Chapter Med 1

LICENSE TO PRACTICE MEDICINE AND SURGERY

Med 1.01 Authority and purpose. The rules in this chapter are adopted by the medical examining board pursuant to the authority delegated by ss. 15.08 (5), 227.11, and 448.40, Stats., and govern application and examination for license to practice medicine and surgery under s. 448.04 (1) (a), Stats., (hereinafter “regular license”).

History: Cr. Register, October, 1976, No. 250, eff. 11–1–76; correction made under s. 13.93 (2m) (b) 7., Stats., Register, May, 1989, No. 401.

Med 1.015 Definitions. As used in this chapter:

(1) “FLEX” means the federated licensing examination.

(2) “NBME” means the national board of medical examiners examination.

(3) “USMLE” means the United States medical licensing examination.

History: Cr. Register, January, 1994, No. 457, eff. 2–1–94.

Med 1.02 Applications and credentials. Every person applying for regular license to practice medicine and surgery shall make application therefor on forms provided for this purpose by the board and shall submit to the board the following:

(1) A completed and verified application form.

(2) Verified documentary evidence of graduation from a medical or osteopathic school approved by the board. The board recognizes as approved those medical or osteopathic schools recognized and approved at the time of the applicant’s graduation therefrom by the American osteopathic association, or the liaison committee on medical education, or successors. If an applicant is not a graduate of a medical school approved by the board, but is a graduate of a medical school recognized and listed as such by the world health organization of the united nations, such applicant shall submit verified documentary evidence of graduation from such school and also verified documentary evidence of having passed the examinations conducted by the educational council for foreign medical graduates or successors, and shall also present for the board’s inspection the originals thereof, and if such medical school requires either social service or internship or both of its graduates, and if the applicant has not completed either such required social service or internship or both, such applicant shall also submit verified documentary evidence of having completed a 12 month supervised clinical training program under the direction of a medical school approved by the board.

(3) (a) Verification of satisfactory completion by the applicant of 24 months of postgraduate training in one or more programs accredited by the Accreditation Council for Graduate Medical Education, the American Osteopathic Association or a successor organization; or documentary evidence that the applicant is currently enrolled in a postgraduate training program accredited by the Accreditation Council for Graduate Medical Education, or the American Osteopathic Association or a successor organization and has received credit for 12 consecutive months of postgraduate training in that program and an unrestricted endorsement from the postgraduate training director that the applicant is expected to complete at least 24 months of postgraduate training.

(b) If an applicant is a graduate of a foreign allopathic or osteopathic medical school, then the applicant must provide a verified certificate showing satisfactory completion of 24 months of postgraduate training in one or more programs accredited by the Accreditation Council for Graduate Medical Education, the American Osteopathic Association or a successor organization; or documentary evidence that the applicant is currently enrolled in a postgraduate training program accredited by the Accreditation Council for Graduate Medical Education, or the American Osteopathic Association or a successor organization and has received credit for 12 consecutive months of postgraduate training in that program and an unrestricted endorsement from the postgraduate training director that the applicant is expected to complete at least 24 months of postgraduate training.

(c) If the applicant is a graduate of a foreign allopathic or osteopathic medical school and has not completed 24 months of postgraduate training approved by the board and is not currently enrolled in a postgraduate training program but the applicant has other professional experience which the applicant believes has given that applicant the education and training substantially equivalent to 24 months of postgraduate training, then the applicant may submit the documented education and training demonstrating substantially equivalent education and training. The board will review the documented education and training and may make further inquiry, including a personal interview of the applicant, as the board deems necessary to determine whether substantial equivalence in fact exists. The burden of proof of such equivalence shall lie upon the applicant. If the board finds that the documented education and training is substantially equivalent to the required training and experience the board may accept the experience in lieu of requiring the applicant to have completed 24 months of postgraduate training in a program approved by the board.

(d) The board approves of the training programs accredited by the following organizations: the Accreditation Council for Graduate Medical Education, the American Osteopathic Association, the Liaison Committee on Medical Education, the American Association of Colleges of Osteopathic Medicine, and the National Joint Committee on Approval of Pre-Registration of Physician Training Programs of Canada, or their successor organizations.

(4) An unmounted photograph, approximately 8 by 12 cm., of the applicant taken not more than 60 days prior to the date of application and bearing on the reverse side the statement of a notary public that such photograph is a true likeness of the applicant.

(5) A verified statement that the applicant is familiar with the state health laws and the rules of the department of health services as related to communicable diseases.

(6) The required fees made payable to the Wisconsin department of safety and professional services.

History: Cr. Register, October, 1976, No. 250, eff. 11–1–76; cr. Register, Feb., 1977, No. 594, eff. 11–1–77; correction made in (5) under s. 13.93 (2m) (b) 6., Register, Feb. 1991, No. 648, eff. 2–1–91; correction made in (6) under s. 13.93 (2m) (b) 6., Register, Feb. 1997, No. 594, eff. 3–1–97; correction in (5) made under s. 13.93 (2m) (b) 6., Register, October 2015 No. 718.

Note: Chapter Med 1 as it existed on October 31, 1976 was repealed and a new chapter Med 1 was created effective November 1, 1976.
Med 1.02

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Stats., Register, December, 1999, No. 528; correction in (5), (6) made under s. 13.92 (4) (b) 6., Stats., Register November 2011 No. 671; CR 13-090; am. (2) Register April 2014 No. 700, eff. 5-1-14; EmR1505; emerg. c. and recr. (3) Register October 2015 No. 718, eff. 11-1-15.

Med 1.03 Translation of documents. If any of the documents required under this chapter are in a language other than English, the applicant shall also submit a certified English translation thereof, and the cost of such translation shall be borne by the applicant.

History: Cr. Register, October, 1976, No. 250, eff. 11-1-76.

Med 1.05 Fees. The required fees must accompany the application, and all remittances must be made payable to the Wisconsin medical examining board.

History: Cr. Register, October, 1976, No. 250, eff. 11-1-76.

Med 1.06 Panel review of applications; examinations required. (1) (a) All applicants shall complete the 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 interview if the applicant:

1. Has a medical condition which in any way impairs or limits the applicant’s ability to practice medicine and surgery with reasonable skill and safety.
2. Uses chemical substances so as to impair in any way the applicant’s ability to practice medicine and surgery with reasonable skill and safety.
3. Has been disciplined or had licensure denied by a licensing or regulatory authority in Wisconsin or another jurisdiction.
4. Has been found to have been negligent in the practice of medicine or has been a party in a lawsuit in which it was alleged that the applicant had been negligent in the practice of medicine.
5. Has been convicted of a crime the circumstances of which substantially relate to the practice of medicine.
6. Has lost, had reduced or has suspended his or her hospital staff privileges, or has failed to continuously maintain hospital privileges during the applicant’s period of licensure following post–graduate training.
7. Has been graduated from a medical school not approved by the board.
8. Has been diagnosed as suffering from pedophilia, exhibitionism or voyeurism.
9. Has within the past 2 years engaged in the illegal use of controlled substances.
10. Has been subject to adverse formal action during the course of medical education, postgraduate training, hospital practice, or other medical employment.
11. Has not practiced medicine and surgery for a period of 3 years prior to application, unless the applicant has been graduated from a school of medicine within that period.
(b) An application filed under s. Med 1.02 shall be reviewed by an application review panel of at least 2 board members designated by the chairperson of the board. The panel shall determine whether the applicant is eligible for a regular license without completing an oral interview.
(c) All examinations shall be conducted in the English language.
(d) Written and computer–based examinations and oral interviews as required shall be scored separately and the applicant shall achieve a passing grade on all examinations to qualify for a license.
(e) The board will notify each applicant found eligible for examination of the time and place scheduled for that applicant’s examination. Failure of an applicant to appear for examinations as scheduled will void that applicant’s application and require the applicant to reapply for licensure, unless prior scheduling arrangements have been made with the board by the applicant.
(f) The board accepts the FLEX examination administered on or before December 31, 1993, as its written examination and requires a score of at least 75.0 on each component of the 2–component FLEX examination administered on or after January 1, 1985. Every applicant shall have taken the complete 2–component examination the first time the applicant was admitted to the FLEX examination.
(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 who have completed a standard M.D. training program shall complete all 3 steps of the examination sequence within 10 years from the date upon which the applicant first passes a step, either step 1 or step 2. Applicants who have completed a combined M.D. and Ph.D. medical scientist training program shall complete all steps of the examination sequence within 12 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 10–year or 12–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).
(c) Prior to the January 1, 2000, the board shall waive completion of steps 1 and 2 of the USMLE sequence for applicants who have passed FLEX component 1; and shall waive step 3 of the USMLE sequence for applicants who have passed FLEX component 2. Prior to January 1, 2000, the board shall waive any step of the USMLE sequence for applicants who have passed the corresponding part of the NBME examination.

Note: The following table represents application of s. Med 1.06 (3) (c)

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<td>or NBME PART 1</td>
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(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 the 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) An applicant who has passed all 3 components of any 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.
1. National Board of Medical Examiners.
2. National Board of Examiners of Osteopathic Physicians
and Surgeons.
3. Medical Council of Canada, if the examination is taken on
or after January 1, 1978.
4. Medical Council of Canada, if the examination was taken
before January 1, 1978, and the applicant is board certified at
the time of application by a specialty board acceptable to the
board.
5. An applicant who has received passing grades in written
or computer−based examinations for a license to practice medi-
cine 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 docu-
mentary 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 requir-
ing further written or computer−based examination of the candi-
date. The burden of proof of such equivalence shall lie upon the
applicant.
6. Any applicant who is a graduate of a medical school in
which English is not the primary language of communication may
be examined by the board on his or her proficiency in the English
language.

History: Cr. Register, October, 1976, No. 250, eff. 11−1−76; am. (4), Register,
August, 1979, No. 262, eff. 9−4−79; am. (3) (a), cr. (3) (b) to (3) (e), Register,
October, 1984, No. 346, eff. 11−1−84; emerg. am. (3) (intro.), r. and recr. (3) (a), r. and recr. (3) (b) to (3) (c) and (d) to be (3) (c) and (d), cr. (3) (b) to (3) (d) and (e) to be
(3) (c) and (d), recr. September, 1985, No. 357, eff. 10−1−85; r. and recr. (1) Register, April, 1987, No. 376, eff. 5−1−87; renum. (3) (intro.), (a), (b), (c),
intro and (d) to be (3) (a) (d), (e), (f) (intro.) and (g) and am. (a), (d), (e) and (f)
intro., cr. (3) (b) and (c), Register, January, 1994, No. 457, eff. 2−1−94; am. (1) (a)
intro., 3 to 6, and (d), r. and recr. (1) (a) 1 and 2, cr. (1) (a) 8 to 11, Register,
February, 1997, No. 494, eff. 1−1−97; am. (1) (a) (intro.), (d), (3) (a), (b), (d), (e), (f) (intro.) and (g), March, 2000, No. 531, eff. 4−1−00; CR 01−032; am. (3) (b), Register
October 2001 No. 550, eff. 11−1−01; CR 03−072; am. (3) (f), cr. (3) (f) 4, Register
January 2004 No. 577, eff. 2−1−04; CR 06−114; am. (3), Register April 2007 No. 616,
eff. 5−1−07; CR 15−022; am. (1) (a) (intro.), (b), (d), r. (4) Register October 2015
No. 718, eff. 11−1−15.

Med 1.07 Conduct of examinations. (1) At the opening
of the examinations each applicant shall be assigned a number
which shall be used by the applicant on all examination papers,
and neither the name of the applicant nor any other identifying
marks shall appear on any such papers.
(2) At the beginning of the examinations a proctor shall read
and distribute to the applicants the rules of conduct to be followed
during the examinations and the consequences of violation of the
rules. If an applicant violates the rules of conduct, the board may
withhold or invalidate the applicant’s examination scores, dis-
qualify the applicant from the practice of medicine or impose
other appropriate discipline.

History: Cr. Register, October, 1976, No. 250, eff. 11−1−76; r. and recr. (2), Register,
December, 1984, No. 348, eff. 1−1−85.

Med 1.08 Failure and reexamination. (1) An applicant
who fails to achieve a passing grade in the examinations required
under this chapter may apply for reexamination on forms pro-
vided by the board and pay the appropriate fee for each reex-
amination as required in s. 440.05, Stats. An applicant who fails
to achieve a passing grade may be reexamined twice at not less
than 4−month intervals. If the applicant fails to achieve a passing
grade on the second reexamination, the applicant may not be
admitted to any further examination until the applicant reappeals
for reexamination. If the applicant presents evidence satisfactory
to the board of further professional training or education as the board may
prescribe following its evaluation of the applicant’s specific case.
(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 pro-
fessional 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 informa-
tion available relating to the quality of the applicant’s previous
practice, including the results of the applicant’s performance on the
oral interview required under s. 448.05 (6), Stats., and s. Med
1.06.

Med 1.09 Examination review by applicant. (1) An
applicant who fails the statutes and rules examination may request
a review of that examination by filing a written request and
required fee with the board within 30 days of the date on which
examination results were mailed.
(2) Examination reviews are by appointment only.
(3) An applicant may review the statutes and rules examina-
tion for not more than one hour.
(4) The applicant may not be accompanied during the review
by any person other than the proctor.
(5) At the beginning of the review, the applicant shall be
provided with a copy of the questions, a copy of the applicant’s
answer sheet and a copy of the master answer sheet.
(6) The applicant may request the review in the presence of
a proctor. The applicant shall be provided with a form on which
to write comments, questions or claims of error regarding any
items in the examination. Bound reference books shall be per-
mitted. Applicants shall not remove any notes from the area.
Notes shall be retained by the proctor and made available to the
applicant for use at a hearing, if desired. The proctor shall
not defend the examination nor attempt to refute claims of error
during the review.
(7) An applicant may not review the examination more than
once.

History: Cr. Register, February, 1997, No. 494, eff. 3−1−97; CR 15−022; am. (1),
r. (4), am. (6) Register October 2015 No. 718, eff. 11−1−15.

Med 1.10 Board review of examination error claim. (1) An
applicant claiming examination error shall file a written request
for board review in the board office within 30 days of the date
the examination was reviewed. The request shall include all of
the following:
(a) The applicant’s name and address.
(b) The type of license for which the applicant applied.
(c) A description of the mistakes the applicant believes
were made in the examination content, procedures, or scoring,
including the specific questions or procedures claimed to be in error.
(d) The facts which the applicant intends to prove, including
reference text citations or other supporting evidence for the appli-
cant’s claim.
(e) Any evidence which should be presented to the board.
(f) The applicant is required to provide any evidence
which the applicant believes to be necessary for the board
of the examination.
(2) The board shall review the claim, make a determination
of the validity of the objections and notify the applicant in writing
of the board’s decision and any resulting grade changes.
(3) If the decision does not result in the applicant passing
the examination, a notice of denial of license shall be issued. If
the board issues a notice of denial following its review, the applicant
may request a hearing under s. SPS 1.05.
Note: The board office is located at 1400 East Washington Avenue, PO. Box 8935, Madison, Wisconsin 53708.

History: Cr. Register, February, 1997, No. 494, eff. 3–1–97; correction in (3) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.