



## STATE OF WISCONSIN

Department of Safety and Professional Services  
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**Governor Scott Walker      Secretary Dave Ross**

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**ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD MEETING  
VIA LIVE MEETING  
Room 121C, 1400 E. Washington Avenue, Madison  
DRL Contact: Tom Ryan (608) 261-2378  
October 9, 2012**

*The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting items may be removed from the agenda. Please consult the meeting minutes for a summary of the actions and deliberations of the Board.*

**9:00 A.M.**

**OPEN SESSION**

- 1. Call to Order – Roll Call**
- 2. Welcome New Member(s)**
- 3. Declaration of Quorum**
- 4. Approval of the Agenda (insert) (1-4)**
- 5. Approval of Minutes of April 5, 2012 (insert) (5-8)**
- 6. Secretary Matters**
- 7. Executive Director Matters**
  - a. Staff Changes
  - b. Other
- 8. Discussion of DOE Policy Regarding Screening -APPEARANCE 9:05 A.M. – JEANETTE LYTLE, ATTORNEY SUPERVISOR, DOE (insert) (9-12)**
- 9. DSPS Staff Website Presentation – APPEARANCE 9:15 A.M. – JEFFREY WEIGAND (insert) (13-14)**
- 10. Items Received After Mailing of Agenda**
  - a. Presentation of Proposed Stipulations and Final Decisions and Orders
  - b. Presentation of Proposed Stipulations and Final Decisions and Interim Orders
  - c. Presentation of Proposed Decisions
  - d. Petitions for Re-hearing
  - e. Petitions for Summary Suspension
  - f. Petitions for Extension of Time
  - g. Presentation of Petitions For Evaluation
  - h. Petitions to Vacate Orders
  - i. Petitions for Designation of Hearing Official

- j. Requests for Disciplinary Proceeding Presentations
- k. Motions
- l. Appearances from Requests Received or Renewed
- m. Speaking Engagement, Travel and Public Relation Requests
- n. Application Issues
- o. Examination Issues
- p. Continuing Education Issues
- q. Practice Questions

**11. Items for Board Discussion**

**12. Credentialing Liaison Report**

**13. Administrative Matters**

**14. Informational Item(s)**

**15. Public Comment(s)**

**16. Other Business**

**CLOSED SESSION**

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g))**

**Deliberation of Items Received in the Bureau after Preparation of Agenda**

**16. Case Closings (insert) (15-16)**

- a. Proposed Stipulations
- b. Proposed Interim Orders
- c. Proposed Decisions and Orders
- d. Objections and Responses to Objections
- e. Complaints
- f. Petitions for Summary Suspension
- g. Remedial Education Cases
- h. Petitions for Extension of Time
- i. Petitions for Evaluation
- j. Petitions to Vacate Orders
- k. Petitions for Designation of Hearing Official
- l. Motions
- m. Administrative Warnings
- n. Matters Relating to Costs
- o. Appearances from Requests Received or Renewed
- p. Examination Issues
- q. Application Issues
- r. Monitoring Cases
- s. Impaired Professional Procedure Cases

Consulting with Legal Counsel

Division of Enforcement – Meeting with Individual Board Members

Division of Enforcement – Case Status Reports and Case Closings

Ratifying Licenses and Certificates

**RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

Voting on Items Considered or Deliberated on in Closed Session if Voting is Appropriate

Other Business

**ADJOURNMENT**

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**ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD  
LIVE MEETING MINUTES  
APRIL 5, 2012**

**PRESENT:** Ryan Berry, Jeanne Brown, Gregory Landry, MD (at DSPS),Carolynn Leaman, Steven Nass (at DSPS), James Nesbit

**STAFF:** Tom Ryan, Executive Director; Sandy Nowack, Legal Counsel; Karen Rude-Evans, Bureau Assistant; Shawn Leatherwood, Paralegal

**CALL TO ORDER**

Steven Nass, Chair, called the meeting to order at 9:03 a.m. A quorum of six (6) members was confirmed.

**ADOPTION OF AGENDA**

**Amendments:**

- Item 7b – Delegation Motion – is removed from the agenda

**MOTION:** Jeanne Brown moved, seconded by Carolynn Leaman, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF OCTOBER 11, 2011**

**MOTION:** Gregory Landry moved, seconded by Jeanne Brown, to approve the minutes of October 11, 2011 as written. Motion carried unanimously.

**SECRETARY MATTERS**

There were no matters to discuss.

**EXECUTIVE DIRECTOR MATTERS**

**Board Member Guidebook**

Tom Ryan reviewed the Board Member Guidebook with the Board. Board members were asked to complete and return the signature page.

## **ITEMS FOR BOARD DISCUSSION**

### **Concussion Legislation**

Ryan Berry reviewed this legislation and its history with the Board. The Department of Public Instruction and the Wisconsin Interscholastic Athletic Associate (WIAA) will develop guidelines for coaches, parents and athletes concerning concussions and head injuries.

## **CREDENTIALING LIAISON REPORT**

There was no report.

## **ADMINISTRATIVE MATTERS**

Tom Ryan asked the board members for suggestions on rules revisions. Sandy Nowack reviewed the requirement that the treating physician must be identified to the Department

**MOTION:** Steven Nass moved, seconded by Gregory Landry, to have the Department explore the removal of the requirement to identify the treating physician in 1.07 to the Department of Safety and Professional Services. Motion carried unanimously.

## **INFORMATIONAL ITEMS**

There were no informational items.

## **PUBLIC COMMENTS**

There were no public comments.

## **OTHER BUSINESS**

There was no other business.

## **CONVENE TO CLOSED SESSION**

The Board did not convene to closed session as there was no closed session business.

**ADJOURNMENT**

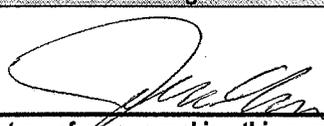
**MOTION:** Gregory Landry moved, seconded by Jeanne Brown, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 9:32 a.m.

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**State of Wisconsin  
Department of Regulation and Licensing**

**AGENDA REQUEST FORM**

<b>Name and Title of Person Submitting the Request:</b>  Jeanette Lytle		<b>Date When Request Submitted:</b> June 1, 2012
		Items will be considered late if submitted after 5 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before meeting for all other boards</li> </ul>
<b>Name of Board, Committee, Council:</b> Athletic Trainers Affiliated Credentialing Board		
<b>Board Meeting Date:</b>  October 9 2012	<b>Attachments:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No	<b>How should the item be titled on the agenda page?</b>  Discussion of DOE policy regarding screening.
<b>Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	<b>Is an appearance before the Board being scheduled? If yes, by whom?</b> <input checked="" type="checkbox"/> Yes by Jeanette Lytle <input type="checkbox"/> No	<b>Name of Case Advisor(s), if required:</b>
<b>Describe the issue and action the Board should address:</b>  DOE will discuss screening policy and answer any questions the board may have regarding screening protocols.		
<b>If this is a "Late Add" provide a justification utilizing the Agenda Request Policy:</b>		
<b>Directions for including supporting documents:</b> <ol style="list-style-type: none"> <li>1. This form should be attached to any documents submitted to the agenda.</li> <li>2. Documents submitted to the agenda must be single-sided.</li> <li>3. Only copies of the original document will be accepted.</li> <li>4. Provide original documents needing Board Chairperson signature to the Bureau Director or Program Assistant prior to the start of a meeting.</li> </ol>		
<b>Authorization:</b>		
 Signature of person making this request		6/14/12 Date
Supervisor signature (if required)		Date
Bureau Director signature (indicates approval to add late items to agenda)		Date

**STATE OF WISCONSIN**  
**DEPARTMENT OF SAFETY and PROFESSIONAL SERVICES**  
**DIVISION OF ENFORCEMENT**

**POLICY/PROCEDURE**

Subject: **Administrative Complaint Closures by Division of Enforcement Prior to  
Submission to Screening Panel**  
Section: **15.0 (Version 3)** Effective Date: **May 4, 2012**

Authorized by the Division Administrator:  
**Chad Koplien**

**Intent of Policy:** The intent of this policy/procedure is to identify complaints that can be closed by Division of Enforcement staff and attorney supervisors to eliminate the opening of unnecessary complaints, complaints without legal basis or where the complaint can be, or has been addressed by another court, agency, or organization with more direct financial resources, common authority, or jurisdiction.

**Procedure:** Intake staff shall seek the input of the applicable business/health team attorney supervisor regarding any case of the types listed below. The attorney supervisor will make the decision on whether any of these types of complaints shall be administratively closed on the basis of legal discretion at the intake stage prior to referral to the screening panel. In the event intake staff allows a case which falls into one of the categories below to be referred to screening without consideration for closure, prior to the screening panel date, the prosecuting attorney shall discuss the case with his or her attorney supervisor, and the supervisor shall determine whether the case should be administratively closed and withdrawn from panel consideration.

The following types of complaints shall be vigorously identified by Division staff for potential closure after legal review:

1. Anonymous complaints that are not serious as determined by an objective legal analysis; or lack sufficient evidence to support the allegations (e.g., no information on who, what, where, or when); or present no actual violation; or do not present a clear danger to the public;
2. Complaints of Healthcare fraud, including but not limited to Medicaid and Medicare fraud. These complaints shall be referred to agencies dedicated to investigating these issues (e.g., Department of Justice, Department of Health Services, or Private Insurer Internal Fraud Department), with a request that the agency or private insurer notify DOE of any adjudication of fraud. The Division shall prosecute a fraud complaint, only upon obtaining a certified copy of a judgment of conviction of fraud; an administrative adjudication finding fraud, or civil judgment adjudicating a finding of fraud;
3. Complaints where the incident alleged is older than two years unless the complaint alleges serious physical or financial harm or or there is a substantial legal or public interest justification for opening an investigation as determined by an objective legal analysis;

4. Barber or Cosmetology complaints where the incident is older than one year and there is no evidence of bodily harm or serious financial harm as determined by an objective legal analysis;
5. Complaints or notifications of any criminal or municipal arrests, charges or convictions, including operation of a motor vehicle while intoxicated unless the complaint contains evidence of a clear and substantial relationship between the allegations and the practice of the profession;
6. Commission, salary and earnest money disputes or contract disputes between employee and employer;
7. Rudeness on the part of the licensee, with the exception of complaints against funeral directors;
8. Billing disputes or money issues unless there is an adjudication of fraud. The Division shall prosecute a fraud complaint, only upon obtaining a certified copy of a judgment of conviction; an administrative adjudication finding fraud, or civil judgment adjudicating a finding of fraud;
9. Advertising complaints in particular complaints by competitors, where there is no serious harm unless there is an advertized misrepresentation of a credential or specialty or there is other substantial legal or public interest justification for opening an investigation as determined by an objective legal analysis.;
10. Disputes between professionals unless there is evidence of harm to a third party consumer and there is no substantial legal or public interest justification for opening an investigation as determined by an objective legal analysis.;
11. Any complaint where there is adequate alternative redress through other regulatory agencies, authorities, or the courts, unless a certified copy of a judgment of conviction, administrative adjudication or civil judgment all which fully evidence the facts necessary to establish a professional regulatory violation; and
12. Any complaint where there is no allegation of actual physical or financial harm or other substantial legal or public interest justification for opening an investigation as determined by an objective legal analysis.

Any complaint closed administratively, prior to submission to the screening panel, shall contain a statement drafted by the attorney supervisor, stating the basis for the closure. Also, the attorney supervisor should note if the complaint is appropriate for a "letter of education". In such case, the attorney supervisor shall assist intake staff in preparing an appropriate letter of instruction notifying the credential holder of the rule and/or violation at issue, and suggesting professional education to redress the allegation or deficiency. The intake supervisor working with the attorney supervisors shall monitor the number of cases closed under this policy and report these closures quarterly at Division of Enforcement management meetings.

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**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

<b>1) Name and Title of Person Submitting the Request:</b>  DSPS		<b>2) Date When Request Submitted:</b>  _____	
		Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 14 work days before the meeting for all others</li> </ul>	
<b>3) Name of Board, Committee, Council, Sections:</b>  Athletic Trainers Affiliated Credentialing Board			
<b>4) Meeting Date:</b>  October 9, 2012	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b>  DSPS Staff Website Presentation	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	<b>8) Is an appearance before the Board being scheduled? If <u>yes</u>, who is appearing?</b>  Jeffrey Weigand, DSPS – APPEARANCE – 8:45 a.m.	<b>9) Name of Case Advisor(s), if required:</b>  _____	
<b>10) Describe the issue and action that should be addressed:</b>  Presentation of New Website.			
<b>11) Authorization</b>			
Signature of person making this request			Date
Supervisor (if required)			Date
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)			Date

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