



Alerts

Wisconsin Changes Laws Regulating Physicians

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Hinshaw Health Law Alert

Governor Jim Doyle recently signed into law a bill that makes changes to Wisconsin statutes related to: summary suspensions ordered by the Medical Examining Board (MEB), reporting of physicians to the MEB, continuing medical education requirements and temporary educational permits to practice medicine.

While the MEB previously had the authority to summarily suspend a license to practice medicine for no more than 30 days pending a hearing, the new law eliminates the 30-day limitation on summary suspensions. Summary suspensions may now remain in effect until the effective date of the final decision and order granted in a disciplinary hearing against the physician or until the order is discontinued by the MEB following a hearing to show cause. The MEB is also now required to issue a notice of hearing commencing a disciplinary proceeding against the physician no more than 10 days after the order of summary suspension has been issued. Additionally, the MEB must notify physicians that they may request a hearing to show cause for the suspension. Such hearings must be held within 20 days of the MEB's receipt of the request by the physician.

The bill also requires physicians licensed by the MEB to "promptly submit a written report" to the MEB if they have reason to believe that another licensed physician:

- is engaged in acts that constitute a pattern of unprofessional conduct;
- is engaged in an act that creates an immediate or continuing danger to one or more patients or to the public;
- is or may be medically incompetent; or
- is or may be mentally or physically unable to engage in the practice of medicine or surgery.

Any physician who complies in good faith with the duty to report may not be held civilly or criminally liable or be found guilty of unprofessional conduct for making that report. Physicians who do not comply with this mandatory reporting requirement may be found to have engaged in unprofessional conduct for their failure to report.

The new bill also modifies continuing education requirements, giving the MEB authority to promulgate rules requiring the completion of continuing education, professional development, maintenance of certification, performance improvement or continuing medical education programs for renewal of a license to practice medicine and surgery. Physicians will be required to complete and submit proof of any such programs or courses of study required by the MEB.

Finally, the new bill eliminates the prohibition on the prescription of narcotics by individuals holding a temporary educational permit to practice medicine and surgery.

For more information, please contact [Lora L. Zimmer](#) or your regular [Hinshaw attorney](#).

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