

Clearinghouse Rule 13-090

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

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

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PROPOSED ORDER

An order of the Medical Examining board to amend Med 1.02 (2), relating to copy of diploma requirement.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

Statutes interpreted:

s. 448.05 (2), Stats.

Statutory authority:

ss. 15.08 (5) (b), 227.11 (2) (a), 448.05 (2), and 448.40, (1) Stats.

Explanation of agency authority:

The Medical Examining Board, (Board), pursuant to ss. 15.08 (5) (b) and 227.11, Stats., has the general power to promulgate rules for guidance within the profession and to interpret the statutes it enforces. Section 448.40 (1), Stats., grants the Board authority to promulgate rules that carry out the purposes of the Medical Practices Act. The Board seeks to interpret a statute that it administers specifically, s. 448.05 (2), Stats., which deals with applicants being required to possess a diploma. Therefore, the Board is both generally and specifically empowered to promulgate the proposed rule.

Related statute or rule:

None.

Plain language analysis:

The proposed rule seeks to amend Wis. Admin Code Med 1.02 (2) by eliminating the requirement that applicants provide a verified photographic copy of their diploma when applying for licensure. The requirement is duplicative and unnecessary since the board receives information regarding graduation directly from medical and osteopathic schools of medicine.

Section 1. amends Med 1.02 (2) by deleting the language pertaining to a copy of the applicant's diploma.

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

None.

Comparison with rules in adjacent states:

Illinois:

Illinois requires an official transcript and diploma or an official transcript and certification of graduation from the medical school. 68 Ill. Adm. Code 1285.70.

Iowa:

Iowa requires a copy of the applicant's medical degree and a certification from the medical school. 653 IAC 9.4 (147,148).

Michigan:

Michigan requires that an applicant establish that he or she is a graduate of medical school. Mich. Admin. Code R 338.2317.

Minnesota:

Minnesota requires an original or certified copy of the diploma from the medical or osteopathic school. Minn. R. 5600.0200 Subp. 2.

Summary of factual data and analytical methodologies:

The Medical Examining Board ensures the accuracy, integrity, objectivity and consistency of data were used in preparing the proposed rule and related analysis.

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

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 Greg.Gasper@wisconsin.gov, or by calling (608) 266-8608.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are 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 Greg.Gasper@wisconsin.gov, or by calling (608) 266-8608.

Agency contact person:

Shawn Leatherwood, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-4438; email at Shancethea.leatherwood@wisconsin.gov.

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

Comments may be submitted to Shawn Leatherwood, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, WI 53708-8935, or by email to Shancethea.Leatherwood@wisconsin.gov. Comments must be received on or before November 20, 2013 to be included in the record of rule-making proceedings.

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TEXT OF RULE

SECTION 1. Med 1.02 (2) is amended to read:

Med 1.02 (2) Verified documentary evidence of graduation from a medical or osteopathic school approved by the board ~~and a verified photographic copy of the diploma conferring the degree of doctor of medicine or doctor of osteopathy granted to the applicant by such school.~~ The board recognizes as approved those medical or osteopathic schools recognized and approved at the time of the applicant's graduation therefrom by the council on medical education and hospitals of the American medical association, or the American osteopathic association, or the liaison committee on medical education, or successors. If an applicant is not a graduate of a medical school approved by the board, but is a graduate of a medical school recognized and listed as such by the world health organization of the united nations, such applicant shall submit verified documentary evidence of graduation from such school ~~and a verified photographic copy of the diploma conferring the degree of doctor of medicine or equivalent degree as determined by the board granted to the applicant by such school~~ and also verified documentary evidence of having passed the examinations conducted by the educational council for foreign medical graduates or successors, and shall also present for the board's inspection the originals thereof, and if such medical school requires either social service

or internship or both of its graduates, and if the applicant has not completed either such required social service or internship or both, such applicant shall also submit verified documentary evidence of having completed a 12 month supervised clinical training program under the direction of a medical school approved by the board.

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.

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(END OF TEXT OF RULE)

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Dated _____ Agency _____
Member of the Board
Medical Examining Board