



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 16-047

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

1. Form, Style and Placement in Administrative Code

Under the “Comparison with rules in adjacent states”, the Board might consider adding more detail regarding other states’ practices. For example, the Board could comment on whether adjacent states require an applicant for licensure to practice medicine and surgery to take a statutes and rules examination. The Board could also comment on whether other states require examinations for licensure to be administered by a national organization and whether the states conduct an oral examination or oral interview of applicants.

2. Conflict With or Duplication of Existing Rules

The Board should consider whether the effective date of the rule allows sufficient time for the Board to process applications that may have been underway but not complete prior to the effective date, or whether an initial applicability provision should be used to address the applicability of the rule to persons in the process at the time the rule takes effect.

3. Clarity, Grammar, Punctuation and Use of Plain Language

a. In the analysis of the proposed rule, the Board might consider more clearly explaining its addition of “World Directory of Medical Schools” and “the Royal College of Physicians and Surgeons of Canada” to various subsections in s. Med 1.02 (3) (b). Currently, the plain language analysis indicates that these accrediting agencies are “prominent” and “not listed in the current rules”.

b. In SECTION 4, the Board might consider replacing the phrase “or other circumstances” with the phrase “or other hardship” to more closely align with the authorizing statutory language in s. 448.05 (2) (c), Stats.

c. In SECTION 6, the Board repeals s. Med 1.06 (2). The Board should consider whether there is another means by which the Board will notify each applicant of the time and place scheduled for that applicant’s examinations.

d. In SECTION 7, s. Med 1.06 (3) (b), the Board should consider whether the word “training” should be removed from the phrase “combined M.D. or D.O. and Ph.D. medical scientist training program”. In the previous clause, the word “training” was removed from the phrase “standard M.D. ~~training~~ or D.O. medical education program”.

e. In SECTION 8, s. Med. 1.06 (3) (bm), the Board should consider changing the phrase “shall have been passed” to “shall be passed” to more closely align with the use of the same phrase in s. Med 1.06 (3) (b).

f. In SECTION 9, s. Med 1.06 (3) (c), the Board should consider moving the phrases “Prior to January 1, 2000” to the end of their respective sentences. By way of example, the first sentence should read, “The board shall waive completion of . . . for applicants who have passed FLEX ~~component~~ Component 2 prior to January 1, 2000”, if this correctly reflects the significance of the January 1, 2000 date. Alternatively, should the provision be deleted if it only applies to actions prior to January 1, 2000?

g. In SECTION 9, s. Med 1.06 (3) (d) and (e), it appears the Board should consistently strike the term “examination” after the word “FLEX” for consistency with other edits throughout the rule.

h. In SECTION 11, s. Med 1.08 (1) is repealed. The Board should consider whether there is another means by which an applicant who has failed under this chapter may apply for reexamination.

i. In SECTION 14, s. Med 14.03, the Board should consider replacing the phrase “the next succeeding November 1” with the phrase “the next succeeding renewal date under s. 440.08 (2), Stats.”, to align with the amendment to the date “November 1” earlier in the section.