

STATEMENT OF SCOPE

Medical Examining Board

Rule No.: Med 10

Relating to: Unprofessional Conduct

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 revise s. Med 10.03 (3) (h) to be consistent with the provisions of s. SPS 4.09 (2) concerning reporting a conviction.

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 Med 10.03 (3) (h) provides that unprofessional conduct includes “[f]ailing, within 30 days of conviction of any crime, to provide the board with certified copies of the criminal complaint and judgment of conviction.” This provision is inconsistent with s. SPS 4.09 (2), which requires a licensee who is convicted of a felony or misdemeanor in Wisconsin or elsewhere to “. . . notify the department in writing of the date, place and nature of the conviction or finding within 48 hours after the entry of the judgment of conviction.” The proposed rule will revise s. Med 10.03 (3) (h) to be consistent with the provisions of s. SPS 4.09 (2).

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

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 448.015 (4) (am), Stats., defines “unprofessional conduct” to mean all of the following:

- Those acts or attempted acts of commission or omission defined as unprofessional conduct by the board under the authority delegated to the board by s. 15.08 (5) (b), Stats.
- Any act by a physician or physician assistant in violation of ch. 450 or 961, Stats.
- Failure by a physician to report as required under s. 448.115, Stats.

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 :

Physicians and other health care practitioners issued a license or certificate under ch. 448, Stats.

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.

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