



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2009 Wisconsin Act 382**  
[2009 Assembly Bill 877]

**Medical Examining Board**

2009 Wisconsin Act 382 makes a number of changes in the statutes related to the Medical Examining Board (MEB) and the regulation of physicians and other providers regulated by that Board.

### **Summary Suspension of Credentials**

Under the statutes prior to Act 382, the MEB was allowed to summarily suspend any license, certificate, or limited permit for a period not to exceed 30 days pending a hearing, when the Board had in its possession evidence establishing probable cause to believe that the credential holder had violated the provisions of specified statutes and that it is necessary to suspend the credential immediately to protect the public health, safety, or welfare. The statutes permitted the MEB to designate any of its officers to exercise the authority to summarily suspend a credential, but that suspension was for a period of time not to exceed 72 hours. In addition, the statutes prior to Act 382 permitted the MEB to extend the initial 30-day period of suspension for an additional 30 days while the hearing was in progress or for a longer period of time if the credential holder had caused a delay in the hearing process.

Act 382 eliminates the 30-day restriction on the duration of a summary suspension and the provision relating to an MEB officer summarily suspending a credential for up to 72 hours. In its place, Act 382 authorizes the Board chair and two Board members designated by the chair to exercise the authority to summarily suspend a credential. If the Board chair is unavailable, the Board vice-chair and two Board members designated by the vice-chair may exercise this authority. A notice of hearing commencing a disciplinary proceeding must be issued no more than 10 days following the order of summary suspension. The order remains in effect until the effective date of a final decision and order in the disciplinary proceeding or until the order of summary suspension is discontinued by the MEB following the hearing. The credential holder has the right to request a hearing to show cause why the summary suspension should not be continued and the order of summary suspension must include notice of that right. If a hearing to show cause is requested by the credential holder, the hearing must be scheduled on a date within 20 days of receipt by the MEB of the request for a hearing.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

**Temporary Educational Permits**

The statutes allow persons who meet specified requirements to obtain a temporary educational permit to practice medicine and surgery from the MEB. The permit entitles the holder to take post-graduate educational training in a facility approved by the MEB. The holder of the permit may, under the direction of a Wisconsin physician, perform services requisite to the training authorized including prescribing drugs. Prior to Act 382, the holder of the permit could not prescribe narcotics. Act 382 eliminates the restriction on prescribing narcotics by the holder of the temporary educational permit.

**Duty to Report**

Act 382 creates a statute that requires a physician who has reason to believe any of the following about another physician to promptly submit a written report to the MEB that includes facts related to the conduct of the other physician: (1) the other physician is engaging or has engaged in acts that constitute a pattern of unprofessional conduct; (2) the other physician is engaging or has engaged in an act that creates an immediate or continuing danger to one or more patients or to the public; (3) the other physician is or may be medically incompetent; or (4) the other physician is or may be mentally or physically unable safely to engage in the practice of medicine or surgery. No physician who makes such a report to the MEB may be held civilly or criminally liable or be found guilty of unprofessional conduct for reporting in good faith. However, failure to report as required is considered unprofessional conduct.

**Biennial Training Requirement**

Licensed physicians are required to submit proof of attendance at and completion of continuing education programs or courses of study approved for at least 30 hours of credit every two years. Act 382 adds the requirement that physicians submit proof of attendance at and completion of professional development and maintenance of certification or performance improvement or continuing medical education programs or courses of study required by the MEB by rule. The MEB is given the authority to promulgate rules requiring the completion of continuing education, professional development, and maintenance of certification or performance improvement.

***Effective date:*** The Act takes effect on June 2, 2010.

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June 2, 2010

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