



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-3441/1
MED:kjf

2017 ASSEMBLY BILL 936

February 9, 2018 - Introduced by Representatives MURPHY and SANFELIPPO.
Referred to Committee on Health.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to amend** 50.36 (3) (a), 448.13 (1) (a) 2., 448.13 (1m) and 448.40 (1); and
2 **to create** 448.085 of the statutes; **relating to:** prohibiting requirements for
3 maintenance of certification by physicians.

Analysis by the Legislative Reference Bureau

Under current law, the Medical Examining Board, which licenses physicians and certain other health care professionals, may promulgate rules requiring maintenance of certification in order to renew a license to practice medicine and surgery (physician license). This bill prohibits the board from promulgating such rules, and further provides that no physician may be required to secure maintenance of certification as a prerequisite for reimbursement from a third party or as a condition for being granted hospital staff privileges. The bill does not affect the board's authority to require the completion of continuing education, professional development, or performance improvement or continuing medical education programs in order to renew a physician license.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 50.36 (3) (a) of the statutes is amended to read:
5 50.36 (3) (a) Any person licensed to practice medicine and surgery under subch.
6 II of ch. 448 or podiatry under subch. IV of ch. 448 shall be afforded an equal

ASSEMBLY BILL 936**SECTION 1**

1 opportunity to obtain hospital staff privileges and may not be denied hospital staff
2 privileges solely for the reason that the person is an osteopathic physician and
3 surgeon or a podiatrist. Each individual hospital shall, subject to s. 448.085 (2),
4 retain the right to determine whether the applicant's training, experience, and
5 demonstrated competence is sufficient to justify the granting of hospital staff
6 privileges or is sufficient to justify the granting of limited hospital staff privileges.

7 **SECTION 2.** 448.085 of the statutes is created to read:

8 **448.085 Maintenance of certification. (1)** In this section, "maintenance of
9 certification" means a continuous professional development program through which
10 a physician certified by one or more of the medical specialty boards of the American
11 Board of Medical Specialties or American Osteopathic Association maintains
12 specialty certification.

13 **(2)** No physician may be required to secure maintenance of certification as a
14 prerequisite for reimbursement from a 3rd party or as a condition for being granted
15 hospital staff privileges.

16 **(3)** The board may not promulgate a rule requiring maintenance of certification
17 for renewal of a license to practice medicine and surgery.

18 **SECTION 3.** 448.13 (1) (a) 2. of the statutes is amended to read:

19 448.13 **(1)** (a) 2. Professional development ~~and maintenance of certification~~ or
20 performance improvement or continuing medical education programs or courses of
21 study required by the board by rule under s. 448.40 (1) and completed within the 2
22 calendar years preceding the calendar year for which the registration is effective.

23 **SECTION 4.** 448.13 (1m) of the statutes is amended to read:

24 448.13 **(1m)** The board shall, on a random basis, verify the accuracy of proof
25 submitted by physicians under sub. (1) (a) and may, at any time during the 2 calendar

ASSEMBLY BILL 936

1 years specified in sub. (1) (a), require a physician to submit proof of any continuing
2 education, and professional development, ~~and maintenance of certification~~ or
3 performance improvement or continuing medical education programs or courses of
4 study that he or she has attended and completed at that time during the 2 calendar
5 years.

6 **SECTION 5.** 448.40 (1) of the statutes is amended to read:

7 448.40 (1) The Subject to s. 448.085 (3), the board may promulgate rules to
8 carry out the purposes of this subchapter, including rules requiring the completion
9 of continuing education, and professional development, ~~and maintenance of~~
10 ~~certification~~ or performance improvement or continuing medical education
11 programs for renewal of a license to practice medicine and surgery.

12

(END)