



**VIRTUAL/TELECONFERENCE
MEDICAL EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Valerie Payne (608) 266-2112
February 17, 2021**

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 (1-4)

B. Approval of Minutes of January 20, 2021 (5-14)

C. Introductions, Announcements and Recognition

D. Reminders: Conflicts of Interest, Scheduling Concerns

E. Administrative Matters – Discussion and Consideration

- 1) Board, Department and Staff Updates
- 2) 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. Michael Parish – 7/1/2023
 - h. David Roelke – 7/1/2021
 - i. Rachel Sattler – 7/1/2024
 - j. Sheldon Wasserman – 7/1/2023
 - k. Lemuel Yerby – 7/1/2024
 - l. Emily Yu – 7/1/2024
- 3) Appointments, Reappointments, Confirmations, and Committee, Panel and Liaison Appointments
- 4) Assignment of Screening Panel and Examination Panel Liaisons
- 5) 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 (15)**
 - 1) Preliminary Rule Draft – Med 10, Relating to Unprofessional Conduct **(16-18)**
 - 2) Scope Statement – Med 1, Relating to Licenses to Practice Medicine and Surgery **(19-20)**
 - 3) Pending or Possible Rulemaking Projects
- H. CE Broker – Discussion and Consideration**
- I. Budgeting and Maintaining Licensure Fees – Discussion and Consideration**
- J. COVID-19 – Discussion and Consideration**
- K. Federation of State Medical Boards (FSMB) Matters – Discussion and Consideration**
- L. Controlled Substances Board Report
- M. Interstate Medical Licensure Compact Commission (IMLCC) – Report from Wisconsin’s Commissioners – Discussion and Consideration**
- N. Newsletter Matters – Discussion and Consideration**
 - 1) Review of Distribution Report and Future Planning **(21-30)**
- O. MED-PA Collaboration Committee Report**
- P. Screening Panel Report**
- Q. Future Agenda Items
- R. 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

S. 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.).

T. Deliberation on DLSC Matters

1) Proposed Stipulations, Final Decisions and Orders

- a. 19 MED 101 – Constance R. Tambakis-Odom, M.D. **(31-37)**
- b. 19 MED 407 – Thulasiraman Ravichandran, M.D. **(38-43)**
- c. 20 MED 190 – Ralph J. Galdieri, Jr., M.D. **(44-53)**

2) Complaints

- a. 18 MED 421 – B.M.H. **(54-57)**
- b. 18 MED 486 – C.M.B. **(48-60)**

3) Administrative Warnings

- a. 20 MED 383 – A.J. **(61-62)**

4) Case Closings

- a. 18 MED 282 – A.R. **(63-76)**
- b. 19 MED 029 – B.J.W. **(77-81)**
- c. 19 MED 076 – J.A.C. **(82-89)**
- d. 19 MED 253 – G.M.M. **(90-98)**
- e. 19 MED 349 – Unknown **(99-114)**
- f. 19 MED 390 – J.H. **(115-121)**
- g. 20 MED 106 – J.A.C. **(122-126)**
- h. 20 MED 246 – A.A.T. **(127-130)**
- i. 20 MED 421 – T.M.D. **(131-138)**

5) Monitoring Matters **(139-140)**

- a. Jessica Varnam, M.D. – Requesting Reinstatement of Full Licensure **(141-151)**
- b. Channing Wiersema, M.D. – Requesting Reinstatement of Full Licensure **(152-171)**

U. Credentialing Matters

1) Full Board License Review

- a. Dai Yamanouchi, M.D. **(172-175)**

V. 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

W. Open Cases

X. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

AA. 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. Roelke** and **Dr. Wasserman**

NEXT DATE: MARCH 17, 2021

 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. Requests for interpreters for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
MEDICAL EXAMINING BOARD
MEETING MINUTES
JANUARY 20, 2021**

PRESENT: Milton Bond, Jr. (*excused at 9:25 a.m.*), David Bryce, M.D; Clarence Chou, M.D.; Padmaja Doniparthi, M.D.; Diane Gerlach, D.O.; Sumeet Goel, D.O. (*arrived at 8:04 a.m.*); Michael Parish, M.D.; David Roelke, M.D.; Rachel Sattler; Sheldon Wasserman, M.D.; Lemuel Yerby, M.D.

EXCUSED: Emily Yu, M.D.

STAFF: Valerie Payne, Executive Director; Jameson Whitney, 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

Amendment to the Agenda

- Under Item “G. Administrative Rule Matters – Discussion and Consideration”
 - **Remove** “3) Preliminary Rule Draft – Med 10, Relating to Unprofessional Conduct”
 - **Remove** “4) Scope Statement – Med 1, Relating to Licenses to Practice Medicine and Surgery”

MOTION: Diane Gerlach moved, seconded by Michael Parish, to adopt the Agenda as amended. Motion carried unanimously.

(Sumeet Goel arrived at 8:04 a.m.)

APPROVAL OF MINUTES OF DECEMBER 16, 2020

MOTION: Lemuel Yerby moved, seconded by Clarence Chou, to approve the Minutes of December 16, 2020 as published. Motion carried unanimously.

INTRODUCTIONS, ANNOUNCEMENTS & RECOGNITION

MOTION: Clarence Chou moved, seconded by Milton Bond, to recognize and thank Darold Treffert, former Board member and Chairperson, for his years of service to the Medical Examining Board and the State of Wisconsin, and to offer sincere condolences to his family. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Chairperson

NOMINATION: Clarence Chou nominated Sheldon Wasserman for the Office of Chairperson.

Valerie Payne, Executive Director, called for nominations three (3) times.

Sheldon Wasserman was elected as Chairperson by unanimous voice vote.

Vice Chairperson

NOMINATION: Sumeet Goel nominated Clarence Chou for the Office of Vice Chairperson.

Valerie Payne, Executive Director, called for nominations three (3) times.

Clarence Chou was elected as Vice Chairperson by unanimous voice vote.

Secretary

NOMINATION: Clarence Chou nominated Sumeet Goel for the Office of Secretary.

Valerie Payne, Executive Director, called for nominations three (3) times.

Sumeet Goel was elected as Secretary by unanimous voice vote.

ELECTION RESULTS	
Chairperson	Sheldon Wasserman
Vice Chairperson	Clarence Chou
Secretary	Sumeet Goel

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Lemuel Yerby, Emily Yu, Michael Parish, Diane Gerlach Alternate: Clarence Chou, David Roelke, David Bryce
Education and Examinations Liaison(s)	David Roelke Alternate: David A. Bryce
Continuing Education Liaison(s)	David Roelke Alternate: Michael Parish
Monitoring Liaison(s)	Padmaja Doniparthi Alternate: Clarence Chou

Professional Assistance Procedure (PAP) Liaison(s)	Padmaja Doniparthi Alternate: David Bryce
Legislative Liaison	Sumeet Goel, Sheldon Wasserman
Travel Liaison(s)	David Bryce Alternate: Sumeet Goel
Newsletter Liaison(s)	Sheldon Wasserman Alternate: Sumeet Goel
Prescription Drug Monitoring Program Liaison(s)	Michael Parish Alternate: David Bryce
Website Liaison(s)	Sumeet Goel Alternate: Milton Bond, Jr
Administrative Rules Liaison(s)	David Roelke Alternate: Sumeet Goel
Appointed to Controlled Substances Board as per Wis. Stats. §15.405(5g) (MED)	Padmaja Doniparthi Alternate: David Bryce

OTHER APPOINTMENTS	
Council on Anesthesiologist Assistants	Padmaja Doniparthi
Interstate Medical Licensure Compact Commission (IMLCC) (2 reps)	Sheldon Wasserman, Clarence Chou
Licensure Forms Committee	David Bryce, Padmaja Doniparthi, David Roelke
MED-PA Collaboration Committee	Sumeet Goel (Chairperson), Lemuel Yerby, David Bryce, Jennifer Jarrett, Eric Elliot, Reid Bowers

Delegation of Authorities

Document Signature Delegations

MOTION: David Roelke moved, seconded by Diane Gerlach, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION: David Roelke moved, seconded by David Bryce, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Padmaja Doniparthi moved, seconded by Michael Parish, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Monitoring Delegations

MOTION: David Roelke moved, seconded by Diane Gerlach, to adopt the “Roles and Authorities Delegated for Monitoring” document as presented in the January 20, 2021 agenda materials on pages 22-23. Motion carried unanimously.

MOTION: David Roelke moved, seconded by Diane Gerlach, to delegate to Board Legal Counsel the authority to sign Monitoring orders that result from Board meetings on behalf of the Board Chairperson. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison (Denial Decisions)

MOTION: David Roelke moved, seconded by Padmaja Doniparthi, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications, except that potential denial decisions shall be referred to the full Board for final determination. Motion carried unanimously.

Delegation of Authority for Predetermination Reviews

MOTION: David Roelke moved, seconded by Padmaja Doniparthi, to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried. Opposed: 3

Delegation of Authority for Conviction Reviews

MOTION: Michael Parish moved, seconded by Rachel Sattler, to delegate authority to Department Attorneys to review and approve ordinance violations which are not substantially related to the practice of medicine, limited to:

1. Littering
2. Loitering
3. Up to two (2) Underage Drinking
4. One (1) OWI two or more years prior to application
5. Trespassing
6. Disturbing the Peace

Motion carried unanimously.

Delegation to DSPS When Applicant's History Has Been Previously Reviewed

MOTION: Milton Bond, Jr. moved, seconded by Diane Gerlach, to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous Medical Examining Board credential and there is no new conviction record. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Diane Gerlach moved, seconded by Clarence Chou, to delegate credentialing authority to DSPS to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

Council Delegation Motion

MOTION: Michael Parish moved, seconded by Sumeet Goel, to delegate to the Board's Councils and/or its liaison(s), the authority to review applications and conduct examinations of candidates for licensure and to make recommendations regarding the licensure of applicants based upon the application reviews and examinations. Recommended credential denials should be considered by the Medical Examining Board. This delegation motion is not intended to be exhaustive of the Councils' advisory authority. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: David Roelke moved, seconded by Sumeet Goel, delegate authority to the Department's Attorney Supervisors to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

Continuing Education Liaison(s) and Education and Examination Liaison(s) Delegation

MOTION: David Roelke moved, seconded by Diane Gerlach, to delegate authority to the Continuing Education Liaison(s), and the Education and Examination Liaison(s) to address all issues related to continuing education, and education and examinations. Motion carried unanimously.

Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies

MOTION: Clarence Chou moved, seconded by Michael Parish, to authorize DSPS staff to provide national regulatory related bodies with all board member contact information that DSPS retains on file. Motion carried unanimously.

(Milton Bond, Jr. was excused at 9:25 a.m.)

Optional Renewal Notice Insert Delegation

MOTION: David Roelke moved, seconded by Lemuel Yerby to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

Legislative Liaison(s) Delegation

MOTION: David Roelke moved, seconded by Clarence Chou, to delegate authority to the Legislative Liaisons(s) to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Delegation

MOTION: David Bryce moved, seconded by Padmaja Doniparthi, to delegate authority to the Travel Liaison to approve any board member travel. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Review of Preliminary Draft Rules of the Occupational Therapists Affiliated Credentialing Board

MOTION: David Roelke moved, seconded by Diane Gerlach, to reflect the Board's support of the proposed rules revising Wisconsin Administrative Code Chapters OT 1 to 6, relating to telehealth, and has no comments for the Occupational Therapists Affiliated Credentialing Board to consider. Motion carried unanimously.

Proposals for MED 13, Relating to Continuing Medical Education Requirements

MOTION: David Roelke moved, seconded by Sumeet Goel, to authorize the Chairperson to approve the preliminary rule draft of Med 13, relating to continuing medical education requirements, for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

CLOSED SESSION

MOTION: Clarence Chou moved, seconded by Diane Gerlach, 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, 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; Diane Gerlach-yes; Sumeet Goel-yes; Michael Parish-yes; David Roelke-yes; Rachel Sattler-yes; Sheldon Wasserman-yes; Lemuel Yerby-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:21 a.m.

CREDENTIALING MATTERS

Full Board Oral Examination

APPEARANCE – Pamela Vincent

MOTION: David Roelke moved, seconded by Diane Gerlach, to find that Pamela Vincent achieved a passing score on the Full Board Oral Examination pursuant to Wis. Admin Code § Med 1.06(4)(b). Motion carried unanimously.

MOTION: David Roelke moved, seconded by Diane Gerlach, to notify the Division of Professional Credential Processing that Pamela Vincent achieved a passing score on the Full Board Oral Examination and that a license may be issued once all requirements are met. Motion carried unanimously.

Application Review

Elie Khalifee

MOTION: Clarence Chou moved, seconded by Sumeet Goel, to approve the waiver of post-graduate training application of Elie Khalifee, once all requirements are met. Motion carried unanimously.

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

Review of Administrative Warning

9:30 A.M. APPEARANCE – 20 MED 221 – N.A.V.

MOTION: David Roelke moved, seconded by Diane Gerlach, to affirm the issuance of the administrative warning in the matter of N.A.V., DLSC Case Number 20 MED 221. Motion carried unanimously.

Stipulations, Final Decisions and Orders

18 MED 312 – Aaron C. Weaver, R.C.P.

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 Aaron C. Weaver, R.C.P., DLSC Case Number 18 MED 312. Motion carried unanimously.

19 MED 090 – Michael J. Bohn, M.D.

MOTION: Michael Parish moved, seconded by Diane Gerlach, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Michael J. Bohn, M.D., DLSC Case Number 19 MED 090. Motion carried unanimously.

19 MED 171 – Vinson M. Di Santo, D.O.

MOTION: Clarence Chou moved, seconded by David Roelke, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Vinson M. Di Santo, D.O., DLSC Case Number 19 MED 171. Motion carried unanimously.

19 MED 545 – Dana J. Akiya, M.D.

MOTION: Michael Parish moved, seconded by Diane Gerlach, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Dana J. Akiya, M.D., DLSC Case Number 19 MED 545. Motion carried unanimously.

(Sheldon Wasserman recused himself and left the room for deliberation and voting in the matter concerning Dana J. Akiya, M.D., DLSC Case Number 19 MED 545.)

20 MED 181 – Nosheen Hasan, 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 Nosheen Hasan, M.D., DLSC Case Number 20 MED 181. Motion carried unanimously.

20 MED 203 – Bradley D. Kruger, P.A.

MOTION: David Roelke moved, seconded by Diane Gerlach, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Bradley D. Kruger, P.A., DLSC Case Number 20 MED 203. Motion carried unanimously.

20 MED 394 – Steven Richardson, P.A.

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 Steven Richardson, P.A., DLSC Case Number 20 MED 394. Motion carried unanimously.

Complaints

18 MED 376 – K.P.P.

MOTION: Clarence Chou moved, seconded by Michael Parish, to find probable cause in DLSC Case Number 18 MED 376, to believe that K.P.P. has committed unprofessional conduct, and therefore, to issue the Complaint and hold a hearing on such conduct pursuant to Wis. Stat§ 448.02(3)(b). Motion carried unanimously.

Administrative Warnings

20 MED 434 – D.I.L.

MOTION: Lemuel Yerby moved, seconded by David Bryce, to issue an Administrative Warning in the matter of D.I.L., DLSC Case Number 20 MED 434. Motion carried unanimously.

Case Closings

MOTION: Michael Parish moved, seconded by Sumeet Goel, to close the following DLSC Cases for the reasons outlined below:

1. 19 MED 190 – D.A.W. – Prosecutorial Discretion (P2)
2. 19 MED 216 – L.S.K. – No Violation
3. 19 MED 273 – A.W. – No Violation
4. 20 MED 334 – V.C. – No Violation
5. 20 MED 351 – K.M.F. – No Violation
6. 20 MED 358 – N.T. – No Violation
7. 20 MED 392 – T.G.S. – Prosecutorial Discretion (P2)

Motion carried unanimously.

20 MED 359 – G.P.F.

MOTION: Clarence Chou moved, seconded by Diane Gerlach, to close DLSC Case Number 20 MED 359, against G.P.F., for No Violation. Motion carried unanimously.

(Sheldon Wasserman recused himself and left the room for deliberation and voting in the matter concerning G.P.F., DLSC Case Number 20 MED 359.)

RECONVENE TO OPEN SESSION

MOTION: Sumeet Goel moved, seconded by David Roelke, to reconvene to Open Session. Motion carried unanimously.

The Board reconvened to Open Session at 12:07 p.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Clarence Chou moved, seconded by David Bryce, 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: Michael Parish moved, seconded by David Roelke, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Sumeet Goel moved, seconded by Lemuel Yerby, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:09 p.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dale Kleven Administrative Rules Coordinator		2) Date When Request Submitted: 2/5/21 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: Medical Examining Board			
4) Meeting Date: 2/17/21	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Preliminary Rule Draft – Med 10, Relating to Unprofessional Conduct 2. Scope Statement – Med 1, Relating to Licenses to Practice Medicine and Surgery 3. Pending or Possible Rulemaking Projects	
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:			
11) <i>Dale Kleven</i> <hr/> Signature of person making this request		Authorization <i>February 5, 2021</i> <hr/> Date	
<hr/> Supervisor (if required)		<hr/> Date	
<hr/> 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.			

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

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

PROPOSED ORDER

An order of the Medical Examining Board to amend Med 10.03 (3) (h), relating to unprofessional conduct.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 448.015 (4) (am) 1., Stats.

Statutory authority:

Section 15.08 (5) (b), 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. . .”

Related statute or rule:

Section SPS 4.09 sets forth provisions related to credential holder charges and convictions.

Plain language analysis:

The proposed rule revises the Board’s rules related to professional conduct. Specifically, s. Med 10.03 (3) (h) is revised to clarify a licensee is required to comply with the reporting requirement under s. SPS 4.09 (2).

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

None.

Comparison with rules in adjacent states:

Illinois: The Illinois Statutes authorize the Illinois Department of Financial Regulation to take disciplinary or non-disciplinary action against a physician’s license. Grounds for action include failure to report to the Department any adverse final action taken against a physician by any law enforcement agency or any court, for acts or conduct similar to acts or conduct that would constitute grounds for action against the physician’s license [225 ILCS 60/22 (A) (34)].

Iowa:

Rules of the Iowa Board of Medicine provide the Board with authority to impose disciplinary sanctions for certain acts and offenses (653 IAC 23.1). The rules do not specifically provide that a physician may be subject to a disciplinary sanction for failure to report a conviction.

Michigan:

The Michigan Public Health Code requires a licensee or registrant to notify the Michigan Department of Licensing and Regulatory Affairs of any criminal conviction within 30 days after the date of the conviction. Failure of a licensee or registrant to notify the Department under this subsection shall result in administrative action against the license or registration [MCL 333.16222 (3)].

Minnesota:

The Minnesota Statutes require a physician to self-report to the Minnesota Board of Medical Practice within 30 days of any judgement or other determination of a court of competent jurisdiction that adjudges or includes a finding that a physician is guilty of a felony or a violation of a federal or state narcotics law or controlled substances act (2020 Minnesota Statutes, Section 147.111).

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 proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Daniel.Hereth@wisconsin.gov, or 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.

TEXT OF RULE

SECTION 1. Med 10.03 (3) (h) is amended to read:

Med 10.03 (3) (h) Failing, within 48 hours of the entry of judgement of conviction of any crime, to provide notice as required under s. SPS 4.09 (2), or failing,

within 30 days of conviction of any crime, to provide the board with certified copies of the criminal complaint and judgment of conviction.

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.

(END OF TEXT OF RULE)

STATEMENT OF SCOPE

Medical Examining Board

Rule No.: Med 1

Relating to: Licenses to Practice Medicine and Surgery

Rule Type: Permanent

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

N/A

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

The Medical Examining Board will conduct a comprehensive evaluation and update of ch. Med 1 to ensure the rules are consistent with current professional, academic, examination, and licensing practices, and applicable Wisconsin statutes. Updates to other chapters of the Board's rules may also be necessary to reflect updates to ch. Med 1.

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:

Chapter Med 1 currently contains the rules of the Medical Examining Board governing application and examination for a license to practice medicine and surgery under s. 448.04 (1) (a), Stats. The Board has identified the need for a comprehensive evaluation and update of these rules to ensure they are consistent with current professional, academic, examination, and licensing practices, and applicable Wisconsin statutes.

The alternative of not conducting this evaluation and update would be to leave the rules unchanged, which may be less beneficial for individuals applying for a license to practice medicine and surgery under s. 448.04 (1) (a), Stats.

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

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

Section 448.05 (2) (a) 3., Stats., requires an applicant for any class of license to practice medicine and surgery to supply evidence satisfactory to the board "[t]hat the applicant satisfies any other requirement established by the board by rule for issuing the license."

Section 448.40 (1), Stats., provides that "[t]he 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:

70 hours

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

Applicants for a license to practice medicine and surgery under s. 448.04 (1) (a), Stats.

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 Rules Coordinator, DSPSAdminRules@wisconsin.gov, (608) 261-4472

Approved for publication:

Approved for implementation:

Authorized Signature

Authorized Signature

Date Submitted

Date Submitted

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Kimberly Wood, Program Assistant Supervisor-Adv.		2) Date when request submitted: 2/5/2021 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Medical Examining Board			
4) Meeting Date: 2/17/2021	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Newsletter Matters <ul style="list-style-type: none"> • Review of Distribution Report and Future Planning 	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <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: Review of Distribution Report: Review the attached distribution report associated with the newsletter distributed on February 4, 2021. Planning for Next Newsletter: The Board should begin considering topics and timing for the next newsletter.			
11) Authorization			
<i>Kimberly Wood</i>		2/5/2021	
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.			

Subject: Wisconsin Medical Examining Board Newsletter
 Sent: 02/04/2021 05:31 PM CST
 Sent By: Kimberly.Wood@wisconsin.gov
 Sent To: Subscribers of Medical Examining Board

43,260

Recipients

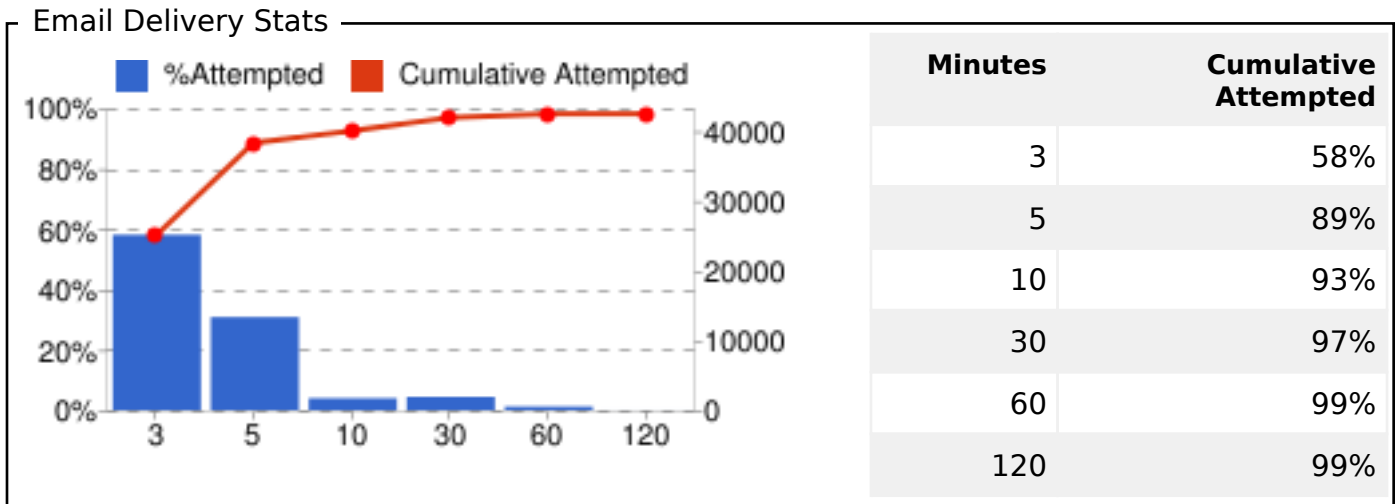
- ✓ Email
- ✗ SMS
- ✗ Facebook
- ✗ Twitter
- ✓ RSS

94%

Delivered



- 0% Pending
- 6% Bounced
- 30% Open Rate
- 32% Click Rate



Delivery Metrics - Details

43,260	Total Sent
40,576 (94%)	Delivered
0 (0%)	Pending
2,684 (6%)	Bounced
0 (0%)	Unsubscribed

Bulletin Analytics

22,644	Total Opens
12162 (30%)	Unique Opens
17,249	Total Clicks
12988 (32%)	Unique Clicks
206	# of Links

Delivery and performance

These figures represent all data since the bulletin was first sent to present time.

	Progress	% Delivered	Recipients	# Delivered	Opened Unique	Bounced/Failed	Unsubscribes
Email Bulletin	Delivered	93.8%	43,070	40,386	12162 / 30.1%	2,684	0
Digest	n/a	n/a	190	190	0 / 0.0%	0	0
SMS Message	Delivered	0.0%	0	0	n/a	0	n/a

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https://subscriberhelp.govdelivery.com/	5	7
https://subscriberhelp.granicus.com/?utm_medium=email&u...	4	5
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