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Governor Scott Walker Secretary Dave Ross

**PODIATRY AFFILIATED CREDENTIALING BOARD
VIRTUAL MEETING/TELECONFERENCE
Room 121A, 1400 E. Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
August 23, 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

12:00 P.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Recognition of Board Member(s)**
- B. Introduction of New Board Member(s)**
- C. Adoption of Agenda (1-2)**
- D. Approval of Minutes – July 30 2013 (3-8)**
- E. Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)**
 - 1) John S. Lanham, DPM – 12 POD 002 et al. **(9-20 closed session)**
- F. Items Added After Preparation of Agenda:**
 - 1) Introductions, Announcements and Recognition
 - 2) Presentations of Petition(s) for Summary Suspension
 - 3) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
 - 4) Presentation of Final Decisions
 - 5) Disciplinary Matters
 - 6) Executive Director Matters
 - 7) Education and Examination Matters
 - 8) Credentialing Matters
 - 9) Class 1 Hearing(s)
 - 10) Practice Matters
 - 11) Legislation/Administrative Rule Matters
 - 12) Liaison Report(s)
 - 13) Informational Item(s)
 - 14) Speaking Engagement(s), Travel, or Public Relation Request(s)

G. 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.)

H. Deliberation on Proposed Stipulations, Final Decisions and Orders by the Division of Legal Services and Compliance (DLSC):

- 1) John S. Lanham, DPM – 12 POD 002 et al. (9-20)

I. Deliberation of Items Received After Preparation of the Agenda

- 1) Disciplinary Matters
- 2) Education and Examination Matters
- 3) Credentialing Matters
- 4) Class 1 Hearings
- 5) Monitoring Matters
- 6) Professional Assistance Procedure (PAP) Matters
- 7) Petition(s) for Summary Suspensions
- 8) Petition(s) for Extension of Time
- 9) Proposed Stipulations, Final Decisions and Orders
- 10) Administrative Warnings
- 11) Proposed Decisions
- 12) Matters Relating to Costs
- 13) Motions
- 14) Petitions for Rehearing
- 15) Formal Complaints
- 16) Case Closings
- 17) Appearances from Requests Received or Renewed

J. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

K. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

ADJOURNMENT

PODIATRY AFFILIATED CREDENTIALING BOARD
JULY 30, 2013
MEETING MINUTES

PRESENT: Gary Brown; Jeffery Giesking, DPM; Thomas Komp, DPM; William Weis, DPM

STAFF: Tom Ryan, Executive Director; Karen Rude-Evans, Bureau Assistant

CALL TO ORDER

William Weis, Chair, called the meeting to order at 9:00 a.m. A quorum of four (4) members was confirmed.

ADOPTION OF AGENDA

Amendments

- Item E (open session) – DLSC Matters – add:
 - 1) APPEARANCE – Attorney Arthur Thexton, DLSC, Attorney Kristen Nelson and John Lanham, DPM - Presentation of Complaint and Proposed Summary Suspension in the Matter of Disciplinary Proceedings Against John Lanham, DPM – Case Numbers 12 POD 002, 12 POD 006, 12 POD 009, 12 POD 013, 12 POD 014, 12 POD 016, 13 POD 004, 13 POD 005, 13 POD 007 and 13 POD 008
- Item P (closed session) – Deliberation of Complaint
 - 1) Case Nos. 12 POD 002, 12 POD 006, 12 POD 009, 12 POD 013, 12 POD 014, 12 POD 016, 13 POD 004, 13 POD 005, 13 POD 007 and 13 POD 008
- Item Q (closed session) – Deliberation of Proposed Summary Suspension
 - 1) Case Nos. 12 POD 002, 12 POD 006, 12 POD 009, 12 POD 013, 12 POD 014, 12 POD 016, 13 POD 004, 13 POD 005, 13 POD 007 and 13 POD 008
- Item R (closed session) – Deliberation of Petition for Designation of Hearing Official
 - 1) John Lanham, DPM – Case Numbers 12 POD 002, 12 POD 006, 12 POD 009, 12 POD 013, 12 POD 014, 12 POD 016, 13 POD 004, 13 POD 005, 13 POD 007 and 13 POD 008
- Case Status Report – insert at the end of closed session

MOTION: Thomas Komp moved, seconded by Jeffery Giesking, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF MARCH 5, 2013

MOTION: Thomas Komp moved, seconded by Jeffery Giesking, to approve the minutes of March 5, 2013 as written. Motion carried unanimously.

DLSC MATTERS

Presentation of Proposed Summary Suspension

Attorney Arthur Thexton, DLSC, respondent's Attorney Kristen Nelson and respondent John Lanham, DPM, appeared before the Board in the matter of a proposed summary suspension. This matter will be deliberated in closed session.

EDUCATION AND EXAMINATION MATTERS

CE Audit and Board Discussion

MOTION: William Weis moved, seconded by Thomas Komp, to request a CE audit after the next renewal period. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

Executive Order 61 Review

MOTION: Thomas Komp moved, seconded by Jeffery Giesking, that the Board reviewed the rules and did not find any unnecessary burden on small businesses to conduct their affairs. Motion carried unanimously. Motion carried unanimously.

Review and Implementation of Scope Statement Regarding Requirements of a Course of Instruction Related to X-Ray Examinations by Persons Under Direct Supervision of Podiatrists Under § 462.02(2)(f)

MOTION: William Weis moved, seconded by Thomas Komp, to adopt the language as presented regarding requirements of a course of instruction related to x-ray examinations by persons under direct supervision of podiatrists under § 462.02(2)(f). Motion carried unanimously.

MOTION: William Weis moved, seconded by Thomas Komp, to implement the scope statement regarding requirements of a course of instruction related to x-ray examinations by persons under direct supervision of podiatrists under § 462.02(2)(f). Motion carried unanimously.

PUBLIC HEARING ON RULES REGARDING POD 1.08 AND POD 3.01 RELATING TO TEMPORARY EDUCATIONAL LICENSES AND CONTINUING EDUCATION

Chair William Weis called the public hearing to order at 10:02 a.m. No testimony or comments were received.

The public hearing adjourned at 10:03 a.m.

MOTION: William Weis moved, seconded by Jeffery Giesking, to ask the Department to review the laws related to CE audit timeframe to determine if a rule change is possible. Motion carried unanimously.

MOTION: Thomas Komp moved, seconded by Jeffery Giesking, to initiate a scope statement related to CE audit. Motion carried unanimously.

CLOSED SESSION

Chair William Weis read the motion to convene to closed session.

MOTION: William Weis moved, seconded by Gary Brown, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation with administrative warning (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)) Roll call vote: Gary Brown-yes; Jeffery Giesking-yes; Thomas Komp-yes; William Weis-yes. Motion carried unanimously.

Open session recessed at 10:35 a.m.

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

MOTION: Thomas Komp moved, seconded by Jeffery Giesking, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 2:19 p.m.

VOTING ON ITEMS CONSIDERED IN CLOSED SESSION

PROPOSED COMPLAINT

MOTION: Thomas Komp moved, seconded by Jeffery Giesking, to find that there is probable cause to believe that **John S. Lanham, DPM**, is guilty of unprofessional conduct and to issue a complaint against John S. Lanham in case numbers 12 POD 002, 12 POD 006, 12 POD 009, 12 POD 013, 12 POD 014, 12 POD 016, 13 POD 004, 13 POD 005, 13 POD 007 and 13 POD 008. Motion carried. William Weis was excused during deliberation and abstained from voting.

PROPOSED SUMMARY SUSPENSION

MOTION: Thomas Komp moved, seconded by Jeffery Giesking, to find that notice of the summary suspension proceedings was given to **John S. Lanham, DPM**, pursuant to Wis. Adm. Code § SPS 6.05. Motion carried. William Weis was excused during deliberation and abstained from voting.

MOTION: Thomas Komp moved, seconded by Jeffery Giesking, to find that in the matter(s) of the disciplinary action against **John S. Lanham, DPM**, (12 POD 002, 12 POD 006, 12 POD 009, 12 POD 013, 12 POD 014, 12 POD 016, 13 POD 004, 13 POD 005, 13 POD 007 and 13 POD 008) there is probable cause to believe that John S. Lanham, DPM, has engaged in unprofessional conduct as defined in Wis. Admin. Code § POD 2.01 and that John S. Lanham, DPM, has engaged in, or is likely to engage in conduct such that the public health safety or welfare imperatively requires emergency suspension of respondent's license to practice podiatric medicine and surgery. Motion carried. William Weis was excused during deliberation and abstained from voting.

MOTION: Thomas Komp moved, seconded by Jeffery Giesking, to issue an Order in the matter(s) of the disciplinary action against **John S. Lanham, DPM** (12 POD 002, 12 POD 006, 12 POD 009, 12 POD 013, 12 POD 014, 12 POD 016, 13 POD 004, 13 POD 005, 13 POD 007 and 13 POD 008) summarily suspending the license of respondent John S. Lanham, DPM, to practice podiatric medicine and surgery in the State of Wisconsin for 30 days, pending a final decision and order, pursuant to Wis. Stat. § 448.675(2), and Wis. Admin Code § SPS 6, and delegating to the assigned administrative law judge the authority to extend the suspension for an additional thirty (30) days, if necessary, pursuant to Wis. Stat. § 448.675(2), and to further extend the order until a final decision is issued if respondent causes any delay in the hearing process, and for such other relief as may be fair, just, appropriate and lawful under all the facts and

circumstances. Motion carried. William Weis was excused during deliberation and abstained from voting.

MOTION: Thomas Komp moved, seconded by Jeffery Giesking, to delegate to the Department the authority to sign the order on behalf of the Board in the matter of disciplinary proceedings against **John S. Lanham, DPM** (12 POD 002, 12 POD 006, 12 POD 009, 12 POD 013, 12 POD 014, 12 POD 016, 13 POD 004, 13 POD 005, 13 POD 007 and 13 POD 008). Motion carried. William Weis was excused during deliberation and abstained from voting.

MOTION: Thomas Komp moved, seconded by Jeffery Giesking, to have the record reflect that the Board did receive and review some additional information supplied by John S. Lanham's attorney at the presentation of the petition for summary suspension in the matter of **John S. Lanham, DPM**. Motion carried. William Weis was excused during deliberation and abstained from voting.

PETITION FOR DESIGNATION OF HEARING OFFICIAL

MOTION: Thomas Komp moved, seconded by Jeffery Giesking, to adopt the Petition for Designation of Hearing Official in the matter of the disciplinary action against **John S. Lanham, DPM** (12 POD 002, 12 POD 006, 12 POD 009, 12 POD 013, 12 POD 014, 12 POD 016, 13 POD 004, 13 POD 005, 13 POD 007 and 13 POD 008). Motion carried. William Weis was excused during deliberation and abstained from voting.

CASE CLOSINGS

MOTION: Jeffery Giesking moved, seconded by Thomas Komp, to close case **12 POD 018 for no violation**. Motion carried unanimously.

MOTION: Thomas Komp moved, seconded by Jeffery Giesking, to close case **13 POD 002 for prosecutorial discretion (P7)**. Motion carried unanimously.

ADJOURNMENT

MOTION: Thomas Komp moved, seconded by Jeffery Giesking, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:24 p.m.

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