



**VIRTUAL/TELECONFERENCE
MEDICAL EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Tom Ryan (608) 266-2112
February 16, 2022**

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 January 19, 2022 (6-16)**
- C. Introductions, Announcements and Recognition
- D. Reminders: Conflicts of Interest, Scheduling Concerns
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Board Updates
 - 2) Delegation of Authorities **(17)**
 - 3) Board Members – Term Expiration Dates
 - a. Bond, Jr., Milton – 7/1/2023
 - b. Chou, Clarence P. – 7/1/2023
 - c. Ferguson, Kris – 7/1/2025
 - d. Gerlach, Diane M. – 7/1/2024
 - e. Goel, Sumeet K. – 7/1/2023
 - f. Lerma, Carmen – 7/1/2024
 - g. Parish, Michael A. – 7/1/2023
 - h. Sattler, Rachel E. – 7/1/2024
 - i. Schmeling, Gregory J. – 7/1/2025
 - j. Siebert, Derrick R. – 7/1/2025
 - k. Wasserman, Sheldon A. – 7/1/2023
 - l. Yerby, Lemuel G. – 7/1/2024
 - m. Yu, Emily S. – 7/1/2024
 - 4) Appointments, Reappointments, Confirmations, and Committee, Panel and Liaison Appointments
 - 5) Assignment of Screening Panel and Examination Panel Liaisons
 - 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 (18-19)**
 - 1) Status Update: Cos 2, 3, 5, & 8
 - 2) Pending or Possible Rulemaking Projects
 - a. Update on Med 1, Relating to Licenses to Practice Medicine and Surgery
 - b. Update on Med 10, Relating to Performance of Physical Examinations
 - c. Rules Project Chart
- H. COVID-19 – Discussion and Consideration**
- I. Federation of State Medical Boards (FSMB) Matters – Discussion and Consideration**
- J. Speaking Engagements, Travel, or Public Relation Requests, and Reports – Discussion and Consideration**
 - 1) Attendance Report: Wisconsin Medical Society Doctor’s Day – February 8, 2022
- K. Controlled Substances Board Report**
- L. Interstate Medical Licensure Compact Commission (IMLCC) – Report from Wisconsin’s Commissioners – Discussion and Consideration**
- M. Newsletter Matters – Discussion and Consideration**
- N. CE Broker – Discussion and Consideration**
- O. MED-PA Collaboration Committee Report**
 - 1) Physician Assistant Affiliated Credentialing Board – Jennifer Jarrett, Chairperson
- 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. 20 MED 076 – Stephen J. Muehlenbein, MD **(20-26)**
 - b. 20 MED 501 – Sameh M. Said, MD **(27-33)**
 - c. 21 MED 134 – Shawn X. Wu, MD **(34-39)**
 - d. 21 MED 176 – Isaac Dor, MD **(40-45)**
 - e. 21 MED 179 – Charles E. Nelson, MD **(46-57)**
 - f. 21 MED 302 – Eric G. Eberts, MD **(58-63)**
 - g. 21 MED 503 – Jonathan R. Hayward, PA **(64-75)**
 - h. 21 MED 505 – Dennys E. Maldonado, MD **(76-81)**
- 2) **Complaints**
 - a. 19 MED 053 – D.I.S. **(82-85)**
- 3) **Administrative Warnings**
 - a. 19 MED 086 – A.M.M. **(86-88)**
 - b. 19 MED 343 – S.K. **(89-90)**
 - c. 20 MED 435 – R.R. **(91-92)**
 - d. 21 MED 239 – M.S.H. **(93-94)**
 - e. 21 MED 369 – M.S.P. **(95-96)**
- 4) **Case Closings**
 - a. 19 MED 343 – B.M.A. **(97-107)**
 - b. 19 MED 588 – Y.S.P. **(108-122)**
 - c. 20 MED 108 – J.B.V. **(123-133)**
 - d. 20 MED 244 – Unknown **(134-141)**
 - e. 21 MED 203 – C.I.M. **(142-168)**
 - f. 21 MED 205 – M.B. **(169-172)**
 - g. 21 MED 238 – K.E.B. **(173-188)**
 - h. 21 MED 281 – J.W.M.R. **(189-207)**
 - i. 21 MED 310 – R.J.P. **(208-217)**

- j. 21 MED 319 – A.S.G. **(218-224)**
- k. 21 MED 320 – C.I.M. **(225-251)**
- l. 21 MED 327 – L.W.B. **(252-259)**
- m. 21 MED 339 – R.N.B. **(260-265)**
- n. 21 MED 422 – D.P.G. **(266-271)**
- o. 21 MED 428 – J.A.B. **(272-283)**
- p. 21 MED 453 – F.T.N. **(284-290)**

U. Credentialing Matters

- 1) Full Board Review
 - a. Dai Yamanouchi, MD **(291-293)**
- 2) Application Review
 - a. Zarina Markova, MD
- 3) Consideration of Waiver of 24 Months of ACGME/AOA Approved Post-Graduate Training
 - a. Michael Deininger, MD **(294-342)**

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

11:30 A.M. OR IMMEDIATELY FOLLOWING THE FULL BOARD MEETING

CLOSED SESSION – Reviewing Applications and Conducting Oral Examination of **two (2)** (at time of agenda publication) Candidates for Licensure – **Dr. Ferguson** and **Dr. Yerby**

NEXT MEETING: MARCH 16, 2022

VIRTUAL/TELECONFERENCE

MEDICAL EXAMINING BOARD

Virtual, 4822 Madison Yards Way, Madison

Contact: Tom Ryan (608) 266-2112

February 16, 2022

MEDICAL EXAMINING BOARD

2021 WISCONSIN PUBLIC RECORDS LAW FACILITATED TRAINING

10:45 A.M. OR IMMEDIATELY FOLLOWING THE FULL BOARD MEETING

A quorum of the Medical Examining Board may be present; however, no board business will be conducted.

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 19, 2022**

PRESENT: Milton Bond, Jr. (*arrived at 8:40, excused at 9:11 a.m.*), Clarence Chou, M.D.; Kris Ferguson, M.D.; Diane Gerlach, D.O.; Sumeet Goel, D.O.; Carmen Lerma; Michael Parish, M.D.; Gregory Schmeling, M.D.; Derrick Siebert, M.D. (*arrived at 8:14 a.m.*); Sheldon Wasserman, M.D.; Lemuel Yerby, M.D.; Emily Yu, M.D.

EXCUSED: Rachel Sattler

STAFF: Tom Ryan, 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

MOTION: Michael Parish moved, seconded by Sumeet Goel, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF DECEMBER 15, 2021

MOTION: Clarence Chou moved, seconded by Gregory Schmeling, to approve the Minutes of December 15, 2021 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Chairperson

NOMINATION: Sumeet Goel nominated Sheldon Wasserman for the Office of Chairperson. Sheldon Wasserman accepted the nomination.

Tom Ryan, Executive Director, called for nominations three (3) times.

Sheldon Wasserman was elected as Chairperson by unanimous voice vote.

Vice Chairperson

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

Tom Ryan, Executive Director, called for nominations three (3) times.

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

Secretary

NOMINATION: Sheldon Wasserman nominated Sumeet Goel for the Office of Secretary. Sumeet Goel accepted the nomination.

Tom Ryan, 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, Kris Ferguson, Gregory Schmeling, Derrick Siebert <i>Alternate:</i> Clarence Chou
Education and Examinations Liaison(s)	Continuing Education: Diane Gerlach <i>Alternate:</i> Clarence Chou Examinations: Gregory Schmeling <i>Alternate:</i> Clarence Chou
Monitoring Liaison(s)	Kris Ferguson <i>Alternate:</i> Clarence Chou
Professional Assistance Procedure (PAP) Liaison(s)	Kris Ferguson <i>Alternate:</i> Clarence Chou
Legislative Liaison(s)	Sheldon Wasserman <i>Alternate:</i> Sumeet Goel

Travel Authorization Liaison(s)	Sumeet Goel <i>Alternate: Diane Gerlach</i>
Newsletter Liaison(s)	Sheldon Wasserman <i>Alternate: Sumeet Goel</i>
Website Liaison(s)	Sumeet Goel <i>Alternate: Milton Bond, Jr</i>
Opioid Abuse Report Liaison(s) per 440.035(2m)(c)	Kris Ferguson <i>Alternate: Derrick Siebert</i>
Prescription Drug Monitoring Program Liaison(s)	Kris Ferguson <i>Alternate: Michael Parish</i>
Appointed to Controlled Substances Board as per Wis. Stats. §15.405(5g) (MED)	Kris Ferguson <i>Alternate: Michael Parish</i>

(Derrick Siebert arrived at 8:14 a.m.)

OTHER APPOINTMENTS	
Council on Anesthesiologist Assistants	Kris Ferguson
Interstate Medical Licensure Compact Commission (IMLCC) Representatives	Sheldon Wasserman, Clarence Chou

Delegation of Authorities

Document Signature Delegations

MOTION: Diane Gerlach moved, seconded by Michael Parish, 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: Lemuel Yerby moved, seconded by Carmen Lerma, 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: Gregory Schmeling moved, seconded by Sumeet Goel, 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

Delegation of Authorities for Monitoring

MOTION: Gregory Schmeling moved, seconded by Michael Parish, to adopt the “Roles and Authorities Delegated for Monitoring” document as presented in the January 19, 2022 agenda materials on pages 22-23 with the following provision: strike Item 4 under Authorities Delegated to the Department Monitor. Motion carried unanimously.

(Milton Bond, Jr. arrived at 8:40 a.m.)

Delegation of Authorities for Legal Counsel to Sign Monitoring Orders

MOTION: Sumeet Goel moved, seconded by Diane Gerlach, to delegate to 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: Michael Parish moved, seconded by Emily Yu, 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: Sumeet Goel moved, seconded by Michael Parish, to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

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

MOTION: Clarence Chou moved, seconded by Lemuel Yerby, 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: Clarence Chou moved, seconded by Michael Parish, 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.

(Milton Bond, Jr. was excused at 9:11 a.m.)

Councils Delegation

MOTION: Diane Gerlach 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: Michael Parish moved, seconded by Carmen Lerma, to 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.

Education and Examination Liaison(s) Delegation

MOTION: Sumeet Goel moved, seconded by Diane Gerlach, to delegate authority to the Education and Examination Liaisons to address all issues related to continuing education and examinations. Motion carried unanimously.

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

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

Optional Renewal Notice Insert Delegation

MOTION: Lemuel Yerby moved, seconded by Michael Parish, 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: Lemuel Yerby moved, seconded by Michael Parish, to delegate authority to the Legislative Liaison(s) to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Authorization Liaison(s) Delegation

MOTION: Michael Parish moved, seconded by Sumeet Goel, to delegate authority to the Travel Authorization Liaison to approve any board member travel to and/or participation in events germane to the Board, and to designate representatives from the Board to speak and/or act on the Board's behalf at such events. Motion carried unanimously.

Newsletter Liaison(s) Delegation

MOTION: Clarence Chou moved, seconded by Emily Yu, to delegate authority to the Newsletter Liaison(s) to handle all matters relating to the Board's newsletter. Motion carried unanimously.

Website Liaison(s) Delegation

MOTION: Michael Parish moved, seconded by Lemuel Yerby, to authorize to the Website Liaison(s) to act on behalf of the Board in working with Department staff to identify and execute website updates. Motion carried unanimously.

Opioid Abuse Report Liaison(s) Delegation

MOTION: Gregory Schmeling moved, seconded by Diane Gerlach, to authorize the Opioid Abuse Report Liaison authority to review and approve the Annual Opioid Abuse Report required under Wis. Stat. s. 440.035 (2m). Motion carried unanimously.

Committee Membership Delegation

MOTION: Michael Parish moved, seconded by Emily Yu, that in order to facilitate the completion of its duties between meetings, the Board delegates 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 members to its committees between meetings as necessary. Motion carried unanimously.

PDMP Liaison(s) Delegation

MOTION: Clarence Chou moved, seconded by Sumeet Goel, to delegate authority to the PDMP Liaison(s) to address all matters relating to the PDMP. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Preliminary Rule Draft – DI 2, Relating to Reciprocal Credentials for Service Members, Former Service Members, and Their Spouses

MOTION: Sumeet Goel moved, seconded by Clarence Chou, to affirm the Board has reviewed the proposed rule revising Wisconsin Administrative Code Chapter DI 2, relating to reciprocal credentials for service members, former service members, and their spouses. Motion carried unanimously.

FEDERATION OF STATE MEDICAL BOARDS MATTERS

FSMB Nominating Committee Nomination

MOTION: Diane Gerlach moved, seconded by Clarence Chou, to fully support public member Milton Bond in his candidacy for the FSMB Nominating Committee. Motion carried unanimously.

**SPEAKING ENGAGEMENTS, TRAVEL, OR PUBLIC RELATION REQUESTS,
AND REPORTS**

Federation of State Medical Boards (FSMB) Annual Meeting – April 28-30, 2022 – New Orleans, LA

MOTION: Clarence Chou moved, seconded by Michael Parish, to designate Sheldon Wasserman, as the Board’s delegate, and Milton Bond and Clarence Chou, to attend the Federation of State Medical Boards (FSMB) Annual Meeting on April 28-30, 2022 in New Orleans, LA or Virtually and to authorize attendance costs. Motion carried unanimously.

CLOSED SESSION

MOTION: Diane Gerlach moved, seconded by Gregory Schmeling, 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: Clarence Chou-yes; Kris Ferguson-yes; Diane Gerlach-yes; Carmen Lerma-yes; Sumeet Goel-yes; Michael Parish-yes; Gregory Schmeling-yes; Derrick Siebert-yes; Sheldon Wasserman-yes; Lemuel Yerby-yes; and Emily Yu-yes. Motion carried unanimously.

The Board convened into Closed Session at 9:53 a.m.

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

Proposed Stipulations, Final Decisions and Orders

18 MED 607 – Michael J. Knitter, MD

MOTION: Sumeet Goel moved, seconded by Clarence Chou, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Michael J. Knitter, MD, DLSC Case Number 18 MED 607. Motion carried unanimously.

21 MED 239 – Michael S. Huie, MD

MOTION: Gregory Schmeling moved, seconded by Sumeet Goel, to reject the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Michael S. Huie, MD, DLSC Case Number 21 MED 239, and refer the matter back to DLSC for further action. Motion carried unanimously.

21 MED 397 – Karen L. Butler, MD

MOTION: Gregory Schmeling moved, seconded by Michael Parish, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Karen L. Butler, MD, DLSC Case Number 21 MED 397. Motion carried unanimously.

Administrative Warnings

20 MED 225 – J.S.S.

MOTION: Clarence Chou moved, seconded by Michael Parish, to issue an Administrative Warning in the matter of J.S.S., DLSC Case Number 20 MED 225. Motion carried unanimously.

21 MED 001 – J.S.J.

MOTION: Emily Yu moved, seconded by Gregory Schmeling, to issue an Administrative Warning in the matter of J.S.J., DLSC Case Number 21 MED 001. Motion carried unanimously.

21 MED 095 – N.C.K.

MOTION: Michael Parish moved, seconded by Lemuel Yerby, to issue an Administrative Warning in the matter of N.C.K., DLSC Case Number 21 MED 095. Motion carried unanimously.

21 MED 260 – R.E.S.

MOTION: Sumeet Goel moved, seconded by Gregory Schmeling, to reject the Administrative Warning in the matter of R.E.S., DLSC Case Number 21 MED 260 and close the case for Prosecutorial Discretion (P1). Motion carried unanimously.

Case Closings

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

1. 19 MED 014 – J.W.S. – No Violation
 2. 19 MED 303 – M.J.K. – No Violation
 3. 19 MED 400 – J.C.L. – No Violation
 4. 20 MED 024 – J.M.C. – Insufficient Evidence
 5. 20 MED 382 – S.B.B. – No Violation
 6. 21 MED 001 – G.L.I. – No Violation
 7. 21 MED 116 – J.L.S. – No Violation
 8. 21 MED 359 – G.J.M. – No Violation
 9. 21 MED 382 – J.D.C. – No Violation
 10. 21 MED 406 – R.E.G. – No Violation
 11. 21 MED 463 – A.N.W. – No Violation
- Motion carried unanimously.

Monitoring Matters

Heath J. Meyer, DO – Requesting Full Licensure

MOTION: Sumeet Goel moved, seconded by Michael Parish, to grant the request of Heath J. Meyer, DO for Full Licensure. Motion carried unanimously.

Herbert W. Jones, MD – Request to Refer Non-Compliance for Further Investigation

MOTION: Sumeet Goel moved, seconded by Diane Gerlach, to refer the matter to DLSC for further action. Motion carried unanimously.

Johnspencer C. Archinihu, MD – Request for Action Due to Non-Compliance

MOTION: Michael Parish moved, seconded by Clarence Chou, to suspend the license of Johnspencer C. Archinihu, MD according to the terms of the original order (March 2015). **Reason for Suspension:** Failure to comply with terms of March 2015 order and Florida order. Motion carried unanimously.

CREDENTIALING MATTERS

Full Board Review

Zarina Markova

MOTION: Gregory Schmeling moved, seconded by Sumeet Goel, to issue a three-option letter to Zarina Markova, offering the following options:

1. Complete exam equivalent to MCCQE Part 2 (such as USMLE series)
2. Withdraw application
3. Ask Board to act on application as is, in which case the Board would likely deny.

Motion carried unanimously.

Consideration of Waiver of 24 Months of ACGME/AOA Approved Post-Graduate Training

Sanjeeb Bhandari

MOTION: Michael Parish moved, seconded by Sumeet Goel, to approve the Waiver of 24 Months of ACGME/AOA Approved Post-Graduate Training, once all requirements are met. Motion carried. Opposed: 1 (Schmeling)
Abstained: 1 (Wasserman)

RECONVENE TO OPEN SESSION

MOTION: Diane Gerlach moved, seconded by Carmen Lerma, to reconvene to Open Session. Motion carried unanimously.

The Board reconvened to Open Session at 11:28 a.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Michael Parish moved, seconded by Lemuel Yerby, 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: Sumeet Goel moved, seconded by Kris Ferguson, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Clarence Chou moved, seconded by Gregory Schmeling, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:29 a.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Colin Kohrs, paralegal, on behalf of Attorney Supervisor Sarah Norberg		2) Date When Request Submitted: 02/07/2022 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Medical Examining Board			
4) Meeting Date: 02/16/2022	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? For Discussion re: Delegation of Authority for Conviction Reviews	
7) Place Item in: <input type="checkbox"/> Open Session <input checked="" type="checkbox"/> Closed Session	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: For Discussion re Delegation of Authority for Conviction Reviews. Controlling law: 1) Wisconsin Fair Employment Act - Wis. Stat. s. 111.335(3) a. it is not employment discrimination because of conviction record to refuse to license, or to bar or terminate from licensing, any individual if any of the following applies to the individual: 1. Subject to sub. (4) (b) to (d), the individual has been convicted of any felony, misdemeanor, or other offense the circumstances of which substantially relate to the circumstances of the particular job or licensed activity 2) County of Milwaukee v. Labor & Industry Review Comm'n, 139 Wis.2d 805, 407 N.W. 2d 908 (1987) a. We reject an interpretation of this test which would require, in all cases, a detailed inquiry into the facts of the offense and the job. Assessing whether the tendencies and inclinations to behave a certain way in a particular context are likely to reappear later in a related context, based on the traits revealed, is the purpose of the test. What is important in this assessment is not the factual details related to such things as the hour of the day the offense was committed, the clothes worn during the crime, whether a knife or a gun was used, whether there was one victim or a dozen or whether the robber wanted money to buy drugs or to raise bail money for a friend. All of these could fit a broad interpretation of "circumstances." However, they are entirely irrelevant to the proper "circumstances" inquiry required under the statute. It is the circumstances which foster criminal activity that are important, e.g., the opportunity for criminal behavior, the reaction to responsibility, or the character traits of the person.			
11) 		Authorization	
Signature of person making this request		02/07/2022 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.			

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Nilajah Hardin, Administrative Rules Coordinator On Behalf of Jameson Whitney, Board Legal Counsel		2) Date when request submitted: 02/03/22 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Medical Examining Board			
4) Meeting Date: 02/16/22	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. Pending or Possible Rulemaking Projects a. Update on Med 1, relating to Licenses to Practice Medicine and Surgery b. Update on Med 10, relating to Performance of Physical Examinations c. Rule Projects Chart	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <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: Attachments: Rule Project Chart (Board Rule projects can be Viewed Here if Needed: https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx)			
11) Authorization			
 Signature of person making this request		02/03/22 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.			

**Medical Examining Board
Rule Projects (updated 02/02/22)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause	Current Stage	Next Step
Not Assigned Yet	040-21	10/26/2023	Med 1	Licenses to Practice Medicine and Surgery	Drafting	Posting for EIA Comment
21-030	008-19	07/14/2021	Med 10	Unprofessional Conduct	Rule Adopted by the Board and Submitted for Publication in Administrative Register	Rule Effective 02/01/22
Not Assigned Yet	012-21	08/08/2023	Med 10	Performance of Physical Examinations	Finalize Fiscal Estimate and EIA	Submission to Clearinghouse for Review
21-017	143-20	05/02/2023	Med 13	Continuing Medical Education Requirements	Rule Adopted by the Board and Submitted for Publication in Administrative Register	Rule Effective 02/01/22
20-053	094-20	01/20/2023	Med 13	Continuing Medical Education	Final Rule Submitted to Governor's Office on 12/22/20	Submission to the Legislature after Governor Approval
Not Assigned Yet	006-22	07/24/2024	Med 13	Continuing Medical Education	Scope Approved by the Governor's Office on 01/06/22	Submission to Administrative Register for Publication
Not Assigned Yet	Not Assigned Yet	Not Assigned Yet	Med 20	Respiratory Care Practitioner Examinations	Scope Reviewed at 02/16/22 Meeting	Submission to the Governor's Office for Approval