

The Physician's Duty to Report – 2009 Wisconsin Act 382

On May 18th, 2009, the Physician's Duty to Report Act was signed into law. 2009 Wisconsin Act 382 places a legal duty upon all licensed physicians (MDs and DOs) to report the unsafe practice of other physicians to the Medical Examining Board (MEB) under circumstances detailed in the law.

This bill was initiated by the MEB in an effort to improve its ability to protect the public from physicians who may pose a threat to their patients.

The duty to report codifies ethical obligations which exist in policy statements of the Wisconsin Medical Society and American Medical Association and creates a duty similar to what exists in the laws of many other states. It was written with the knowledge that physicians are in the best position to be aware of colleagues who may engage in a pattern of unprofessional conduct; engage in acts creating an immediate or continuing danger to patients or the public; may be medically incompetent; or may be mentally or physically unable to safely practice medicine. Failure to report such physicians may lead to discipline by the MEB. A summary of the law is available in the July 2010 MEB Newsletter.

Click here to review the July 2010 MEB Newsletter:

[July 2010 MEB Newsletter](#)

This law applies to all licensed physicians without exclusion and thus may in some instances create a conflict for some physicians, particularly those engaged in medical management/peer review and those physicians treating other physicians for psychiatric and substance abuse problems. Additional guidance about possible conflicts can be located in the March 2011 MEB Newsletter.

Click here to review the March 2011 MEB Newsletter:

[March 2011 MEB Newsletter](#)

Reports from physicians about unsafe practice should be made to the Wisconsin Department of Safety and Professional Services (DSPS) in writing and contain sufficient detail to allow appropriate investigation. Note that the filing of a complaint does not automatically result in a disciplinary action. Actions by the MEB are judicial in nature and respondents (those reported) have full rights to due process before any adverse action may be taken against them.

Click here for more information on how to file a complaint:

[File a Complaint](#)

Click here for the full text of 2009 Wisconsin Act 382:

[Act 382](#)