

STATEMENT OF SCOPE

MEDICAL EXAMINING BOARD

Rule No.: Med 26

Relating to: Military Medical Personnel

Rule Type: Permanent and Emergency

1. Finding/nature of emergency (Emergency Rule only):

2021 Wisconsin Act 158 Section 6 (2) provides that:

“The medical examining board may promulgate emergency rules under s. 227.24 to establish minimum standards for military medical personnel under s. 448.40 (1m). Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in effect until December 1, 2023, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding s. 227.24 (1) (a) and (3), the medical examining board is not required to provide evidence that promulgating a rule under this subsection as emergency rules is necessary for the preservation of public peace, health, safety and welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.”

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rules is to implement the statutory changes from 2021 Wisconsin Act 158.

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:

The Board intends to update the code to bring it into alignment with 2021 Wisconsin Act 158. An alternative would be to not revise the code to reflect these new requirements, which would create confusion and a lack of clarity for stakeholders as to what is required of military medical personnel and the board as it relates to the new statutory requirements.

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

Section 15.08 (5) (b), Stats. states that “The Board shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

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:

Approximately 120 hours

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

Military medical personnel seeking to practice in Wisconsin and the licensed health care professionals qualified to supervise them: physicians, physician assistants, podiatrists, registered professional nurses, and advanced practice nurse prescribers

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 :

U.S. Code Title 10 Subtitle A provides the general federal regulations for all military personnel, including medical staff. Specific requirements for the Army, Navy and Marine Corps, Air Force and Space Force, and Reserve Components are also laid out in Subtitles B through E of Title 10.

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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