



Wisconsin Medical Society



March 15, 2021

Sheldon Wasserman, MD  
Chair, Wisconsin Medical Examining Board  
Department of Safety and Professional Services  
Madison, WI 53708-8935

Dear Chair Wasserman,

The Wisconsin Hospital Association (WHA), the Wisconsin Medical Society (WisMed) and our members appreciate the goal of the Medical Examining Board to protect patients from physicians that violate the existing sexual conduct prohibitions in MED 10.03(2)(f). We agree that there are additional steps that the Medical Examining Board could take to identify and appropriately discipline physicians who engage in a pattern of patient sexual abuse.

We also recognize the good faith effort in the new, March 3, 2022, draft of MED 10 rulemaking relating to physical examinations to consider concerns raised during the solicitation of information from the public on the economic impacts of the preliminary draft of Med 10 recommended by the Medical Examining Board on October 20, 2021. Upon initial analysis of the new draft language, we do not believe that the changes will significantly reduce the \$55 million in annual implementation and compliance costs of the October 20, 2021, rule identified by the Department of Safety and Professional Services.

As stated in WHA’s November 15, 2021, letter in response to the solicitation for comments on the economic impact of the October 20, 2021, version of the draft rule: “We believe that the draft proposed rule could be revised to more precisely address the Board’s goals and intents, and address much of the staffing and cost concerns. As the Board develops its economic impact analysis and moves into the next steps in the rulemaking process, WHA welcomes further discussion with the Board, including potential modifications of the proposed rule.”

WHA and WisMed offer to engage with the Medical Examining Board to identify potential modifications to the rule that can address our mutual goals and intents while minimizing potential staffing and cost concerns. If so invited, we stand ready to work with Department of Safety and Professional Services staff, any individual Medical Examining Board Members, or a work group of the Board, as well as other stakeholders, to help craft rule language that could be provided to the full Board for its consideration at its April meeting.

We hope that this information and offer will help aid the Board’s work towards ultimately advancing a revised rule through the rulemaking process. If you have any questions, please feel free to reach out to us at [azenk@wha.org](mailto:azenk@wha.org) or [mark.grapentine@wismed.org](mailto:mark.grapentine@wismed.org).

Sincerely,

/s/

Mark Grapentine  
Chief Policy & Advocacy Officer  
Wisconsin Medical Society

/s/

Ann Zenk  
Senior Vice President Workforce & Clinical Practice  
Wisconsin Hospital Association

cc: Tom Ryan, Executive Director, Wisconsin Medical Examining Board  
Jameson Whitney, Legal Counsel, Department of Safety and Professional Services  
Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services