant shall within 15 days of the communication of this action submit an evaluator for approval by the Board or its designee, the approved evaluator shall conduct the Fitness to Practice assessment within 60 days from the date of the communication of this action and submit the evaluation to the Board in writing within 15 days of concluding the assessment. No action will be taken on the applicant’s initial application until the assessment is received and reviewed by the full Board. Motion carried unanimously.

MOTION: Gregory Schmeling moved, seconded by Lubna Majeed-Haqqi, to request additional information from applicant and any other relevant sources regarding the South Dakota order and the recommendations made by his previous Fitness to Practice evaluator. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Lubna Majeed-Haqqi moved, seconded by Emily Yu, to reconvene to Open Session. Motion carried unanimously.

The Board reconvened to Open Session at 11:55 a.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Gregory Schmeling moved, seconded by Lubna Majeed-Haqqi, 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: Diane Gerlach moved, seconded by Gregory Schmeling, 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 Gregory Schmeling, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:57 a.m.

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

AGENDA REQUEST FORM

| | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 1) Name and title of person submitting the request: Nilajah Hardin, Administrative Rules Coordinator | | 2) Date when request submitted: 04/05/24 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small> | |
| 3) Name of Board, Committee, Council, Sections: Medical Examining Board | | | |
| 4) Meeting Date: 04/17/24 | 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. Preliminary Rule Draft: OT 1 to 5, Relating to Implementation of the Occupational Licensure Compact 2. Scope Statement: a. Med 1, Relating to Licensure Requirements b. Med 27, Provisional Licensure for International Physicians (2023 Wisconsin Act 214) 3. Pending or Possible Rulemaking Projects a. Rule Projects Chart | |
| 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: N/A | |
| 10) Describe the issue and action that should be addressed: Attachments: Preliminary Rule Draft – OT 1 to 5 Rule Draft Scope Statement – Med 1 Scope Statement; Med 27 Scope Statement and 2023 WI Act 214 Rule Project Chart (Board Rule projects can be Viewed Here if Needed: https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx) | | | |
| 11) Authorization | | | |
|  | | 04/05/24 | |
| 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. | | | |

STATE OF WISCONSIN
OCCUPATIONAL THERAPISTS AFFILIATED CREDENTIALING BOARD

| | | |
|-----------------------------|---|--------------------------|
| IN THE MATTER OF RULEMAKING | : | PROPOSED ORDER OF THE |
| PROCEEDINGS BEFORE THE | : | OCCUPATIONAL THERAPISTS |
| OCCUPATIONAL THERAPISTS | : | AFFILIATED CREDENTIALING |
| AFFILIATED CREDENTIALING | : | BOARD |
| BOARD | : | ADOPTING RULES |
| | : | (CLEARINGHOUSE RULE) |

PROPOSED ORDER

An order of the Occupational Therapists Affiliated Credentialing Board to amend OT 1.01 (1), 2.02 (9), 5.02 (3), (4), (5), (6), (8), (9), (12), and (15) and create 1.02 (6g), (6r), (14e), (14m), (14s), (27), 2.09 and 3.03 (3) (Note), relating to implementation of the Occupational Therapy Licensure Compact.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Subchapter XII of ch. 448, Stats.

Statutory authority: Sections 15.085 (5) (b) and 448.9875 (3), Stats.

Explanation of agency authority:

Section 15.085 (5) (b), Stats., provides that each affiliated credentialing board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 448.9875 (3), Stats., provides that “[t]he examining board may, by rule, require an individual seeking a compact privilege to meet a jurisprudence requirement in accordance with s. 448.987 (4) (a) 9., if such a requirement is imposed by the examining board under s. 448.964 in order to obtain a license under s. 448.963.”

Related statute or rule: None.

Plain language analysis:

The Occupational Therapists Affiliated Credentialing Board will conduct a comprehensive evaluation of its rules to implement the Occupational Therapy Licensure Compact to ensure clarity and consistency with applicable Wisconsin statutes. The following updates will be made:

- Create definitions of “occupational therapist,” “occupational therapist assistant,” and “occupational therapy.”

- Create definitions of “compact,” “compact privilege,” and identify the requirements for obtaining a compact privilege, including a requirement that an individual seeking a compact privilege successfully complete a jurisprudence examination.
- Create a definition of a “health care provider” to include an occupational therapist or an occupational therapy assistant licensed under ch. 448 holds a compact privilege under subch. XI of ch. 448.
- Amend the definition of “supervisor” to specify it includes a person holding an occupational therapist compact privilege granted by the Board but does not include a person holding a temporary license.
- Amend the unprofessional conduct requirements in s. OT 5.02 to also apply to those licensed under compact privileges as needed.

Summary of, and comparison with, existing or proposed federal regulation: None.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule: N/A.

Comparison with rules in adjacent states:

Illinois: Illinois is not a member state of the Occupational Therapy Licensure Compact.

Iowa: Iowa is a member state of the Occupational Therapy Licensure Compact and is actively issuing compact privileges. Rules of the Iowa Board of Physical and Occupational Therapy address issuing a compact privilege and the practice of physical therapy under a compact privilege [645 Iowa Administrative Code Section 200.3].

Michigan: Michigan is not a member state of the Occupational Therapy Licensure Compact.

Minnesota: Minnesota is not a member state of the Occupational Therapy Licensure Compact.

Summary of factual data and analytical methodologies:

The proposed rules were developed by reviewing subch. XII of ch. 448, Stats., which ratifies the Occupational Therapy Licensure Compact, and conducting a comprehensive evaluation and update of the Occupational Therapy Examining Board’s rules to implement the Compact.

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

The proposed rule will be 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.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis will be attached upon completion.

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 Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-2112.

Agency contact person:

Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-267-7139; email at DSPSAdminRules@wisconsin.gov.

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

Comments may be submitted to Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the public hearing, held on a date to be determined, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. OT 1.01 is amended to read:

OT 1.01 The rules in this chapter are adopted by the occupational therapists affiliated credentialing board pursuant to the authority of ss. 15.08 (5) (b), 227.11 (2), 448.965, and subch. XII of ch. 448, Stats., to govern the license and regulation of occupational therapists and occupational therapy assistants.

SECTION 2. OT 1.02 (6g), (6r), (11m), (14e), (14m), (14s) and (27) are created to read:

OT 1.02 (6g) “Compact” means the occupational therapy licensure compact under s. 448.987, Stats.

(6r) “Compact privilege” has the meaning given in s. 448.987 (2) (d), Stats.

(11m) “Health care provider” has the meaning given in s. 155.01 (7), Stats.

(14e) “Occupational therapist” has the meaning given in s. 448.96 (4), Stats.

(14m) “Occupational therapy assistant” has the meaning given in s. 448.96 (6), Stats.

(14s) “Occupational therapy compact commission” or “commission” has the meaning given in s. 448.987 (2) (s), Stats.

(27) “Supervisor” means a person holding a regular license as an occupational therapist, or an occupational therapist with compact privilege granted by the board, who is competent to coordinate, direct, and inspect the accomplishments of another occupational therapist or occupational therapy assistant. This definition does not apply to a person holding a temporary license issued under ch. OT 2.

SECTION 3. OT 2.09 is created to read:

OT 2.09 Compact privilege requirements. Each person applying for a compact privilege shall submit to the board all of the following:

- (1) A completed application form provided by the board.
- (2) The fee specified in s. 448.9875 (3) (c), Stats.
- (3) Evidence of successful completion of the examination specified in s. OT 2.03 (1).

Note: Application instructions for compact privilege may be obtained from the Department of Safety and Professional Services’ website at <http://dsps.wi.gov>.

SECTION 4. OT 3.03 (Note) is created to read:

OT 3.03 (3) (Note) Application instructions for renewal may be obtained from the Department of Safety and Professional Services’ website at <http://dsps.wi.gov>.

SECTION 5. OT 5.02 (3), (4), (5), (6), (8), (9), (12), and (15) are amended to read:

- (3) Knowingly making or presenting or causing to be made or presented any false, fraudulent, or forged statement, writing, certificate, diploma, or other item in connection with any application for license or compact privilege.
- (4) Practicing fraud, forgery, deception, collusion, or conspiracy in connection with any examination for license or compact privilege.
- (5) Giving, selling, buying, bartering, or attempting to give, sell, buy, or barter any license or compact privilege.
- (6) Engaging or attempting to engage in practice under any license or compact privilege under any given name or surname other than that under which originally licensed, ~~or~~ registered, or granted compact privilege to practice in this or any other state
- (8) Practicing or attempting to practice under any license or compact privilege when unable to do so with reasonable skill and safety to clients.
- (9) Practicing or attempting to practice under any license or compact privilege beyond the scope of that license or compact privilege.
- (12) Knowingly making any false statement, written or oral, in practicing under any license or compact privilege, with fraudulent intent; or obtaining or attempting to obtain any professional fee or compensation of any form by fraud or deceit.

- (15) Having a license, compact privilege, certificate, permit, registration, or other practice credential granted by another state or by any agency of the federal government to practice occupational therapy, which becomes limited, restricted, suspended, or revoked, or having been subject to other adverse action by the state licensing authority or by an agency of the federal government including the denial or limitation of an original credential, or the surrender of a credential, whether or not accompanied by findings of negligence or unprofessional conduct.

SECTION 6. 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)

STATEMENT OF SCOPE

MEDICAL EXAMINING BOARD

Rule No.: Med 1

Relating to: Licensure 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 clarify requirements for licensure of 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:

The Board intends to review and update Wisconsin Administrative Code Chapter Med 1 to clarify what an applicant is required to submit as part of their licensure application. An alternative would be to not revise the administrative code and existing licensure requirements would continue to apply.

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

Section 15.08 (5) (b), Stats. states that "The Board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession."

Section 448.40 (1), Stats., provides that "[t]he 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:

Approximately 80 hours

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

Wisconsin licensed physicians and those applying for physician licensure.

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: Nilajah Hardin, Administrative Rules Coordinator, DSPSAdminRules@wisconsin.gov, (608) 267-7139.

Approved for publication:

Approved for implementation:

Authorized Signature

Authorized Signature

Date Submitted

Date Submitted

STATEMENT OF SCOPE

MEDICAL EXAMINING BOARD

Rule No.: Med 27

Relating to: Provisional Licensure for International Physicians

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 implement the statutory changes from 2023 Wisconsin Act 214.

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:

The Board intends to update the administrative code to bring it into alignment with 2023 Wisconsin Act 214 by creating a new chapter Med 27 to outline requirements for the new provisional license for international physicians. An alternative would be to not revise the administrative code to reflect these new requirements, which would create confusion and a lack of clarity for stakeholders as to what is required regarding this new license type.

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

Section 15.08 (5) (b), Stats. states that “the board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 448.40 (1), Stats., provides that “[t]he 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.”

Section 448.40 (3), Stats., as created by 2023 Wisconsin Act 214, states that “the board may promulgate rules defining “substantially similar” under s. 448.05 (2m).”

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

Approximately 80 hours

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

Wisconsin licensed physicians and those applying for physician licensure, and their employers.

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: Nilajah Hardin, Administrative Rules Coordinator, DSPSAdminRules@wisconsin.gov, (608) 267-7139.

Approved for publication:

Approved for implementation:

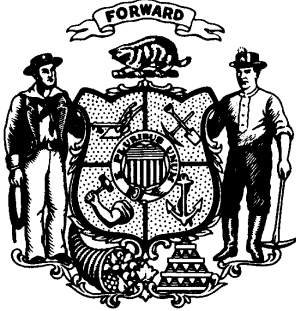
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Authorized Signature

Date Submitted

Date Submitted

State of Wisconsin



2023 Assembly Bill 954

Date of enactment: **March 22, 2024**

Date of publication*: **March 23, 2024**

2023 WISCONSIN ACT 214

AN ACT *to amend* 448.05 (2) (a) (intro.) and 448.05 (2) (b) (intro.); and *to create* 448.01 (3), 448.02 (4m), 448.04 (1) (br), 448.05 (2m), 448.075 and 448.40 (3) of the statutes; **relating to**: provisional licenses to practice medicine and surgery for internationally trained physicians and granting rule-making authority.

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

SECTION 1. 448.01 (3) of the statutes is created to read:

448.01 (3) "International medical program" means any medical school, residency program, medical internship program, or other program that is approved by the Educational Commission for Foreign Medical Graduates or provides individuals with a medical education or training outside the United States that is substantially similar to the training required to qualify to practice medicine and surgery in this state.

SECTION 2. 448.02 (4m) of the statutes is created to read:

448.02 (4m) INTERNATIONAL PHYSICIANS. The board may suspend or revoke a license granted under s. 448.04 (1) (br) if a majority of the board determines that the holder of the license is no longer employed as a physician in this state by an employer described in s. 448.05 (2m) (a). The holder of the license shall be granted an opportunity to be heard prior to the board's determination.

SECTION 3. 448.04 (1) (br) of the statutes is created to read:

448.04 (1) (br) *Provisional license to practice medicine and surgery for international physicians.* The board may grant a provisional license to practice

medicine and surgery for international physicians to an applicant who satisfies the requirements under s. 448.05 (2m). The holder of a provisional license granted under this paragraph may practice medicine and surgery only under the supervision of a physician who is licensed to practice medicine and surgery under par. (a). A provisional license to practice medicine and surgery under this paragraph shall be converted into a license to practice medicine and surgery under par. (a) after the provisional license holder practices medicine and surgery full-time in this state and maintains good standing for 3 consecutive years.

SECTION 4. 448.05 (2) (a) (intro.) of the statutes is amended to read:

448.05 (2) (a) (intro.) Except as provided in pars. (b) to (f) and sub. (2m), an applicant for any class of license to practice medicine and surgery must supply evidence satisfactory to the board of all of the following:

SECTION 5. 448.05 (2) (b) (intro.) of the statutes is amended to read:

448.05 (2) (b) (intro.) Except as provided in pars. (c) to (f) and sub. (2m), an applicant for a license to practice medicine and surgery who is a graduate of a foreign medical college must supply evidence satisfactory to the board of all of the following:

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

SECTION 6. 448.05 (2m) of the statutes is created to read:

448.05 (2m) PROVISIONAL LICENSE TO PRACTICE MEDICINE AND SURGERY FOR INTERNATIONAL PHYSICIANS. An applicant for a provisional license to practice medicine and surgery for international physicians must supply evidence to the board that the applicant satisfies all of the following:

(a) The applicant has an offer for full-time employment as a physician in this state from a federally qualified health center, as defined in s. 253.075 (1) (e), a community health center, as defined in s. 250.15 (1) (a), a hospital, as defined in s. 50.33 (2), an ambulatory surgical center, as defined in 42 CFR 416.2, or any other health care facility approved by the board.

(b) The applicant has been granted a medical doctorate or a substantially similar degree by an international medical program.

(c) The applicant has completed a residency program or a postgraduate medical training program that is substantially similar to a residency program.

(d) The applicant has practiced as a fully licensed or otherwise authorized physician in his or her country of practice for at least 5 years after completing a residency program or a postgraduate medical training program that is substantially similar to a residency program.

(dm) The applicant has practiced continuously as a physician in his or her country of practice for at least one out of the 5 years immediately preceding the date that the applicant submits an application for a provisional license under s. 448.04 (1) (br).

(e) The applicant has been in good standing with the medical licensing or regulatory agency of his or her country of practice for the 5 years preceding the individual's

application and does not have any pending disciplinary action before the medical licensing or regulatory agency.

(em) The applicant has obtained certification by the Educational Council for Foreign Medical Graduates, a successor organization, or another evaluation entity approved by the board.

(f) The applicant has passed all steps of the United States Medical Licensing Examination administered by the National Board of Medical Examiners and the Federation of State Medical Boards, or their successor organizations.

(g) The applicant has, or will have prior to working as a physician in this state, a federal immigration status and employment authorization that enables the applicant to work as a physician in this state.

(h) The applicant possesses basic fluency in the English language.

SECTION 7. 448.075 of the statutes is created to read:

448.075 Provisional licenses. Every 6 months or upon request of the board, the holder of a provisional license under s. 448.04 (1) (br) shall submit to the board a statement certifying whether the license holder is still employed as a physician in this state and whether the license holder has been subjected to professional discipline as a result of the license holder's practice. If the license holder has been subject to professional discipline, the license holder shall submit to the board a description of the circumstances of the discipline.

SECTION 8. 448.40 (3) of the statutes is created to read:

448.40 (3) The board may promulgate rules defining "substantially similar" under s. 448.05 (2m).

SECTION 12. Effective date.

(1) This act takes effect on January 1, 2025.

**Medical Examining Board
Rule Projects (updated 04/05/24)**

| Clearinghouse Rule Number | Scope # | Scope Expiration | Code Chapter Affected | Relating clause (description) | Current Stage | Next Step |
|----------------------------------|------------------|-------------------------|------------------------------|----------------------------------------------------|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| Not Assigned Yet | Not Assigned Yet | Not Assigned Yet | Med 1 | Licensure Requirements | Scope Statement Reviewed at the 04/17/24 Meeting | Scope Approval for Submission to Governor and for Publication in Administrative Register |
| Not Assigned Yet | 117-23 | 06/26/2026 | Med 24 | Telemedicine and Telehealth | Preliminary Rule Draft Ready for EIA Comment Posting, Fiscal Estimate and Clearinghouse Review | Public Hearing at a Future Meeting |
| 23-037 (EmR 2308) | 044-22 | 11/23/2024 | Med 26 | Military Medical Personnel | Permanent Rule Effective 04/01/24 (Emergency Rule 2308 was effective 6/1/23-12/1/23) | N/A |
| Not Assigned Yet | Not Assigned Yet | Not Assigned Yet | Med 27 | Provisional Licensure for International Physicians | Scope Statement Reviewed at the 04/17/24 Meeting | Scope Approval for Submission to Governor and for Publication in Administrative Register |