



STATE OF WISCONSIN
Department of Safety and Professional Services
1400 E Washington Ave.
Madison WI 53703

Mail to:
PO Box 8935
Madison WI 53708-8935

Email: dsps@wisconsin.gov
Web: <http://dsps.wi.gov>
Phone: 608-266-2112

Governor Scott Walker Secretary Dave Ross

MEDICAL EXAMINING BOARD
Room 121A, 1400 E. Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
July 17, 2013

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 description of the actions of the Board.

AGENDA

8:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-4)**
- B. Approval of Minutes of June 19, 2013 (5-10)**
- C. Administrative Updates**
 - 1. Elections/Appointments **(11-12)**
 - 2. Staff Updates
- D. APPEARANCE – Shawn Leatherwood & Jill Remy – Continuing Medical Education Audits**
 - 1. Chapter 448 and Wis. Admin. Code Chapter MED 13 – Statute and Rule Change Options
 - 2. Continuing Education Scope Statement Review **(13-16)**
- E. Legislative/Administrative Rule Matters – Discussion and Consideration**
 - 1. Wis. Admin. Code Chapter MED 10
 - 2. Wis. Admin. Code Chapter MED 8 **(17-18)**
- F. Application of Jody Wilkins for Council on Physician Assistants Re-Appointment – Board Consideration (19-22)**
- G. Licensing Committee – Discussion and Consideration**
- H. NABP PMP Interconnect – Informational Item (23-24)**

- I. FSMB Matters**
 - 1. Appointment of Tom Ryan to FSMB MOL Task Force on Continuous Professional Development (CPD) Activities **(25-26)**
- J. Screening Panel Report
- K. Items Added After Preparation of Agenda:
 - 1. Introductions, Announcements and Recognition
 - 2. Executive Director Matters
 - 3. Education and Examination Matters
 - 4. Credentialing Matters
 - 5. Practice Matters
 - 6. Disciplinary Matters
 - 7. Legislation/Administrative Rule Matters
 - 8. Informational Items
 - 9. Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
 - 10. Presentation of Proposed Decision(s)
 - 11. Presentation of Interim Order(s)
 - 12. Petitions for Re-Hearing
 - 13. Petitions for Summary Suspension
 - 14. Petitions for Assessments
 - 15. Petitions to Vacate Orders
 - 16. Petitions for Designation of Hearing Examiner
 - 17. Requests for Disciplinary Proceeding Presentations
 - 18. Motions
 - 19. Petitions
 - 20. Appearances from Requests Received or Renewed
 - 21. Speaking Engagement, Travel, and Public Relation Requests
- L. Public Comments

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

- M. Litigation Discussion – Planned Parenthood v. MEB (27-50)**
- N. 10:00 P.M. APPEARANCE – G.X.Z. Administrative Warning Review, DLSC Case No. 11 MED 064 (51-76)**
- O. Credentialing Matters**
- P. Monitoring Matters**

- Q. Presentation and Deliberation of Items from DLSC Attorney Sandra Nowack**
1. **Proposed Stipulations, Final Decisions and Orders**
 - a. **Daniel T. Cabot, D.O. – 11 MED 147 (77-82)**
 - Case Advisor: **Dr. Rodney Erickson**
 - b. **Jong W Kim M.D. – 13 MED 131 (83-94)**
 - Case Advisor: **Greg Collins**
 - c. **Carol Haughey, P.A. – 12 MED 388 (95-106)**
 - Case Advisor: **Dr. Sridhar Vasudevan**
 2. **Administrative Warning in Case Number 12 MED 427 – S.O.F. (107-108)**
- R. Presentation and Deliberation of Items from DLSC Attorney Kim Kluck**
1. **Proposed Stipulations, Final Decisions and Orders**
 - a. **Bruce W. Irwin, M.D. – 12 MED 441 (109-114)**
 - Case Advisor: **Dr. Sridhar Vasudevan**
- S. DLSC Matters:**
1. Case Status Report
 2. Case Closings
- T. Consulting with Legal Counsel**
- U. Deliberation of Items Added After Preparation of the Agenda**
1. Disciplinary Matters
 2. Education and Examination Matters
 3. Credentialing Matters
 4. Proposed Stipulations, Final Decisions and Orders
 5. Proposed Decisions
 6. Proposed Interim Orders
 7. Complaints
 8. Petitions for Summary Suspension
 9. Remedial Education Cases
 10. Petitions for Extension of Time
 11. Petitions for Assessments and Evaluations
 12. Petitions to Vacate Orders
 13. Motions
 14. Administrative Warnings
 15. Matters Relating to Costs
 16. Appearances from Requests Received or Renewed
 17. Monitoring Matters
 18. Professional Assistance Procedure (PAP) Matters
 19. Case Status Report
 20. Case Closings
- V. Ratifying Examination Results, Licenses, and Certificates**
- RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**
- W. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate**
- X. Open Session Items Noticed Above not Completed in the Initial Open Session**

ADJOURNMENT

NEXT MEDICAL EXAMINING BOARD MEETING: 8/14/2013

1:00 P.M.

**ORAL EXAMINATION OF CANDIDATES FOR LICENSURE – ROOM 121A,B,C, AND
199B**

CLOSED SESSION – Reviewing applications and conducting oral examinations of sixteen (16) candidates for licensure – Drs. Yale, Misra, Capodice, Vasudevan, Simons, and Erickson

**MEDICAL EXAMINING BOARD
MEETING MINUTES
JUNE 19, 2013**

PRESENT: James Barr; Gene Musser, MD; Kenneth Simons, MD; Greg Collins; Sheldon Wasserman, MD; Timothy Westlake, MD; Timothy Swan, MD; Mary Jo Capodice, DO; Jude Genereaux; Rodney Erickson, MD; Suresh Misra, MD

ABSENT: Russell Yale, MD; Sridhar Vasudevan, MD;

STAFF: Tom Ryan, Executive Director; Matthew C. Niehaus, Bureau Assistant; Joshua Archiquette, Bureau Assistant; and other Department Staff

CALL TO ORDER

Dr. Sheldon Wasserman, Chair, called the meeting to order at 8:03 a.m. A quorum of eleven (11) members was present.

ADOPTION OF AGENDA

- **Item U (closed session) – ADD “U.1.b – Ivan W. Sletten, M.D. – 13 MED 036”**

MOTION: Dr. Suresh Misra moved, seconded by Dr. Timothy Westlake, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF MAY 15, 2013

- **Page 4 – REMOVE “Dr. Kenneth Simons abstained from voting in the matter of Paul Huepenbecker, M.D.”**

MOTION: Dr. Suresh Misra moved, seconded by, Dr. Kenneth Simons, to approve the minutes of May 15, 2013 as amended. Motion carried unanimously.

MOTION: Dr. Kenneth Simons moved, seconded by, Dr. Timothy Swan, to change “Ms. Jude Genereaux left the meeting at 12:36 p.m.” to “Ms. Jude Genereaux left the meeting at the close of the regular business portion/prior to examination review and retreat at 12:36 p.m.” in the minutes of May 15, 2013. Motion carried unanimously.

CONTINUING MEDICAL EDUCATION AUDITS

MOTION: Dr. Timothy Swan moved, seconded by Dr. Kenneth Simons, to clarify the CME requirements for licensure renewal. The statute governing 30 hours of CME required for licensure is interpreted to mean that CME must be acquired in the two calendar years preceding the year in which licensure renewal occurs. Motion carried unanimously.

MOTION: Dr. Timothy Swan moved, seconded by Dr. Suresh Misra, to table discussion on CE audits until the July 17, 2013 meeting of the Medical Examining Board. Motion carried.

Dr. Sheldon Wasserman left the room during deliberation and voting on the above motion. Dr. Kenneth Simons acted as Chair.

ADMINISTRATIVE RULE MATTERS

MOTION: Dr. Gene Musser moved, seconded by Dr. Suresh Misra, to substitute the following language for MED 8.05(2)(b)(7) “Has been diagnosed with any condition that may create a risk of harm to a patient or the public”. Motion carried unanimously.

MOTION: Dr. Timothy Westlake moved, seconded by Dr. Suresh Misra, to add a provision to MED 8.07(2) stating “that the physician providing supervision be readily identifiable”. The Board directs DSPS staff to create language to indicate the responsibility for identification to be presented at the July 17, 2013 meeting of the Medical Examining Board. Motion carried.

Dr. Gene Musser voted nay in the matter of the above motion.

MOTION: Dr. Timothy Westlake moved, seconded by Dr. Suresh Misra, that the Board has reviewed the draft of proposed Occupational Therapists Affiliated Credentialing Board rules relating to practice standards and has no recommendations. Motion carried unanimously.

LEGISLATIVE MATTERS

MOTION: Dr. Suresh Misra moved, seconded by Dr. Rodney Erickson, to establish a legislative committee to address administrative and visiting professor licensure consisting of Dr. Kenneth Simons, Dr. Timothy Swan, Dr. Gene Musser, and Dr. Timothy Westlake. Motion carried unanimously.

FSMB MATTERS

MOTION: Dr. Timothy Swan moved, seconded by Dr. Timothy Westlake, to approve the appointment of Dr. Kenneth Simons as Chair of the FSMB State Medical Boards’ Appropriate Regulation of Telemedicine (SMART) Workgroup. Motion carried unanimously.

PRESENTATION OF PETITION FOR SUMMARY SUSPENSION IN CASE NUMBER 13 MED 146 – CULLY R. WHITE, D.O.

Dr. Timothy Westlake and Dr. Timothy Swan recused themselves from the presentation of petition for summary suspension in case number 13 MED 146 – Cully R. White, D.O.

Attorney Pamela Stach was replaced by Attorney Michael Berndt for the presentation of petition for summary suspension in case number 13 MED 146 – Cully R. White, D.O.

SCREENING PANEL REPORT

Mr. Jim Barr reported via e-mail that fifty-five (55) cases were reviewed. Twenty-five (25) cases were opened for investigation. Two(2) ten-day letters were sent.

CLOSED SESSION

MOTION: Dr. Kenneth Simons moved, seconded by Ms. Jude Genereaux, to convene to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests, requests for licensure, deliberate on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and Division of Legal Services and Compliance case status reports. Dr. Sheldon Wasserman read the language of the motion. The vote of each member was ascertained by voice vote. Timothy Swan, MD – yes; Timothy Westlake – yes; James Barr-yes; Gene Musser, MD – yes; Greg Collins-yes; Kenneth Simons, MD-yes; Mary Jo Capodice, DO-yes; Jude Genereaux; Rodney Erickson, MD; Suresh Misra, MD; and Sheldon Wasserman, MD-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:51 a.m.

SUMMARY SUSPENSION

MOTION: Dr. Kenneth Simons moved, seconded by Mr. Greg Collins, that pursuant to 448.02(4) there is probable cause to believe that Cully R. White, D.O. engaged in unprofessional conduct in violation of 448.02(3) as defined in Wis. Admin. Code MED 10.02 (2) (h), 10.02 (2) (i), 10.02(2) (m), 10.02(2) (z) and Wis. Admin. Code 10.02 (2) (za).

Dr. Suresh Misra and Dr. Sheldon Wasserman abstained from voting in the matter of the Summary Suspension of Cully R. White, D.O.

Dr. Timothy Westlake recused himself from the presentation of petition for summary suspension in case number 13 MED 146 – Cully R. White, D.O.

Dr. Timothy Swan was not present during discussion and voting in the matter of the presentation of petition for summary suspension in case number 13 MED 146 – Cully R. White, D.O.

Dr. Sridhar Vasudevan and Dr. Russell Yale were not present at the meeting.

No vote was taken, as there was not a supermajority of the Board present to hold the motion.

Attorney Pamela Stach was replaced by Attorney Michael Berndt for the presentation of petition for summary suspension in case number 13 MED 146 – Cully R. White, D.O.

MOTION: Dr. Kenneth Simons moved, seconded by Dr. Gene Musser, that pursuant to 448.02(4) there is probable cause to issue a Complaint in the matter of Cully R. White, D.O., Case Number 13 MED 146. Motion carried.

Dr. Sheldon Wasserman abstained from voting in the matter of the issuance of complaint in the matter of Cully R. White, D.O. – 13 MED 146.

Dr. Timothy Westlake and Dr. Timothy Swan recused themselves in the matter of the issuance of complaint in the matter of Cully R. White, D.O. – 13 MED 146.

CREDENTIALING MATTERS

MOTION: Dr. Suresh Misra moved, seconded by Dr. Mary Jo Capodice, that Ji Won Yoo, M.D. passed the full board oral examination. Motion carried unanimously.

MOTION: Dr. Suresh Misra moved, seconded by Mr. Jim Barr, to grant Ji Won Yoo, M.D.'s request for full licensure after all other requirements for licensure are met. Motion carried unanimously.

MOTION: Dr. Gene Musser moved, seconded by Dr. Timothy Swan, to find that Pradeep Khanna, M.D.'s post-graduate training is not equivalent to a year of ACGME accredited training. Motion carried unanimously.

MONITORING MATTERS

MOTION: Dr. Mary Jo Capodice moved, seconded by Ms. Jude Genereaux, to refer the matter of Terrance Moe, M.D. to the Screening Panel for potential investigation. Motion carried unanimously.

PROPOSED DECISION AND ORDER IN THE MATTER OF THE DISCIPLINARY PROCEEDINGS AGAINST LEONARD J. GREEN III, M.D., DHA CASE NO. SPS-13-0016, DLSC CASE NO. 12 MED 339

MOTION: Dr. Timothy Westlake moved, seconded by Dr. Timothy Swan, to adopt the Findings of Fact, Conclusions of Law, and issue the Order and impose Costs in the matter of disciplinary proceedings against Leonard J. Green III, M.D. (12 MED 339.) Motion carried unanimously.

COMPLAINTS FOR DETERMINATION OF PROBABLE CAUSE

MOTION: Dr. Kenneth Simons moved, seconded by Dr. Suresh Misra, to find probable cause to believe that Respondent is guilty of unprofessional conduct and to issue a complaint in the matter of 12 MED 235 – Michael Mangold, M.D. Motion carried unanimously.

DELIBERATION OF PROPOSED STIPULATIONS AND FINAL DECISIONS AND ORDERS

MOTION: Dr. Timothy Swan moved, seconded by Ms. Jude Genereaux, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter

of disciplinary proceedings against Paul J. Berce, M.D. (10 MED 031.)
Motion carried unanimously.

Dr. Sheldon Wasserman left the room during deliberation and voting in the matter of Paul J. Berce, M.D. (10 MED 031). Dr. Kenneth Simons acted as Chair.

MOTION: Dr. Timothy Swan moved, seconded by Dr. Timothy Westlake, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against Iftekhar H. Bader, M.D. (10 MED 031.)
Motion carried unanimously.

Dr. Sheldon Wasserman left the room during deliberation and voting in the matter of Iftekhar H. Bader, M.D. (10 MED 031). Dr. Kenneth Simons acted as Chair.

MOTION: Ms. Jude Genereaux moved, seconded by Dr. Gene Musser, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against Edward P. Hagen, D.O. (12 MED 254.)
Motion carried unanimously.

MOTION: Dr. Kenneth Simons moved, seconded by Dr. Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against Ivan W. Sletten, M.D. (13 MED 036.)
Motion carried unanimously.

MOTION: Dr. Suresh Misra moved, seconded by Dr. Kenneth Simons, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against Sarbjeet S. Sandhu, M.D. (12 MED 287.)
Motion carried unanimously.

MOTION: Dr. Gene Musser moved, seconded by Dr. Kenneth Simons, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against Stephen A. Haughey, M.D. (12 MED 388.) Motion failed by a vote of 4 in favor, 6 against.

DELIBERATION OF ADMINISTRATIVE WARNINGS

MOTION: Dr. Suresh Misra moved, seconded by Dr. Timothy Swan, to issue an administrative warning in the matter of case number 12 MED 259, J.R.
Motion carried unanimously.

MOTION: Ms. Jude Genereaux moved, seconded by Dr. Suresh Misra, to issue an administrative warning in the matter of case number 12 MED 179, A.A.S.
Motion carried unanimously.

CASE CLOSINGS

MOTION: Dr. Timothy Swan moved, seconded by Ms. Jude Genereaux, to close case #13 MED 003 (M.M.) for Prosecutorial Discretion (P6). Motion carried unanimously.

MOTION: Dr. Suresh Misra moved, seconded by Mr. Greg Collins, to close case #12 MED 189 (M.K.) for Insufficient Evidence (IE). Motion carried unanimously.

MOTION: Dr. Suresh Misra moved, seconded by Dr. Timothy Westlake, to close case #12 MED 274 (C.M.) for No Violation (NV). Motion carried unanimously.

MOTION: Dr. Timothy Westlake moved, seconded by Dr. Suresh Misra, to close case #12 MED 420 (S.P) for No Violation (NV). Motion carried unanimously.

MOTION: Dr. Timothy Westlake moved, seconded by Mr. Greg Collins, to close case #12 MED 218 (A.M.) for No Violation (NV). Motion carried unanimously.

MOTION: Dr. Gene Musser moved, seconded by Dr. Suresh Misra, to close case #12 MED 360 (P.S.) for No Violation (NV). Motion carried unanimously.

MOTION: Dr. Kenneth Simons moved, seconded by Ms. Jude Genereaux, to close case #13 MED 101 (L.E.) for No Violation (NV). Motion carried unanimously.

MOTION: Dr. Kenneth Simons moved, seconded by Dr. Suresh Misra, to close case #13 MED 111 (A.G.) for No Violation (NV). Motion carried unanimously.

RATIFY ALL LICENSES AND CERTIFICATES

MOTION: Dr. Kenneth Simons moved, seconded by Dr. Gene Musser, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Dr. Gene Musser moved, seconded by Mr. Greg Collins, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 2:07 p.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

MOTION: Dr. Kenneth Simons moved, seconded by Dr. Timothy Swan, to affirm all motions made in closed session. Motion carried unanimously.

ADJOURNMENT

MOTION: Mr. Jim Barr moved, seconded by Dr. Timothy Westlake, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:10 p.m.

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

AGENDA REQUEST FORM

| | | | |
|---|--|--|--|
| 1) Name and Title of Person Submitting the Request: Matthew C. Niehaus | | 2) Date When Request Submitted: 4/11/2013 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others | |
| 3) Name of Board, Committee, Council, Sections: Medical Examining Board | | | |
| 4) Meeting Date: 7/17/2013 | 5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 6) How should the item be titled on the agenda page? Elections/Appointments | |
| 7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both | 8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No | 9) Name of Case Advisor(s), if required: | |
| 10) Describe the issue and action that should be addressed: Mid-Year Elections and New Chair Appointments | | | |
| 11) Authorization | | | |
| Matthew C. Niehaus Signature of person making this request | | _____ Date | |
| Supervisor (if required) | | _____ Date | |
| Executive Director signature (indicates approval to add post agenda deadline item to agenda) _____ Date | | | |
| Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. | | | |

| |
|---|
| Chair: <u>Vacant</u> |
| Vice-Chair: Kenneth Simons |
| Secretary: Jude Genereaux |
| |
| DLSC Liaison: Sridhar Vasudevan (Mary Jo Capodice – Alternate) |
| PAP Liaison: Mary Jo Capodice (Sridhar Vasudevan – Alternate) |
| Office of Education and Exams Liaison: Kenneth Simons |
| Website Liaison: Timothy Swan |
| Credentialing Liaisons: Suresh Misra, Kenneth Simons, <u>Vacant</u> (Mary Jo Capodice & Timothy Westlake – Alternates) |
| Legislative Liaisons: Timothy Swan, Timothy Westlake, Kenneth Simons, Sridhar Vasudevan, <u>Vacant</u> |
| Maintenance of Licensure: Mary Jo Capodice, Rodney Erickson |
| Newsletter Liaison: Jude Genereaux |
| Wis. Admin Code Chapter MED 8 Liaison: <u>Vacant</u> , Timothy Westlake |

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

AGENDA REQUEST FORM

| | | | |
|---|---|---|--|
| 1) Name and Title of Person Submitting the Request: Shawn Leatherwood | | 2) Date When Request Submitted: 07/02/2013 <small>Items will be considered late if submitted after 4:30 p.m. and less than:</small> <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others | |
| 3) Name of Board, Committee, Council, Sections: Medical Examining Board | | | |
| 4) Meeting Date: July 17, 2013 | 5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 6) How should the item be titled on the agenda page? Scope Statement Review: Continuing Education Audit | |
| 7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both | 8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (<u>Fill out Board Appearance Request</u>) <input checked="" type="checkbox"/> No | 9) Name of Case Advisor(s), if required: N/A | |
| 10) Describe the issue and action that should be addressed: The Board will consider and discuss the scope statement and make any revisions as necessary. | | | |
| 11) Authorization | | | |
| Shawn Leatherwood | | 07/02/2013 | |
| Signature of person making this request | | Date | |
| Supervisor (if required) | | Date | |
| Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date | | | |
| Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. | | | |

STATEMENT OF SCOPE

MEDICAL EXAMINING BOARD

Rule No.: 165-MED 13.06

Relating to: CE Audit

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The objective of this proposed rule is to empower the Medical Examining Board (Board) with the ability to conduct continuing education audits of its licensees on a biennial basis. The Board also seeks to increase the number of years a licensee must maintain evidence of continuing education requirements from 2 years to 4 years.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Currently, the Medical Examining Board may conduct an audit of continuing education at any time. However, there is no requirement as to when an audit must take place. The proposed rule would insure that an audit of continuing education credits would be conducted every two years. The audit would verify whether licensees had completed the 30 hours of required continuing education during the 2 calendar years preceding the calendar year for which application for registration was made. Furthermore, licensees would be required to maintain evidence of compliance for 4 years. The proposed rule may include other amendments as necessary based on changes to s. Med 13.06.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 227.11 (2), Stats., discusses the parameters of an agency's rule-making authority stating an agency, "may promulgate rules interpreting the provisions of any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if it exceeds the bounds of correct interpretation." Section 227.01(1), Stats., defines agency as a board. The Medical Examining Board falls within this definition. Therefore, the Board may promulgate administrative rules which interpret the statutes it enforces or administers as long as the proposed rule does not exceed proper interpretation of the statute.

Section 448.13 (1m), Stats provides that, "[t]he board shall, on a random basis, verify the accuracy of proof submitted by physicians under sub. (1) (a) and may, at any time during the 2 calendar years specified in sub. (1)(a), require a physician to submit proof of any continuing education, professional development, and maintenance of certification or performance improvement or continuing medical education programs or course of study that he or she has attended and completed at that time during the 2 calendar years." This statute dictates that the accuracy of evidence of continuing education must be verified. Therefore, the Board is authorized to promulgate rules that will carry out the purpose of this statute.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

State employees will spend approximately 50 hours developing the proposed rule.

6. List with description of all entities that may be affected by the proposed rule:

Wisconsin licensed physicians will be affected by this proposed rule.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

There are no comparable existing or proposed federal regulations dealing with this issue.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

This rule is not likely to have a significant economic impact on small businesses.

Contact Person: Shawn Leatherwood

Authorized Signature

Date Submitted

Page intentionally left blank

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

AGENDA REQUEST FORM

| | | | |
|--|--|--|--|
| 1) Name and Title of Person Submitting the Request: Shawn Leatherwood | | 2) Date When Request Submitted: July 10, 2013 <small>Items will be considered late if submitted after 4:30 p.m. and less than:</small> <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others | |
| 3) Name of Board, Committee, Council, Sections: Medical Examining Board | | | |
| 4) Meeting Date: 06/19/2013 | 5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 6) How should the item be titled on the agenda page? MED 8 Discussion | |
| 7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both | 8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No | 9) Name of Case Advisor(s), if required: N/A | |
| 10) Describe the issue and action that should be addressed: <p>The Board will review and discuss lanugage regarding identifying a supervisng physician. The Board wll vote on apprpriate language.</p> <p>Choice A: The physician providing supervision to the physician assistant must be readily identifiable in the medical records of the individual patient. Physician assistants are responsible for insuring the identity of the physician providing supervision is documented in the patient's medical record.</p> <p>Choice B: Physician assistants may have more than one supervising physician. The identity of the physician responsible for supervision of a physician assistant shall be documented in such that the physician supervising care of any patient can, at any time, be objectively identified by a third party.</p> | | | |
| 11) Authorization | | | |
| Shawn Leatherwood | | July 10, 2013 | |
| Signature of person making this request | | Date | |
| Supervisor (if required) | | Date | |
| Executive Director signature (indicates approval to add post agenda deadline item to agenda) | | Date | |
| Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. | | | |

Page intentionally left blank

I am requesting reappointment to the Physician Assistant Council. I was first appointed in July 2011. Since that time the reappointment have increased from two years to four years. I have enjoyed my time on the council and with MED 8 hopefully being completed soon, I believe we can continue to improve the practice of physician assistants in the state of Wisconsin.

Upon the completion of MED 8 I believe the next possible area to improve is in the licensing of physician assistants in the state of Wisconsin. One area in particular is the NCCPA verification. Currently the state of Wisconsin verifies the physician assistant has NCCPA certification, not if there any lapses in verification or how many times an individual has to take the certifying exam in order to pass.

Jody L. Wilkins, PA-C, MSPAS, RRT

Jody L. Wilkins

- Objective** Certified Physician Assistant with experience in Primary Care, Occupational Health, Urgent Care and Hospital Medicine.
- Education**
- August 1999-September 2003 DeSales University, Center Valley, PA
Master of Science in Physician Assistant Studies, 2003
Bachelor of Science in Medical Studies, 2002
- August 1997- May 1999 Old Dominion University, Norfolk, VA
Biology Major-Transferred to DeSales in 1999
- May 1995-May 1998 California College, National City, CA
Associate of Applied Science, Respiratory Therapy
- January 1990-September 1990 NSHS, San Diego, CA
Respiratory Therapy Technician School, Certificate
- September 1988-December 1988 NSHS, Great Lakes, IL
Hospital Corpsman School, Certificate
- Professional experience**
- May 2012-present Aspirus Wausau Hospital Wausau, WI
Assistant Director, Hospitalist Program
- Daily rounds, admissions, discharges, consults, daily administrative duties
- January 2012-present Aspirus Clinics, Inc. Wausau, WI
Physician Assistant, Family Walk-in
- Adult and pediatric care, laceration repair, splint placement
- March 2010-March 2012 Cogent/HMG Wausau, WI
Physician Assistant, Hospitalist Program Aspirus Wausau Hospital
- Daily rounds, admissions, discharges
- July 2008-March 2010 Aspirus Wausau Hospital Wausau, WI
Physician Assistant, Hospitalist Program
- Daily rounds, admissions, discharges

June 2007-July 2008 Aspirus Clinics Wausau, WI

Physician Assistant, Occupational Health

- Workers Compensation exams, CDL physicals, Work physicals

October 2003-May 2007 Flint Hills Community Health Emporia, KS

Physician Assistant, Primary Care Clinic

- Adult and pediatric care, CQI chair, NHDC team leader

**Certifications/
Licenses**

Certified Physician Assistant-NCCPA 2003, recertified 2009

Registered Respiratory Therapist-NBRC 1997

Certified Respiratory Therapy Technician-NBRC 1990

Wisconsin- 2111-23

DEA-MW 1576579

ACLS- 2009, 2011

BLS- 2009, 2011

**Professional
memberships**

American Academy of Physician Assistants

Wisconsin Academy of Physician Assistants

Society of Hospital Medicine

**Additional
professional
activities**

Wisconsin Medical Examiners Board-Council on Physician Assistants
appointed July 2011

President-elect, Allied Health Provider Committee, Aspirus Wausau Hospital,
January 2012

References

Available upon request

Addresses

Aspirus Hospitalists
333 Pine Ridge Boulevard
Wausau, WI 54401
715-847-2121

Cogent/HMG
5410 Maryland Way, Suite 300
Brentwood, TN 37027
888-646-7763

Aspirus Family Walk-in
2720 Plaza Drive, Suite 1100
Wausau, WI 54401
715-847-2472

Aspirus Weston Clinic Walk-in
4005 Community Center Drive
Weston, WI 54476
715-241-5484

Memorial Health Center Walk-in
135 South Gibson
Medford, WI 54451
715-748-8100

Aspirus Occupational Health
425 Wind Ridge Drive
Wausau, WI 54401

Flint Hills Community Health Center
420 West 15th Avenue
Emporia, KS 66801
620-342-4864

From: [Ryan, Thomas - DSPS](#)
To: [Niehaus, Matt - DSPS](#)
Subject: MEB - Informational Item
Date: Thursday, June 27, 2013 6:51:03 AM

For the MEB agenda, Informational Item:

Wisconsin Signs Agreement to Participate in NABP PMP InterConnect, System's Success Highlighted in AHRQ Innovations Profile

The Wisconsin prescription monitoring program (PMP) recently executed a memorandum of understanding (MOU) to participate in NABP PMP InterConnect[®], joining 24 other state PMPs who have agreed to participate. With 15 state PMPs now securely sharing data through the NABP InterConnect, the system is helping to address the problems of prescription drug abuse and diversion, as highlighted in the June 5 issue of the [AHRQ Health Care Innovations Exchange](#). The NABP InterConnect is a highly secure communications exchange platform that facilitates the transmission of PMP data across state lines to authorized requestors, while ensuring that each state's data-access rules are enforced. Authorized users, including pharmacists and other health care providers, in 15 states have collectively accessed the system more than 2 million times since its implementation, as noted in the Agency for Healthcare Research and Quality (AHRQ) [Policy Innovation Profile](#), "System Gives Authorized Users Access to Interstate Information on Controlled Substance Prescriptions, Assisting Them in Identifying Cases of Potential Misuse." The profile also includes background information on the impetus for and development of NABP InterConnect, as well as information detailing the impact of the program. It is anticipated that approximately 25 states will be sharing data or in an MOU to share data using NABP InterConnect in 2013.

Page intentionally left blank

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

AGENDA REQUEST FORM

| | | | |
|--|---|--|--|
| 1) Name and Title of Person Submitting the Request: Matthew Niehaus, Bureau Assistant On Behalf of Tom Ryan, Executive Director | | 2) Date When Request Submitted: 7/17/2013 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others | |
| 3) Name of Board, Committee, Council, Sections: Medical Examining Board | | | |
| 4) Meeting Date: 7/17/2013 | 5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 6) How should the item be titled on the agenda page? Appointment of Tom Ryan to FSMB MOL Task Force on Continuous Professional Development (CPD) Activities | |
| 7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both | 8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No | 9) Name of Case Advisor(s), if required: | |
| 10) Describe the issue and action that should be addressed: <p>Dear Mr. Ryan ,</p> <p>Jon Thomas, MD, MBA, Chair of the Federation of State Medical Boards (FSMB), would like to invite you to serve on the FSMB's new Maintenance of Licensure (MOL) Task Force on Continuous Professional Development (CPD) Activities from July 2013 - April 2014.</p> <p>The Task Force will work during the course of this time period to develop recommendations and guidelines by which continuing medical education and continuing professional development tools and activities could be identified that meet a state's requirements for MOL. We anticipate the Task Force will hold one in-person meeting and at least two teleconference meetings to complete its charge. All appropriate expenses (travel, lodging, etc.) relating to attendance and participation at the Task Force meeting will be arranged and paid by the FSMB.</p> <p>If you are interested in accepting this appointment, please complete the attached disclosure forms and fax or email them back to me by July 11 at the email address or fax number provided.</p> <p>Thank you very much for your consideration. I look forward to hearing from you soon.</p> | | | |
| 11) Authorization | | | |
| 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 | |
| Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. | | | |

Page intentionally left blank