

**PODIATRY AFFILIATED CREDENTIALING BOARD  
VIRTUAL/TELECONFERENCE MEETING MINUTES  
June 5, 2015**

**PRESENT:** Gary Brown (*via GoToMeeting*); Jeffery Giesking, DPM (*via GoToMeeting*); William Weis, DPM

**ABSENT:** Thomas Komp, DPM

**STAFF:** Brittany Lewin - Executive Director; Nilajah Madison-Head - Bureau Assistant; and other Department staff

**CALL TO ORDER**

The Chair called the meeting to order at 9:00 a.m. A quorum of three (3) members was confirmed.

**ADOPTION OF AGENDA**

**Amendments to the Agenda:**

- *Add Closed Session Item: "Proposed Stipulation and Final Decision and Order in the Matter of Case Number 13 POD 011, Alan Balkansky"*

**MOTION:** Jeffery Giesking moved, seconded by Gary Brown, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF OCTOBER 7, 2014**

**MOTION:** Jeffery Giesking moved, seconded by Gary Brown, to approve the minutes of October 7, 2014 as published. Motion carried unanimously.

**ADMINISTRATIVE MATTERS**

**Election of Officers**

*Slate of Officers*

**NOMINATION:** Jeffery Giesking nominated the 2014 Slate of Officers to continue in 2015.

William Weis called for nominations three (3) times.

Nomination carried by unanimous consent.

The 2014 Slate of Officers was reelected to continue in 2015.

<b>2015 OFFICER ELECTION RESULTS</b>	
<b>Board Chair</b>	<b>William Weis</b>
<b>Vice Chair</b>	<b>Thomas Komp</b>
<b>Secretary</b>	<b>Gary Brown</b>

### Appointment Of Liaisons, Alternates, and Delegates

The Chair appoints the following members:

<b>2015 LIAISON APPOINTMENTS</b>	
<b>Credentialing Liaison</b>	<b>William Weis</b> <i>Alternate: Thomas Komp</i>
<b>Monitoring Liaison</b>	<b>Thomas Komp</b> <i>Alternate: Jeffery Giesking</i>
<b>Education and Exams Liaison</b>	<b>Jeffery Giesking</b> <i>Alternate: Thomas Komp</i>
<b>Legislative Liaison</b>	<b>William Weis</b> <i>Alternate: Jeffery Giesking</i>
<b>Travel Liaison</b>	<b>Jeffery Giesking</b> <i>Alternate: Thomas Komp</i>
<b>Rules Liaison</b>	<b>William Weis</b> <i>Alternate: Thomas Komp</i>
<b>Professional Assistance Procedure Liaison</b>	<b>Jeffery Giesking</b> <i>Alternate: William Weis</i>
<b>Screening Panel</b>	<b>Thomas Komp, William Weis, Gary Brown</b> <i>Alternate: Jeffery Giesking</i>

**MOTION:** Jeffery Giesking moved, seconded Gary Brown, to affirm the Chair's appointments of liaisons. Motion carried unanimously.

### Delegation of Authority

**MOTION:** Jeffery Giesking moved, seconded by Gary Brown, that, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department to act in urgent matters, make appointments to vacant liaison, panel and committee positions, and to act when knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

**MOTION:** Jeffery Giesking moved, seconded by Gary Brown, to delegate authority to the Chair or chief presiding officer, or longest serving member of the Board, by order of succession, to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair, chief presiding officer, or longest serving member of the Board, has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair, chief presiding officer, or longest serving member of the Board delegates the authority to Executive Director or designee to sign the name of any Board member on documents as necessary and appropriate. Motion carried unanimously.

**MOTION:** Jeffery Giesking moved, seconded by Gary Brown, that Board Counsel or another Department attorney is formally authorized to serve as the Board's designee for purposes of Wis. Admin. Code § SPS 1.08(1). Motion carried unanimously.

**MOTION:** Jeffery Giesking moved, seconded by Gary Brown, to adopt the Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor document as presented in today's agenda packet. Motion carried unanimously.

### **LEGISLATIVE/ADMINISTRATIVE RULE MATTERS**

#### **Public Hearing on Clearinghouse Rule 14-065 Relating to Biennial Registration of Podiatrists**

##### *Review and Respond to Clearinghouse Report and Public Hearing Comments*

**MOTION:** Jeffery Giesking moved, seconded by Gary Brown, to authorize William Weis to approve the Legislative Report and Draft for clearinghouse rule 14-065, relating to biennial registration of podiatrists for submission to the Governor's Office and Legislature. Motion carried unanimously.

#### **Adoption Order for CR 14-035 Relating to Continuing Education Audits of Podiatrists**

**MOTION:** Jeffery Giesking moved, seconded by Gary Brown, to approve the Adoption Order for clearinghouse rule 14-035 relating to continuing education audits of podiatrists. Motion carried unanimously.

#### **Review of Scope Statement for Pod 1 Relating to Examination Requirements**

**MOTION:** Jeffery Giesking moved, seconded by Gary Brown, to approve the Scope Statement on Pod 1 relating to examination requirements for submission to the Governor's Office and publication, and to authorize the Chair to approve the scope for implementation no less than 10 days after publication. Motion carried unanimously.

**Review of Preliminary Rule Draft of Pod 2 Relating to the Overtreatment of Patients**

**MOTION:** Jeffery Giesking moved, seconded by Gary Brown, to designate William Weis to serve as liaison to DSPS staff for drafting Pod 2.01 (24) relating to overtreatment of patients and authorize the draft for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

**Review of Preliminary Rule Draft of Pod 1, 4, 8 Relating to the Duty to Obtain informed Consent**

**MOTION:** Jeffery Giesking moved, seconded by Gary Brown, to approve the draft of Pod 1, 4, 8 relating to the duty to obtain informed consent for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

**Possible Scope Statement Regarding Podiatrist Supervision of Hyperbaric Oxygen Treatment**

**MOTION:** Jeffery Giesking moved, seconded by Gary Brown, to acknowledge and thank Tony Driessen and Dr. David Hesse from the WPMA for their presentation regarding hyperbaric oxygen therapy (HBOT). The Board recognizes the WPMA's position of best practices of qualified podiatrists supervising hyperbaric oxygen therapy. The Board will not be proceeding with rule making on the topic of HBOT in the affirmative or negative. Motion carried unanimously.

**CLOSED SESSION**

**MOTION:** Jeffery Giesking moved, seconded by Gary Brown, to convene to Closed Session to deliberate on cases following hearing (§ 19.85(1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). The Chair read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Gary Brown - yes; Jeffery Giesking - yes, William Weis - yes. Motion carried unanimously.

The Board convened into Closed Session at 10:20 A.M.

**RECONVENE TO OPEN SESSION**

**MOTION:** Jeffery Giesking moved, seconded by Gary Brown, to reconvene in Open Session at 11:30 A.M. Motion carried unanimously.

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

**MOTION:** Jeffery Giesking moved, seconded by Gary Brown, to affirm all Motions made and Votes taken in Closed Session. Motion carried unanimously.

**PROPOSED STIPULATION AND FINAL DECISION AND ORDER FOR REMEDIAL  
EDUCATION**

**13 POD 022 – Edward VanBeek, D.P.M.**

**MOTION:** Jeffery Giesking moved, seconded by Gary Brown, to adopt the Findings of Fact, Conclusions of Law and Order for Remedial Education in the matter of disciplinary proceedings against Edward VanBeek, D.P.M., DLSC case number 13 POD 022. Motion carried unanimously.

**PROPOSED STIPULATION AND FINAL DECISION AND ORDER**

**13 POD 011 – Alan L. Balkansky, D.P.M.**

**MOTION:** Gary Brown moved, seconded by Jeffery Giesking, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Alan L. Balkansky, D.P.M., DLSC case number 13 POD 011. Motion carried unanimously.

**CREDENTIALING MATTERS**

**Application Review**

*Gary Hoberman, D.P.M.*

**MOTION:** Jeffery Giesking moved, seconded by Gary Brown, to approve the Podiatrist application of Gary Hoberman, D.P.M., once all requirements are met. Motion carried unanimously.

**CONTINUING EDUCATION WAIVER REQUEST**

**MOTION:** William Weis moved, seconded by Jeffery Giesking, to deny the request of R.R.J. # 292-25 for a waiver of the CME credits requirement for license renewal. The Board instead grants an extension of time to complete the outstanding CME credit requirements (for the 2012-2014 biennium) until December 7, 2015. The continuing education credits shall not be counted towards the current license renewal period. Should the licensee fail to complete the required continuing education by December 7, 2015, the Board shall refer this matter to the DSPS Division of Legal Services and Compliance for further investigation. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Jeffery Giesking moved, seconded by Gary Brown, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:33 A.M.