

**CERTIFICATE**

**STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING**

**TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:**

*I, Patrick D. Braatz, Director, Bureau of Health Professions in the Wisconsin Department of Regulation and Licensing and custodian of the official records of the Medical Examining Board, do hereby certify that the annexed rules were duly approved and adopted by the Medical Examining Board on the 16<sup>th</sup> day of January, 2000.*

*I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.*

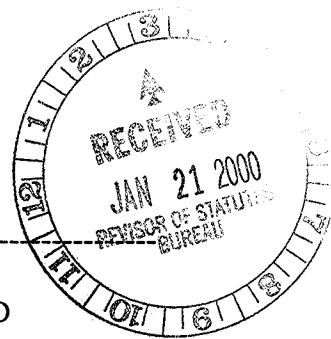


**IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the board at 1400 East Washington Avenue, Madison, Wisconsin this 16<sup>th</sup> day of January, 2000.**

A large, stylized handwritten signature in black ink, appearing to read "Patrick D. Braatz".

**Patrick D. Braatz, Director, Bureau of Health Professions, Department of Regulation and Licensing**

STATE OF WISCONSIN  
MEDICAL EXAMINING BOARD



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IN THE MATTER OF RULE-MAKING : ORDER OF THE  
PROCEEDINGS BEFORE THE : MEDICAL EXAMINING BOARD  
MEDICAL EXAMINING BOARD : ADOPTING RULES  
: (CLEARINGHOUSE RULE 99-128)  
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ORDER

An order of the Medical Examining Board to *amend* Med 1.06 (1) (a) (intro.) and (d), (3) (a), (b), (d), (e), (f) (intro.) and (g), 1.08 (2), 2.02 and 2.04, relating to computer-based examinations.

Analysis prepared by the Department of Regulation and Licensing.

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ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2) and 448.40 (1), Stats.

Statutes interpreted: s.448.05 (6), Stats.

In this rule-making order the Medical Examining Board amends its rules relating to the change from a paper and pencil examination to a computer-based examination. This amendment will allow for the computer-based examination administration of the USMLE (United States Medical Licensing Examination) beginning in 1999.

After December 31, 1993, the FLEX examination was no longer the licensing examination administered by the board. Therefore, the last sentence of s. Med 10.06 (3) (a) is repealed in that the examination does not consist of the 2-component FLEX; but, rather, the board now accepts the 3-step USMLE sequence. In s. Med 2.02 the word "such" is changed to the word "the" to comply with the Administrative Rules Procedures Manual.

In s. Med 2.04 language is repealed relating to temporary licenses expiring on the first day the board begins its examination. The board at one time administered the examinations in June and December. The Medical Examining Board does not schedule examinations any longer. An applicant can take the examination any day of the week because of the computer-based examination.

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TEXT OF RULE

SECTION 1. Med 1.06 (1) (a) (intro.) and (d) and (3) (a), (b), (d), (e), (f) (intro.) and (g) are amended to read:

Med 1.06 (1) (a) (intro.) All applicants shall complete the ~~written~~ computer-based examination under sub. (3) (b), and an open book examination on statutes and rules governing

the practice of medicine and surgery in Wisconsin. In addition, an applicant may be required to complete an oral examination if the applicant:

(d) ~~Where both written~~ Written, computer-based and oral examinations ~~are as required they~~ shall be scored separately and the applicant shall achieve a passing grade on all examinations to qualify for a license.

(3) (a) The board accepts the FLEX examination administered on or before December 31, 1993, as its written examination and requires a score of not less than 75.0 on each component of the 2-component FLEX examination administered on or after January 1, 1985. Every applicant shall ~~take~~ have taken the complete 2-component examination the first time the applicant ~~is was~~ admitted to the FLEX examination. ~~If the applicant fails to achieve a passing grade on one of the 2 components, the applicant may apply for and be reexamined on only the component failed according to the reexamination provisions of s. Med 1.08 (1).~~

(b) Commencing January 1, 1994, the board accepts the 3-step USMLE sequence as its written or computer-based examination and administers step 3 of the sequence. Minimum standard passing scores for each step shall be not less than 75.0. Applicants shall complete all 3 steps of the examination sequence within 7 years from the date upon which the applicant first passes a step, either step 1 or step 2. Applicants who have passed a step may not repeat the step unless required to do so in order to comply with the 7-year time limit. If the applicant fails to achieve a passing grade on any step, the applicant may apply for and be reexamined on only the step failed according to the reexamination provisions of s. Med 1.08 (1).

(d) The board may waive the requirement for written or computer-based examinations required in this section for any applicant who has achieved a weighted average score of no less than 75.0 on all 3 components of the FLEX examination taken prior to January 1, 1985 in a single session in another licensing jurisdiction in the United States or Canada, in no more than 3 attempts. If the applicant had been examined 4 or more times before achieving a weighted average score of no less than 75.0 on all 3 components, the applicant shall meet requirements specified in s. Med 1.08 (2).

(e) The board may waive the requirement for written or computer-based examinations required in this section for any applicant who has achieved a score of no less than 75.0 on each of the 2 components of the FLEX examination administered on or after January 1, 1985 in another licensing jurisdiction in the United States or Canada, if the applicant achieved a score of no less than 75.0 on each of the 2 components in no more than 3 attempts. If the applicant has been examined 4 or more times before achieving a score of 75.0 on either or both components of the FLEX examination, the applicant shall meet requirements specified in s. Med 1.08 (2).

(f) (intro.) An applicant who has passed all 3 components of the examinations of the following boards and councils may submit to the board verified documentary evidence thereof, and the board will accept this in lieu of requiring further written or computer-based examination of the applicant.

(g) An applicant who has received passing grades in written or computer-based examinations for a license to practice medicine and surgery conducted by another licensing jurisdiction of the United States or Canada may submit to the board verified documentary evidence thereof. The board will review such documentary evidence to determine whether the scope and passing grades of such examinations are substantially equivalent to those of this state at the time of the applicant's examination, and if the board finds such equivalence, the board will accept this in lieu of requiring further written or computer-based examination of the candidate. The burden of proof of such equivalence shall lie upon the applicant.

SECTION 2. Med 1.08 (2) is amended to read:

Med 1.08 (2) If an applicant has been examined 4 or more times in another licensing jurisdiction in the United States or Canada before achieving a passing grade in written or computer-based examinations also required under this chapter, the board may require the applicant to submit evidence satisfactory to the board of further professional training or education in examination areas in which the applicant had previously demonstrated deficiencies. If the evidence provided by the applicant is not satisfactory to the board, the board may require the applicant to obtain further professional training or education as the board deems necessary to establish the applicant's fitness to practice medicine and surgery in this state. In order to determine any further professional training or education requirement, the board shall consider any information available relating to the quality of the applicant's previous practice, including the results of the applicant's performance on the oral examination required under s. 448.05 (6), Stats., and s. Med 1.06.

SECTION 3. Med 2.02 is amended to read:

**Med 2.02 Applications, credentials, eligibility, and issuance.** An applicant who is a graduate of a medical school in this state, or of whom the board will require no further examination under the provisions of s. Med 1.06 (3), may make application to the board for temporary license prior to regular license to practice medicine and surgery. In either case, ~~such~~ the applicant shall have submitted to the board the application and documents required under ch. Med 1 for regular license to practice medicine and surgery, and shall in addition submit to the board an application for temporary license prior to regular license on forms provided for that purpose by the board. ~~Such~~ The application shall be made not less than 30 days prior to the ~~date set by the board for the holding of its next scheduled~~ examinations for regular license. The application and required documents for regular license to practice medicine and surgery and the application for temporary license prior to regular license will be reviewed by 2 officers of the board. In the case of an applicant of whom the board will require no further written or computer-based examination, upon the finding of ~~such~~ the 2 officers of the board that ~~such~~ the applicant is qualified for regular license except for having taken and passed the oral examination required under s. Med 1.06, the board, acting through ~~such~~ the 2 officers, may issue a temporary license prior to regular license to practice medicine and surgery to ~~such~~ the applicant. In the case of an applicant who is a graduate of a medical school in this state, upon the finding of ~~such~~ the 2 officers of the board that ~~such~~ the applicant is eligible for admission to examination for regular license under s. Med 1.06, the board, acting through ~~such~~ the 2 officers, may issue a temporary license prior to regular license to practice medicine and surgery to ~~such~~ the applicant.

SECTION 4. Med 2.04 is amended to read:

**Med 2.04 Expiration.** A temporary license prior to regular license to practice medicine and surgery granted under this chapter shall expire by its terms 60 days after the next scheduled examination for regular license ~~is given by the board,~~ or on the date following the examination of an applicant on which the board grants or denies ~~such the~~ applicant a regular license to practice medicine and surgery, whichever occurs first; ~~or such temporary license prior to regular license to practice medicine and surgery and shall automatically expire on the first day the board begins its examination of applicants for regular license to practice medicine and surgery after issuing such license, unless its holder submits to examination on such date if the applicant fails to appear for the examination.~~ A regular license to practice medicine and surgery is deemed denied by the board on the date the applicant is sent notice from the board that he or she has failed the examination for regular license to practice medicine and surgery.

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(END OF TEXT OF RULE)  
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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.

Dated: \_\_\_\_\_

1/19/2000

Agency \_\_\_\_\_

Wanda Roemer

Chairperson *W*

Medical Examining Board

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12/2/99



**State of Wisconsin**  
**DEPARTMENT OF REGULATION AND LICENSING**  
**CORRESPONDENCE/MEMORANDUM**

**DATE:** January 21, 2000

**TO:** Gary Poulson  
Assistant Revisor of Statutes

**FROM:** Pamela A. Haack, Paralegal  
Department of Regulation and Licensing  
Office of Administrative Rules

**SUBJECT:** Final Order Adopting Rules



**Agency: Medical Examining Board**

**Clearinghouse Rule 99-128**

Attached is a copy and a certified copy of a final order adopting rules.

Please stamp or sign a copy of this letter to acknowledge receipt.

Thank you.