

Proposed Medical Examining Board Rule Would Add at Least \$64 Million in New Health Care Costs Annually

WHA submitted economic impact comments to the Wisconsin Medical Examining Board this week raising concerns about a proposed rule that would create a presumption that a physician has engaged in sexual misconduct unless the physician's care is observed by a trained chaperone, or a narrow set of exceptions apply.

"WHA continues to receive concerns from our members that the proposed rule, including the latest May 3, 2022, version of the proposed rule has an unnecessarily and unreasonably broad impact on care delivery that will significantly exacerbate current critical health care workforce shortage challenges and substantially increase health care staffing costs," wrote WHA Senior Vice President of Workforce and Clinical Practice Ann Zenk.

"Simply adding additional chaperone duties that are not medically necessary for the care of the patient to existing hourly or salaried staff or students is not operationally feasible," wrote Zenk. "Existing staff and students do not have 'extra' time in their workday to serve as chaperones to observe physicians providing care to their patients."

Working with WHA, a group of WHA members also submitted their own comments as part of the Medical Examining Board's economic impact comment period. Seven WHA members submitted comment letters that together estimated at least \$64 million in annual additional staffing costs and require almost 1,100 new full-time staff to observe physician exams as contemplated by the proposed rule. Based on the limited sample size, the statewide total impact is likely significantly higher.

"Health care delivery is chronically overregulated, impacting workforce burnout and cost of care. The proposed rule is one quantifiable example of the very real impact that unnecessary regulation of health care delivery has on the cost of health care," said WHA President and CEO Eric Borgerding. "WHA will continue to lead to identify and push back against unnecessary regulations that increase the cost of delivering high-quality health care."

WHA and individual member comment letters were submitted as part of the economic impact analysis stage of rulemaking. Under Wisconsin statute, agencies are required to conduct an economic impact analysis, including gathering comments from the private sector, on their proposed rules. Following completion of an economic impact analysis, the Medical Examining Board must have an additional public hearing and public comment period on the whole of the rule.

Questions about the proposed rule and the economic impact comment period can be directed to [Ann Zenk](#) or WHA General Counsel [Matthew Stanford](#).