

Report From Agency

**STATE OF WISCONSIN
MEDICAL EXAMINING BOARD**

**IN THE MATTER OF RULEMAKING : REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE : CR 16-047
MEDICAL EXAMINING BOARD:**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The proposed rules update chs. Med 1 and 14 relating to licenses to practice medicine and surgery and biennial registration. The proposed rules better align with statute, reflect current practices, and provide a clearer regulatory landscape for applicants.

Current rules contain provisions relating to an open-book examination on statutes and rules governing the practice of medicine and surgery in Wisconsin. As the Board no longer requires an applicant for licensure to practice medicine and surgery to take the statutes and rules examination, the proposed rules remove all references to it.

2015 Wisconsin Act 269 removed a requirement that examinations for licensure to practice medicine and surgery be limited to those administered by national organizations. As a result, the Board is conducting an oral examination in lieu of the oral interview referenced in current rules. The proposed rules replace references to the oral interview with the oral examination, specify how the oral examination is administered, and update the criteria the Board may use to determine if an applicant is required to take the oral examination.

Current rules do not address the Comprehensive Osteopathic Medical Licensing Examination, commonly known as the COMLEX-USA. The proposed rules specify the Board requirements for the COMLEX-USA examination.

The proposed rules update the list of board-recognized accrediting agencies to include 2 internationally recognized accrediting agencies not listed in the current rules, the World

Directory of Medical Schools and the Royal College of Physicians and Surgeons of Canada.

The proposed rules more explicitly refer to section 448.05 (2) (c) of the Wisconsin Statutes as the Board's authority to grant waivers from the required 24 months of postgraduate training in programs accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association in cases of hardship and for applicants who demonstrate substantially equivalent education and training.

Current rules indicate the Board administers and determines eligibility for the USMLE Step 3, which does not reflect current practices. In addition, the USMLE Step 2 is administered in 2 parts, which is not reflected in current rules. The proposed rules make revisions to reflect current practices.

The renewal date currently specified in ch. Med 14 does not match the statutory renewal date for a doctor of osteopathy. The proposed rules align the renewal dates for licensees with the dates provided by statute.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Medical Examining Board held a public hearing on October 19, 2016. Mark Grapentine, representing the Wisconsin Medical Society, registered in favor of the proposed rules. The Board did not receive any written or verbal comments.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All Legislative Council recommendations have been incorporated into the proposed rules, except as follows:

- The Board was asked to consider whether the effective date of the rules will allow sufficient time to process applications that are currently underway. As the rules reflect current practice for processing applications, this is not a consideration.
- The Board was asked to consider whether the word "training" should be removed from the phrase "medical scientist training program." The terminology in the proposed rules is correct.
- The proposed rules repeal a provision concerning applying for reexamination. The Board was asked to consider whether there is another means by which an applicant who fails an exam may apply for reexamination. As the only examination currently administered by the Board (the oral examination) provides for reexamination by the full Board, this is not a consideration.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

N/A