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**TELECONFERENCE/VIRTUAL  
MEDICAL EXAMINING BOARD**  
**Virtual, 4822 Madison Yards Way, Madison**  
**Contact: Valerie Payne (608) 266-2112**  
**September 16, 2020**

*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 record of the actions of the Board.*

**AGENDA**

**8:00 A.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

**A. Adoption of Agenda (1-5)**

**B. Approval of Minutes of August 19, 2020 (6-12)**

**C. Introductions, Announcements and Recognition**

**D. Conflicts of Interest**

**E. Administrative Matters**

- 1) Board, Department and Staff Updates
- 2) Election of Officers, Appointment of Liaisons
- 3) Board Members – Term Expiration Dates
  - a. Milton Bond, Jr. – 7/1/2023
  - b. David A. Bryce – 7/1/2021
  - c. Clarence Chou – 7/1/2023
  - d. Padmaja Doniparthi – 7/1/2021
  - e. Diane Gerlach – 7/1/2024
  - f. Sumeet Goel – 7/1/2023
  - g. Carmen Lerma – 7/1/2024
  - h. Michael Parish – 7/1/2023
  - i. David Roelke – 7/1/2021
  - j. Rachel Sattler – 7/1/2024
  - k. Sheldon Wasserman – 7/1/2023
  - l. Lemuel Yerby – 7/1/2024
  - m. Emily Yu – 7/1/2024
- 4) Appointments, Reappointments, Confirmations, and Committee, Panel and Liaison Appointments
- 5) Screening Panel and Examination Panel Appointments
- 6) Wis. Stat. § 15.085 (3)(b) – Affiliated Credentialing Boards’ Biannual Meeting with the Medical Examining Board to Consider Matters of Joint Interest

- F. Legislative and Policy Matters – Discussion and Consideration
- G. Administrative Rule Matters – Discussion and Consideration (13)**
  - 1) Scope Statement – Med 13 – Continuing Medical Education Requirements **(14-15)**
  - 2) Preliminary Rule Draft – Med 13 – Continuing Medical Education **(16-18)**
  - 3) Proposals for N 1 to 8 Relating to Requirements in Emergency Situations
  - 4) Scope Statement – N 8 Relating to APNP Collaboration with Other Health Care Professionals **(19-20)**
  - 5) Pending or Possible Rulemaking Projects
- H. 2020 Medical Examining Board Report on Opioid Abuse – Discussion and Consideration (21-24)**
- I. COVID-19 – Discussion and Consideration**
- J. University of Minnesota Request for Extension of Reciprocity – Discussion and Consideration**
- K. Stem Cell Clinics – Discussion and Consideration**
- L. CE Broker – Discussion and Consideration**
- M. Budgeting and Maintaining Licensure Fees – Discussion and Consideration**
- N. Federation of State Medical Boards (FSMB) Matters – Discussion and Consideration
- O. Controlled Substances Board Report
- P. Interstate Medical Licensure Compact Commission (IMLCC) – Report from Wisconsin’s Commissioners
- Q. Newsletter Matters – Discussion and Consideration
- R. Screening Panel Report
- S. Future Agenda Items
- T. Discussion and Consideration of Items Added After Preparation of Agenda:
  - 1) Introductions, Announcements and Recognition
  - 2) Elections, Appointments, Reappointments, Confirmations, and Committee, Panel and Liaison Appointments
  - 3) Administrative Matters
  - 4) Election of Officers
  - 5) Appointment of Liaisons and Alternates
  - 6) Delegation of Authorities
  - 7) Education and Examination Matters
  - 8) Credentialing Matters
  - 9) Practice Matters
  - 10) Legislative and Policy Matters
  - 11) Administrative Rule Matters
  - 12) Liaison Reports
  - 13) Board Liaison Training and Appointment of Mentors
  - 14) Informational Items

- 15) Division of Legal Services and Compliance (DLSC) Matters
- 16) Presentations of Petitions for Summary Suspension
- 17) Petitions for Designation of Hearing Examiner
- 18) Presentation of Stipulations, Final Decisions and Orders
- 19) Presentation of Proposed Final Decisions and Orders
- 20) Presentation of Interim Orders
- 21) Petitions for Re-Hearing
- 22) Petitions for Assessments
- 23) Petitions to Vacate Orders
- 24) Requests for Disciplinary Proceeding Presentations
- 25) Motions
- 26) Petitions
- 27) Appearances from Requests Received or Renewed
- 28) Speaking Engagements, Travel, or Public Relation Requests, and Reports

U. Public Comments

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), and 448.02(8), 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.).**

V. Credentialing Matters

- 1) **Waiver of Post-Graduate Training**
  - a. Lawrence Rajan **(25-70)**
  - b. Luba Frank **(71-112)**
- 2) **Visiting Physician License**
  - a. Ferass Qawasmi **(113-139)**
  - b. Per Braanemark **(140-189)**

W. Deliberation on DLSC Matters

- 1) **Complaints**
  - a. 17 MED 275 – D.I.S. **(190-193)**
  - b. 19 MED 375 – A.A. **(194-197)**
- 2) **Stipulations and Final Decisions and Orders**
  - a. 17 MED 447 – James L. Delgadillo, D.O. **(198-205)**
  - b. 18 MED 318 – Douglas Milosavljevic, M.D. **(206-211)**
  - c. 18 MED 415 – Diane E. Head, M.D. **(212-217)**
  - d. 18 MED 430 – Rory M Johnson, M.D. **(218-223)**
  - e. 19 MED 040 – Robert B. Lufkin, M.D. **(224-229)**
  - f. 19 MED 385 – Rebekah R. Schroeder, M.D. **(230-235)**
- 3) **Administrative Warnings**
  - a. 18 MED 317 – S.C.B. **(236-237)**
  - b. 18 MED 349 – A.B. **(238-239)**
  - c. 19 MED 118 – E.N.T. **(240-241)**
  - d. 19 MED 425 – A.D. **(242-244)**
  - e. 20 MED 221 – N.A.V. **(245-246)**

**4) Case Closings**

- a. 18 MED 192 – M.M.D. **(247-250)**
- b. 19 MED 032 – M.R. **(251-270)**
- c. 19 MED 083 – L.A. **(271-274)**
- d. 19 MED 223 – H.Z.W. **(275-289)**
- e. 19 MED 359 – Y.K.K. **(290-295)**
- f. 19 MED 375 – A.A. **(296-305)**
- g. 19 MED 452 – J.C. **(306-311)**
- h. 19 MED 466 – C.V. **(312-320)**
- i. 20 MED 065 – D.L.P. **(321-394)**
- j. 20 MED 083 – M.A. **(395-403)**
- k. 20 MED 094 – C.M.M. **(404-596)**
- l. 20 MED 097 – P.C. **(597-603)**
- m. 20 MED 147 – J.T.H. **(604-613)**
- n. 20 MED 253 – J.A.H. **(614-620)**
- o. 20 MED 254 – E.A.F. **(621-638)**
- p. 20 MED 257 – J.S. **(639-644)**

**X. Deliberation of Items Added After Preparation of the Agenda**

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Order
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Complaints
- 15) Case Closings
- 16) Board Liaison Training
- 17) Petitions for Extension of Time
- 18) Petitions for Assessments and Evaluations
- 19) Petitions to Vacate Orders
- 20) Remedial Education Cases
- 21) Motions
- 22) Petitions for Re-Hearing
- 23) Appearances from Requests Received or Renewed

**Y. Open Cases**

**Z. Consulting with Legal Counsel**

- 1) CME Violation Procedures
- 2) Return to Practice After Out of State Service

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

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

BB. Open Session Items Noticed Above Not Completed in the Initial Open Session

CC. Delegation of Ratification of Examination Results and Ratification of Licenses and Certificates

**ADJOURNMENT**

**ORAL EXAMINATION OF CANDIDATES FOR LICENSURE**

**VIRTUAL/TELECONFERENCE**

**10:00 A.M. OR IMMEDIATELY FOLLOWING THE FULL BOARD MEETING**

**CLOSED SESSION** – Reviewing Applications and Conducting Oral Examination of **one (1)** (at time of agenda publication) Candidates for Licensure – **Dr. Parish** and **Dr. Wasserman**

**NEXT DATE: OCTOBER 21, 2020**

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MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board’s agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**TELECONFERENCE/VIRTUAL  
MEDICAL EXAMINING BOARD  
MEETING MINUTES  
AUGUST 19, 2020**

**PRESENT:** Milton Bond, Jr. (*arrived at 8:07 a.m. and excused at 9:21 a.m.*), David Bryce, M.D; Clarence Chou, M.D.; Padmaja Doniparthi, M.D.; Sumeet Goel, D.O.; Michael Parish, M.D.; David Roelke, M.D.; Rachel Sattler; Sheldon Wasserman, M.D.; Lemuel Yerby, M.D.; Emily Yu, M.D. (*excused at 10:16 a.m.*)

**STAFF:** Valerie Payne, Executive Director; Yolanda McGowan, Legal Counsel; Megan Glaeser, Bureau Assistant; and other Department staff

**CALL TO ORDER**

Sheldon Wasserman, Chairperson, called the meeting to order at 8:00 a.m. A quorum was confirmed with ten (10) members present.

**ADOPTION OF AGENDA**

**Amendments to the Agenda**

- Under item “C. Introductions, Announcements and Recognition” ADD:
  - Diane Gerlach, Physician Member (Replaces: Abd-Elsayed) – 7/1/2024
- Under item “C. Introductions, Announcements and Recognition” and item “E. 3) Board Members – Term Expiration Dates”: Change “Rebecca Sattler” to “Rachel Sattler”

**MOTION:** David Roelke moved, seconded by David Bryce, to adopt the Agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF JULY 15, 2020**

**Amendment to the Minutes**

- Under Appointment of Liaisons, Appointed to Controlled Substances Board as per Wis. Stats. §15.405(5g) (MED): Padmaja Doniparthi & David Bryce, EDIT:
  - Padmaja Doniparthi, *Alternate:* David Bryce

**MOTION:** David Roelke moved, seconded by David Bryce, to adopt the Minutes of July 15, 2020 as amended. Motion carried unanimously.

**INTRODUCTIONS, ANNOUNCEMENTS & RECOGNITION**

**Recognition of Michael Carton, Public Member**

**MOTION:** Clarence Chou moved, seconded by David Roelke, to recognize and thank Michael Carton for his years of service to the Medical Examining Board and the State of Wisconsin. Motion carried unanimously.

(*Milton Bond, Jr. arrived at 8:07 a.m.*)

## ADMINISTRATIVE MATTERS

### Appointment of Liaisons

2020 LIAISON APPOINTMENTS	
<b>Credentialing Liaison(s)</b>	Clarence Chou, Lemuel Yerby, Emily Yu Alternate: David Roelke, David Bryce
<b>Office of Education and Examinations Liaison(s)</b>	David Roelke Alternate: David A. Bryce
<b>Continuing Education Liaison(s)</b>	David Roelke Alternate: Michael Parish
<b>Monitoring Liaison(s)</b>	Padmaja Doniparthi Alternate: Clarence Chou
<b>Professional Assistance Procedure (PAP) Liaison(s)</b>	Padmaja Doniparthi Alternate: David Bryce
<b>Legislative Liaison</b>	Sheldon Wasserman, Sumeet Goel
<b>Travel Liaison(s)</b>	David Bryce Alternate: Sumeet Goel
<b>Newsletter Liaison(s)</b>	Sheldon Wasserman Alternate: Sumeet Goel
<b>Prescription Drug Monitoring Program Liaison(s)</b>	Michael Parish Alternate: David Bryce
<b>Website Liaison(s)</b>	Sumeet Goel Alternate: Milton Bond, Jr.
<b>Administrative Rules Liaison(s)</b>	David Roelke Alternate: Sumeet Goel
<b>Appointed to Controlled Substances Board as per Wis. Stats. §15.405(5g) (MED)</b>	Padmaja Doniparthi Alternate: David Bryce

## ADMINISTRATIVE RULE MATTERS

### Pending or Possible Rulemaking Projects

#### *Continuing Medical Education*

**MOTION:** Milton Bond, Jr. moved, seconded by Padmaja Doniparthi, to request DSPS staff draft a Scope Statement relating to continuing medical education, and to designate Padmaja Doniparthi to advise DSPS staff. Motion carried unanimously.

## MEDICAL EXAMINING BOARD REPORT ON OPIOID ABUSE

### Proposals for 2020 Report

**MOTION:** Clarence Chou moved, seconded by Michael Parish, to designate David Bryce and Padmaja Doniparthi to serve as liaisons to DSPS staff for drafting the 2020 report on opioid abuse required under 2017 Wisconsin Act 262. Motion carried unanimously.

*(Milton Bond, Jr. was excused at 9:21 a.m.)*

### CLOSED SESSION

**MOTION:** Clarence Chou moved, seconded by David Bryce, 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 § 448.02 (8), Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). Sheldon Wasserman, the Chairperson, read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: David Bryce-yes; Clarence Chou-yes; Padmaja Doniparthi-yes; Sumeet Goel-yes; Michael Parish-yes; David Roelke-yes; Rachel Sattler-yes; Sheldon Wasserman-yes; Lemuel Yerby-yes; and Emily Yu-yes. Motion carried unanimously.

The Board convened into Closed Session at 9:30 a.m.

### CREDENTIALING MATTERS

#### Waiver of Post-Graduate Training

##### *Loyal Abou Daher*

**MOTION:** David Roelke moved, seconded by Clarence Chou, to approve the Waiver of 24-Month Post-Graduate Training application of Loyal Abou Daher, once all requirements are met. Motion carried unanimously.

*(Rachel Sattler joined Closed Session at 9:45 a.m.)*

##### *Fady Youssef*

**MOTION:** David Roelke moved, seconded by David Bryce, to deny the Waiver of 24-Month Post-Graduate Training application and AMA and NPDB Requirement of Fady Youssef. Reason for Denial: failure to find education and training is sufficient. Motion carried unanimously.

### DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

#### Stipulations, Final Decisions and Orders



***18 MED 221 – Terrence P. Asplund, M.D.***

**MOTION:** Padmaja Doniparthi moved, seconded by David Roelke, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Terrence P. Asplund, M.D., DLSC Case Number 18 MED 221. Motion carried unanimously.

*(Emily Yu disconnected at 10:16 a.m.)*

***18 MED 287 – Robert J. Rawski, M.D.***

**MOTION:** Michael Parish moved, seconded by Sumeet Goel, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Robert J. Rawski, M.D., DLSC Case Number 18 MED 287. Motion carried unanimously.

***18 MED 345 – Jose L. Boggio, M.D.***

**MOTION:** David Bryce moved, seconded by Padmaja Doniparthi, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Jose L. Boggio, M.D., DLSC Case Number 18 MED 345. Motion carried unanimously.

***18 MED 438 – Roy Douglas Ozanne, M.D.***

**MOTION:** David Roelke moved, seconded by David Bryce, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Roy Douglas Ozanne, M.D., DLSC Case Number 18 MED 438. Motion carried unanimously.

***18 MED 643 – Michael A. Tressler, M.D.***

**MOTION:** David Roelke moved, seconded by Michael Parish, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Michael A. Tressler, M.D., DLSC Case Number 18 MED 643. Motion carried unanimously.

***19 MED 132 – Vishal Verma, M.D.***

**MOTION:** David Roelke moved, seconded by Clarence Chou, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Vishal Verma, M.D., DLSC Case Number 19 MED 132. Motion carried unanimously.

***19 MED 363 – Mary B.R. Clifton, M.D.***

**MOTION:** David Roelke moved, seconded by Clarence Chou, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Mary B.R. Clifton, M.D., DLSC Case Number 19 MED 363. Motion carried unanimously.

***19 MED 530 – Robert H. Mikkelsen, M.D.***

**MOTION:** David Bryce moved, seconded by David Roelke, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Robert H. Mikkelsen, M.D., DLSC Case Number 19 MED 530. Motion carried unanimously.

***19 MED 535 and 19 MED 571 – Kevin J. Weber, M.D.***

**MOTION:** David Roelke moved, seconded by Michael Parish, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Kevin J. Weber, M.D., DLSC Case Numbers 19 MED 535 and 19 MED 571. Motion carried unanimously.

**Administrative Warnings**

***18 MED 337 – T.A.***

**MOTION:** Michael Parish moved, seconded by Clarence Chou, to issue an Administrative Warning in the matter of T.A., DLSC Case Number 18 MED 337. Motion carried unanimously.

***18 MED 070 – M.M.W.***

**MOTION:** David Roelke moved, seconded by Padmaja Doniparthi, to issue an Administrative Warning in the matter of M.M.W., DLSC Case Number 18 MED 070. Motion carried unanimously.

***18 MED 644 – P.M.C.***

**MOTION:** Michael Parish moved, seconded by David Roelke, to issue an Administrative Warning in the matter of P.M.C., DLSC Case Number 18 MED 644. Motion carried unanimously.

***19 MED 103 – J.D.K.***

**MOTION:** Clarence Chou moved, seconded by David Bryce, to issue an Administrative Warning in the matter of J.D.K., DLSC Case Number 19 MED 103. Motion carried unanimously.

***19 MED 188 – A.M.K.***

**MOTION:** David Roelke moved, seconded by David Bryce, to issue an Administrative Warning in the matter of A.M.K., DLSC Case Number 19 MED 188. Motion carried unanimously.

**Case Closings**

**MOTION:** Sumeet Goel moved, seconded by David Roelke, to close the following DLSC Cases for the reasons outlined below:

1. 18 MED 040 – C.D.S. – Insufficient Evidence
2. 18 MED 070 – C.F. – Insufficient Evidence
3. 18 MED 285 – A.Z.K. – No Violation
4. 18 MED 343 – J.E.B. – No Violation
5. 18 MED 680 – J.P.P. – No Violation
6. 19 MED 028 – K.S. – No Violation
7. 19 MED 135 – E.K. – Prosecutorial Discretion (P2)
8. 19 MED 170 – A.S. – No Violation
9. 19 MED 184 – C.L.H. – No Violation
10. 19 MED 277 – J.K. – No Violation
11. 19 MED 373 – A.A. – No Violation
12. 19 MED 392 – Unknown – No Violation
13. 19 MED 463 – N.H. – No Violation
14. 19 MED 516 – D.C. – No Violation
15. 19 MED 525 – M.L.B. – No Violation
16. 20 MED 026 – M.M., N.T. – No Violation
17. 20 MED 090 – K.S.M. – No Violation
18. 20 MED 104 – M.M. – No Violation
19. 20 MED 159 – D.K.M. – No Violation

Motion carried unanimously.

***18 MED 226 – J.B.G.***

**MOTION:** David Roelke moved, seconded by Michael Parish, to close DLSC Case Number 18 MED 226, against J.B.G., for No Violation. Motion carried.

*(Sheldon Wasserman recused himself and disconnected for deliberation and voting in the matter concerning J.B.G., DLSC Case Number 18 MED 226.)*

***18 MED 619 – B.A.***

**MOTION:** David Roelke moved, seconded by Sumeet Goel, to close DLSC Case Number 18 MED 619, against B.A., for Prosecutorial Discretion (P5). Motion carried unanimously.

***19 MED 341 – A.B.***

**MOTION:** David Roelke moved, seconded by Padmaja Doniparthi, to close DLSC Case Number 19 MED 341, against A.B., for No Violation. Motion carried unanimously.

**Monitoring Matters**

***Carol A. Haughey, P.A. – Requesting Reinstatement of Full Licensure***

**MOTION:** Padmaja Doniparthi moved, seconded by David Bryce, to grant the request of Carol A. Haughey, P.A. for Reinstatement of Full Licensure. Motion carried unanimously.

**RECONVENE TO OPEN SESSION**

**MOTION:** Clarence Chou moved, seconded by Padmaja Doniparthi, to reconvene to Open Session. Motion carried unanimously.

The Board reconvened to Open Session at 11:21 a.m.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

**MOTION:** David Roelke moved, seconded by Sumeet Goel, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

*(Be advised that any recusals or abstentions reflected in the closed session motions stand for the purposes of the affirmation vote.)*

**DELEGATION OF RATIFICATION OF EXAMINATION RESULTS AND  
RATIFICATION OF LICENSES AND CERTIFICATES**

**MOTION:** David Roelke moved, seconded by Padmaja Doniparthi, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Michael Parish moved, seconded by David Roelke, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:28 a.m.

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

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Dale Kleven</b> <b>Administrative Rules Coordinator</b>		2) Date When Request Submitted:  <b>9/3/20</b> Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections:  <b>Medical Examining Board</b>			
4) Meeting Date:  <b>9/16/20</b>	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? <b>Administrative Rule Matters – Discussion and Consideration</b> <b>1. Scope Statement – Med 13 – Continuing Medical Education Requirements</b> <b>2. Preliminary Rule Draft – Med 13 – Continuing Medical Education</b> <b>3. Proposals for N 1 to 8 Relating to Requirements in Emergency Situations</b> <b>4. Scope Statement - N 8 Relating to APNP Collaboration with Other Health Care Professionals</b> <b>5. Pending and Possible Rulemaking Projects</b>	
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 ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:    			
11) Signature of person making this request  <b><i>Dale Kleven</i></b>		Authorization  Date <b><i>September 3, 2020</i></b>	
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.:** Med 13

**Relating to:** Continuing Medical Education Requirements

**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 the proposed rule is to continue to promote best practices for prescribing controlled substances. The proposed rule would define the requirements for the completion of continuing education hours relating to prescribing controlled substances as a portion of the biennial training requirements for physicians.

**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:**

Section 448.13, Stats., requires the completion of at least 30 hours of continuing medical education for biennial registration. Chapter Med 13 more precisely defines the requirements for continuing medical education. The chapter lists acceptable sources of continuing education, sets the standards for evidence of compliance with the requirements, and allows the Board to waive and audit the completion of continuing education requirements.

Current rules require a physician who holds a U.S. Drug Enforcement Administration number to complete 2 of the 30 required hours of continuing medical education from a Board-approved educational course or program related to opioid prescribing. As this requirement expires after the current biennium, the proposed rule would define future requirements for the completion of continuing education hours related to prescribing controlled substances. The alternative to this rule change is to leave ch. Med 13 as written, which will not address the continued concern with prescription drug abuse.

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

Section 15.08 (5) (b), Stats., provides examining boards, “shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 448.40 (1), Stats., provides that the Medical Examining Board “may promulgate rules to carry out the purposes of this subchapter, including rules requiring the completion of continuing education, professional development, and maintenance of certification or performance improvement or continuing medical education programs for renewal of a license to practice medicine and surgery.”

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

60 hours

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

Wisconsin licensed physicians

**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:**

None.

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

The proposed rule will have minimal to no economic impact on small businesses and the state's economy as a whole.

**Contact Person:** Dale Kleven, Administrative Rule Coordinator, DSPSAdminRules@wisconsin.gov, (608) 261-4472

Approved for publication:

Approved for implementation:

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date Submitted

\_\_\_\_\_  
Date Submitted

STATE OF WISCONSIN  
MEDICAL EXAMINING BOARD

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IN THE MATTER OF RULEMAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : MEDICAL EXAMINING BOARD  
MEDICAL EXAMINING BOARD : ADOPTING RULES  
: (CLEARINGHOUSE RULE )

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PROPOSED ORDER

An order of the Medical Examining Board to amend Med 13.05 (1) (intro.) and (2), relating to continuing medical education for physicians.

Analysis prepared by the Department of Safety and Professional Services.

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ANALYSIS

**Statutes interpreted:**

Section 448.13, Stats.

**Statutory authority:**

Sections 15.08 (5) (b) and 448.40 (1), Stats.

**Explanation of agency authority:**

Section 15.08 (5) (b), Stats., provides an examining board “shall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 448.40 (1), Stats., provides the Medical Examining Board “may promulgate rules to carry out the purposes of this subchapter, including rules requiring the completion of continuing education, professional development, and maintenance of certification or performance improvement or continuing medical education programs for renewal of a license to practice medicine and surgery.”

**Related statute or rule:**

Chapter Med 14 provides the requirements for biennial registration, which include the completion of continuing medical education.

**Plain language analysis:**

The proposed rule makes updates to clarify that a physician’s use of electronic continuing medical education tracking and reporting is permitted.

**Summary of, and comparison with, existing or proposed federal regulation:**

None.



## **Comparison with rules in adjacent states:**

### **Illinois:**

Rules of the Illinois Department of Financial and Professional Regulation establish continuing medical education requirements for physicians licensed in Illinois (68 Ill. Adm. Code 1285.110). The rules do not explicitly authorize or prohibit a physician's use of electronic continuing medical education tracking and reporting.

### **Iowa:**

Rules of the Iowa Board of Medicine establish continuing education requirements for physicians licensed in Iowa (653 IAC 11). The rules do not explicitly authorize or prohibit a physician's use of electronic continuing education tracking and reporting.

### **Michigan:**

Rules of the Michigan Department of Licensing and Regulatory Affairs establish continuing medical education requirements for physicians licensed in Michigan (Mich Admin Code, R 338.2441 to R 338.2443). The rules do not explicitly authorize or prohibit a physician's use of electronic continuing medical education tracking and reporting.

### **Minnesota:**

Rules of the Minnesota Board of Medical Practice establish continuing education requirements for physicians licensed in Minnesota (Minnesota Rules, chapter 5605). The rules do not explicitly authorize or prohibit a physician's use of electronic continuing education tracking and reporting.

## **Summary of factual data and analytical methodologies:**

The proposed rules were developed by obtaining input and feedback from the Medical Examining Board.

## **Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:**

The proposed rules will be posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals.

### **Effect on small business:**

These rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator, Dan Hereth, may be contacted by calling (608) 267-2435.

### **Agency contact person:**

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-261-4472; email at [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov).

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TEXT OF RULE

SECTION 1. Med 13.05 (1) (intro.) and (2) are amended to read:

**Med 13.05 (1) (intro.) PHYSICIANS.** The board will accept as evidence of compliance by physicians with the requirements of this chapter, as original electronic or hard copy documents or verified copies thereof, any or all or any combination of the following:

**(2) RETENTION REQUIREMENT.** Evidence of compliance shall be retained in electronic or hard copy format by each physician through the biennium for which 30 hours of credit are required for registration.

SECTION 2. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

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(END OF TEXT OF RULE)

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# STATEMENT OF SCOPE

## BOARD OF NURSING

**Rule No.:** N 8

**Relating to:** Advanced Practice Nurse Prescriber Collaboration with Other Health Care Professionals

**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 the proposed rule is to update the requirements concerning collaboration with other health care professionals to be more consistent with current health care practices and recognize the increasing need for public access to quality health care. Specifically, the proposed rule will repeal s. N 8.10 (2) and (7), which require an advanced practice nurse prescriber (APNP) to work in a collaborative relationship with at least one physician or dentist and to document that relationship. The rules as updated will continue to require APNPs to facilitate referral of and provide a summary of patient health care records to other health care professionals as a means of improving care management and collaboration, and require the board to promote communication and collaboration among APNPs, physicians, dentists, and other health care professionals.

**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:**

As part of Emergency Order 16, issued by Governor Evers in response to the COVID-19 public health emergency, s. N 8.10 (2) and (7) concerning collaboration with other health care professionals were temporarily suspended. The Board recognizes the success these measures had in helping meet the need for public access to health care without compromising patient safety, and also recognizes the need for APNPs to continue to work in a collaborative relationship with physicians, dentists, and other health care professionals as appropriate. As such, the Board is proposing the above-identified updates as a long-term means to address the increasing need for public access to quality health care.

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

Section 15.08 (5) (b), Stats., provides an examining board “[s]hall promulgate rules for its own guidance and for the guidance of the trade or profession to which it pertains. . .”

Section 441.16 (3) (b), Stats., provides the Board shall promulgate rules for “[d]efining the scope of practice within which an advanced practice nurse may issue prescription orders.”

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

120 hours

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

Advanced practice nurses, other health care professionals, entities that employ advanced practice nurses and other health care professionals, and individuals accessing health care services.

**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:**

None

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

The proposed rule is anticipated to have minimal to no economic impact on small businesses. As the repeal of s. N 8.10 (2) and (7) proposed by the Board would reduce recordkeeping requirements, the proposed rule is anticipated to have a positive economic impact on APNPs in independent practice.

**Contact Person:** Dale Kleven, (608) 261-4472, DSPSAdminRules@wisconsin.gov

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Authorized Signature

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Date Submitted

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

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request:  <b>Dale Kleven</b> <b>Administrative Rules Coordinator</b>		2) Date When Request Submitted:  <b>9/3/20</b> Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections:  <b>Medical Examining Board</b>			
4) Meeting Date:  9/16/20	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page?  <b>2020 Medical Examining Board Report on Opioid Abuse – Discussion and Consideration</b>	
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 ( <a href="#">Fill out Board Appearance Request</a> ) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:   			
11) Signature of person making this request  <i>Dale Kleven</i>		Authorization	Date  <i>September 3, 2020</i>
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.			

**Sheldon A. Wasserman**  
Chairperson

**Sumeet K. Goel**  
Vice Chairperson

**Clarence P. Chou**  
Secretary

**WISCONSIN MEDICAL EXAMINING BOARD**



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**Wisconsin Medical Examining Board Report on Opioid Abuse – October 2020**

**Scope and purpose of the report:** 2017 Wisconsin Act 262 requires the Medical Examining Board to annually submit a report related to opioid abuse to the Legislature and Governor’s Office. The report must include proactive efforts taken by the Board to address the issue of opioid abuse and goals for addressing the issue of opioid abuse as it relates to the practice of medicine and surgery in Wisconsin. The report must also include actions taken by the Board to achieve the goals identified in previous reports, and whether those goals have been achieved.

**Proactive efforts taken by the Board to address the issue of opioid abuse:**

- **Statewide Outreach**

As former vice chair of the Medical Examining Board and former member of the Controlled Substances Board, Dr. Timothy Westlake worked with the Governor’s Office, the Legislature, the Wisconsin Medical Society, the state’s two medical schools, and hospital and clinic systems to ensure the Board is an effective partner in statewide efforts to enhance the physician workforce’s knowledge concerning the appropriate use and best prescriptive practices with opioids. These efforts included determining how to combat the inappropriate prescribing of opioids through use of the Prescription Drug Monitoring Program, as well as through enhancements to electronic health records.

- **National Outreach and Leadership**

Doctor Kenneth Simons, former Chair of the Medical Examining Board, served on the Board of Directors for the Federation of State Medical Boards (FSMB). During his term, the FSMB undertook several initiatives related to opioid abuse, including participation in the Action Collaborative on Countering the U.S. Opioid Epidemic.

- **Opioid Prescribing Guideline**

In July 2016, the Board issued its Opioid Prescribing Guideline. The Guideline, which encourages providers to implement best practices for responsible prescribing, was developed using the Centers for Disease Control and Prevention’s Guideline for Prescribing Opioids for Chronic Pain and the Wisconsin Department of Workforce Development’s Chronic Opioid Clinical Management Guidelines for Wisconsin Worker’s Compensation Patient Care as primary resources. The Board has continually monitored and periodically updated the Guideline, most recently in January of 2019.

- **Continuing Education Related to Prescribing Controlled Substances**

The Board revised its administrative rules to extend the requirement for both MD and DO physicians to take two of the required 30 hours of continuing medical education via an approved course on prescribing controlled substances. Physicians who do not hold a U.S. Drug Enforcement Administration number to prescribe controlled substances are exempted from the requirement.

**Goals for addressing the issue of opioid abuse as it relates to the practice of medicine and surgery in Wisconsin:**

- **Continuing Education Related to Prescribing Controlled Substances**

The Board's goal is to have rules in place at the beginning of the 2021-2023 biennium that will extend the requirement for the completion of continuing medical education related to prescribing controlled substances through the end of that biennium.

- **Enforcement Action**

The Board's goal is to, in partnership with the Controlled Substances Board, continue to proactively investigate physicians whose prescriptive practices with controlled substances may be inconsistent with the standard of minimally competent medical practice.

- **Opioid Prescribing Guideline**

The Board will continue to monitor the Guideline and make updates as needed to keep it current and relevant to physicians and their patients.

- **Continued Outreach and Leadership**

As the Board recently experienced a significant change in its membership and leadership, it is the Board's goal to explore avenues through which it can continue its active participation in the statewide and national efforts to combat opioid abuse.

**Actions taken by the Board to achieve the goals identified in previous reports:**

- **Continuing Education Related to Prescribing Controlled Substances**

The Board's goal was to assess the need to extend the requirement to complete continuing medical education related to prescribing controlled substances. At its September 16, 2020 meeting, the Board approved a scope statement to begin promulgation of rules that will extend the requirement for an additional biennium.

- **Enforcement Action**

The Board's goal was to, in partnership with the Controlled Substances Board (CSB), continue to proactively investigate physicians whose prescriptive practices with controlled substances may be inconsistent with the standard of minimally competent medical practice.

The CSB uses reports generated from the Prescription Drug Monitoring Program (PDMP) to determine whether physicians will be referred to the Board for possible investigation. The Board did not receive any referrals from the CSB during the current reporting period.

- **Opioid Prescribing Guideline**

The Board's goal was to continue to monitor its Opioid Prescribing Guideline and make updates as needed to keep it current and relevant to physicians and their patients.

The Board continues to monitor its Opioid Prescribing Guideline to ensure it is kept current and relevant to physicians and their patients. The Guideline remains current and relevant since its last update in January of 2019.

- **Continued Outreach and Leadership**

It was the Board's goal to continue its active participation in the statewide and national efforts to combat opioid abuse.

As former vice chair of the Medical Examining Board and a former member of the Controlled Substances Board, Dr. Timothy Westlake worked with the Governor's Office, the Legislature, the Wisconsin Medical Society, the state's two medical schools, and hospital and clinic systems to ensure the Board is an effective partner in statewide efforts to enhance the physician workforce's knowledge concerning the appropriate use and best prescriptive practices with opioids. These efforts included determining how to combat the inappropriate prescribing of opioids through use of the Prescription Drug Monitoring Program, as well as through enhancements to electronic health records.

Doctor Kenneth Simons, former Chair of the Medical Examining Board, served on the Board of Directors for the Federation of State Medical Boards (FSMB). During his term the FSMB was dedicated to initiatives related to opioid abuse, including participation in the Action Collaborative on Countering the U.S. Opioid Epidemic.