

STATEMENT OF SCOPE

Medical Examining Board

Rule No.: Med 10

Relating to: Performance of Physical Examinations

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 assess standards of care and conduct for physical examinations, specifically including breast, pelvic, and rectal examinations. This will include reviewing an opinion concerning the practice of obstetrics and gynecology developed by the American College of Obstetrician and Gynecologists' Committee on Ethics (Committee Opinion No. 796, January 2020). As a result of this review and assessment, the Board may create rules establishing minimum standards for the performance of physical examinations, update its rules concerning unprofessional conduct to specifically address conduct related to physical examinations, or both.

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:

Chapter Med 10 currently contains the rules of the Medical Examining Board relating to unprofessional conduct, including conduct related to direct patient care. The Board has identified the need for the assessment of standards of care and conduct described above, to determine if an update to its rules is appropriate.

The alternative of not conducting this assessment would be to leave the rules unchanged, which may result in less beneficial patient care and protection.

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

Section 15.08 (5) (b), Stats., provides each examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 448.015 (4) (am) 1. defines unprofessional conduct as “[t]hose 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).”

Section 448.40 (1), Stats., provides that “[t]he board may promulgate rules to carry out the purposes of this subchapter, including rules requiring the completion of continuing education, professional development, and maintenance of certification or performance improvement or continuing medical education programs for renewal of a license to practice medicine and surgery.”

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule :

70 hours

6. List with description of all entities that may be affected by the proposed rule :

Physicians, physician assistants, entities that employ physicians and physician assistants, and individuals accessing health care services.

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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