



**VIRTUAL/TELECONFERENCE
MEDICAL EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Tom Ryan (608) 266-2112
January 18, 2023**

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 December 21, 2022 (5-12)**
- 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) 2023 Meeting Dates **(13)**
 - 3) Election of Officers **(14-20)**
 - 4) 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
 - 5) Wis. Stat. § 15.085 (3)(b) – Affiliated Credentialing Boards’ Biannual Meeting with the Medical Examining Board to Consider Matters of Joint Interest**
 - a. Physician Assistant Affiliated Credentialing Board – Jennifer Jarrett, Chairperson

- F. Legislative and Policy Matters – Discussion and Consideration**
 - 1) Board Osteopathic Physician Membership **(21)**
- G. Administrative Rule Matters – Discussion and Consideration (22)**
 - 1) Board Member Work Group on Med 26, Relating to Military Medical Personnel **(23-27)**
 - 2) Pending or Possible Rulemaking Projects **(28)**
- H. Controlled Substances Board Report – Discussion and Consideration (29-34)**
- I. Federation of State Medical Boards (FSMB) Matters – Discussion and Consideration
- J. Newsletter Matters – Discussion and Consideration
- K. Interstate Medical Licensure Compact Commission (IMLCC) – Report from Wisconsin’s Commissioners – Discussion and Consideration
- L. Screening Panel Report
- M. Future Agenda Items
- N. 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) Public Health Emergencies
 - 11) Legislative and Policy Matters
 - 12) Administrative Rule Matters
 - 13) Liaison Reports
 - 14) Board Liaison Training and Appointment of Mentors
 - 15) Informational Items
 - 16) Division of Legal Services and Compliance (DLSC) Matters
 - 17) Presentations of Petitions for Summary Suspension
 - 18) Petitions for Designation of Hearing Examiner
 - 19) Presentation of Stipulations, Final Decisions and Orders
 - 20) Presentation of Proposed Final Decisions and Orders
 - 21) Presentation of Interim Orders
 - 22) Petitions for Re-Hearing
 - 23) Petitions for Assessments
 - 24) Petitions to Vacate Orders
 - 25) Requests for Disciplinary Proceeding Presentations
 - 26) Motions
 - 27) Petitions
 - 28) Appearances from Requests Received or Renewed
 - 29) Speaking Engagements, Travel, or Public Relation Requests, and Reports

O. 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.).

P. Deliberation on DLSC Matters

1) Proposed Stipulations, Final Decisions and Orders

- a. 20 MED 125 – Samuel E. Inkumsah, M.D. **(35-41)**
- b. 22 MED 147 – Mainor R. Antillon, M.D. **(42-47)**
- c. 22 MED 188 – Deanna D. Benish, M.D. **(48-53)**
- d. 22 MED 252 – Kavita H. Vyas, M.D. **(54-60)**
- e. 22 MED 314 – John P. Wall, M.D. **(61-67)**
- f. 22 MED 535 – Darren R. Ellenbolt, M.D. **(68-72)**

2) Administrative Warnings

- a. 22 MED 155 – D.W.Q. **(73-74)**

3) Case Closings

- a. 20 MED 060 – R.J.D. **(75-92)**
- b. 21 MED 375 – W.G.K. **(93-107)**
- c. 21 MED 431 – N.H.K. **(108-114)**
- d. 21 MED 560 – M.K. **(115-141)**
- e. 22 MED 205 – M.M.D. **(142-155)**
- f. 22 MED 303 – A.G.D. **(156-162)**
- g. 22 MED 391 – J.P.C. **(163-176)**
- h. 22 MED 404 – K.S.R. **(177-187)**
- i. 22 MED 438 – A.J.P. **(188-203)**
- j. 22 MED 455 – H.B. **(204-216)**

4) Monitoring Matters

- a. Michael Perez Rodriguez, M.D. – Requesting Full Licensure **(217-225)**

Q. Credentialing Matters

1) Application Reviews

- a. David Stein – Medicine and Surgery (MD) Renewal Applicant

R. 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

S. Open Cases

T. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

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

ADJOURNMENT

ORAL INTERVIEWS OF CANDIDATES FOR LICENSURE

VIRTUAL/TELECONFERENCE

9:45 A.M. OR IMMEDIATELY FOLLOWING THE FULL BOARD MEETING

CLOSED SESSION – Reviewing Applications and Conducting Oral Interview(s) of **one (1)** (at time of agenda publication) Candidate(s) for Licensure – **Dr. Schmeling** and **Dr. Parish**

NEXT MEETING: JANUARY 18, 2023 (TENTATIVE)

 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 virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board’s agenda, please visit the Department website at <https://dps.wi.gov>. 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 hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, or reach the Meeting Staff by calling 608-267-7213.

**VIRTUAL/TELECONFERENCE
MEDICAL EXAMINING BOARD
MEETING MINUTES
DECEMBER 21, 2022**

PRESENT: Milton Bond, Jr.; Clarence Chou, M.D.; Kris Ferguson, M.D. (*arrived at 8:02 a.m.*) (*excused at 12:49 p.m.*); Diane Gerlach, D.O.; Sumeet Goel, D.O.; Michael Parish, M.D. (*excused at 11:58 a.m.*); Rachel Sattler; Gregory Schmeling, M.D.; Derrick Siebert, M.D.; Sheldon Wasserman, M.D.; Lemuel Yerby, M.D.; Emily Yu, M.D.

EXCUSED: Carmen Lerma

STAFF: Tom Ryan, Executive Director; Jameson Whitney, Legal Counsel; Nilajah Hardin, Administrative Rules Coordinator; Dialah Azam, 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 eleven (11) members present.

ADOPTION OF AGENDA

MOTION: Diane Gerlach moved, seconded by Clarence Chou, to adopt the Agenda as presented. Motion carried unanimously.

Kris Ferguson joined at 8:02 a.m.

APPROVAL OF MINUTES OF NOVEMBER 16, 2022

MOTION: Michael Parish moved, seconded by Rachel Sattler, to approve the Minutes of November 16, 2022 as published. Motion carried unanimously.

LEGISLATIVE AND POLICY MATTERS

Possible Name Change of the Board

MOTION: Gregory Schmeling moved, seconded by Diane Gerlach, that the Medical Examining Board requests that its legal name be changed to “Wisconsin Medical Board,” and that the Board supports the passage of legislation to that effect. Motion carried unanimously.

**8:00 A.M. PUBLIC HEARING: CLEARINGHOUSE RULE 22-067 ON MED 13,
RELATING TO CONTINUING MEDICAL EDUCATION FOR PHYSICIANS**

Review Public Hearing Comments and Respond to Clearinghouse Report

MOTION: Lemuel Yerby moved, seconded by Michael Parish, to accept all Clearinghouse comments for Clearinghouse Rule 22-067 (MED 13),

relating to Continuing Medical Education for Physicians. Motion carried unanimously.

MOTION: Emily Yu moved, seconded by Rachel Sattler, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule 22-067 (MED 13), relating to Continuing Medical Education for Physicians, for submission to the Governor's office and Legislature. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

MED 10, Relating to Physical Examinations

Review Public Hearing Comments and Respond to Clearinghouse Report

MOTION: Rachel Sattler moved, seconded by Clarence Chou, to reject Clearinghouse comment numbers 2a and 2b, and to accept all remaining Clearinghouse comments for Clearinghouse Rule 22-063 (MED 10), relating to Physical Examinations. Motion carried unanimously.

MOTION: Lemuel Yerby moved, seconded by Michael Parish, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule 22-063 (MED 10), relating to Physical Examinations, for submission to the Governor's office and Legislature. Motion carried unanimously.

AMENDED MEDICAL EXAMINING BOARD OPIOID PRESCRIBING GUIDELINE

MOTION: Gregory Schmeling moved, seconded by Sumeet Goel, to amend the Board's opioid prescribing guideline as recommended by Dr. Kris Ferguson, presented in the December 21, 2022 agenda materials on pages 36 through 39, and amended at the December 21, 2022 meeting. Motion carried unanimously.

FEDERATION OF STATE MEDICAL BOARDS (FSMB) MATTERS

Consideration of Motion to Authorize Executive Director to Participate on FSMB Committee and Governance Positions

MOTION: Clarence Chou moved, seconded by Milton Bond Jr., to authorize the Medical Examining Board's Executive Director, Tom Ryan, for participation in a FSMB Committee and governance position. Motion carried unanimously.

MOTION: Sumeet Goel moved, seconded by Gregory Schmeling, to authorize Clarence Chou to participate on FSMB Committees. Motion carried unanimously.

CLOSED SESSION

MOTION: Rachel Sattler moved, seconded by Michael Parish, 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: Milton Bond, Jr.-yes; Clarence Chou-yes; Kris Ferguson-yes; Diane Gerlach-yes; Sumeet Goel-yes; Michael Parish-yes; Rachel Sattler-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 9:55 a.m.

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

Proposed Stipulations, Final Decisions and Orders

18 MED 486 was removed from the agenda

19 MED 300 – Steven G. Meress, M.D.

MOTION: Lemuel Yerby moved, seconded by Michael Parish, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Steven G. Meress, M.D., DLSC Case Number 19 MED 300. Motion carried unanimously.

20 MED 171 & 20 MED 415 – Kwesi K. Grant-Acquah, M.D.

MOTION: Diane Gerlach moved, seconded by Gregory Schmeling, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Kwesi K. Grant-Acquah, M.D., DLSC Case Numbers 20 MED 171 & 20 MED 415. Motion carried unanimously.

20 MED 284 – David E. Eckerle, 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 David E. Eckerle, M.D., DLSC Case Number 20 MED 284. Motion carried unanimously.

21 MED 527 – James J. Foskett, M.D.

MOTION: Michael Parish moved, seconded by Kris Ferguson, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary

proceedings against James J. Foskett, M.D., DLSC Case Number 21 MED 527. Motion carried unanimously.

22 MED 043 – Kedar Kulkarni, M.D.

MOTION: Emily Yu moved, seconded by Gregory Schmeling, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Kedar Kulkarni, M.D., DLSC Case Number 22 MED 043. Motion carried unanimously.

22 MED 070 – Molly A. Day, M.D.

MOTION: Diane Gerlach moved, seconded by Sumeet Goel, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Molly A. Day, M.D., DLSC Case Number 22 MED 070. Motion carried unanimously.

21 MED 569 – Russell G. Gelormini, D.O.

MOTION: Gregory Schmeling moved, seconded by Diane Gerlach, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Russell G. Gelormini, D.O., DLSC Case Number 21 MED 569. Motion carried. Sheldon Wasserman; no

22 MED 104 – Michael S. Kim, M.D.

MOTION: Clarence Chou moved, seconded by Sumeet Goel, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Michael S. Kim, M.D., DLSC Case Number 22 MED 104. Motion carried unanimously.

22 MED 104 – Shawn W. Laibly, M.D.

MOTION: Michael Parish moved, seconded by Gregory Schmeling, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Shawn W. Laibly, M.D., DLSC Case Number 22 MED 104. Motion carried unanimously.

22 MED 115 – Saagar K. Raju, M.D.

MOTION: Rachel Sattler moved, seconded by Lemuel Yerby, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Saagar K. Raju, M.D., DLSC Case Number 22 MED 115. Motion carried unanimously.

22 MED 118 – Scott M. Stillwell, M.D.

MOTION: Sumeet Goel moved, seconded by Michael Parish, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Scott M. Stillwell, M.D., DLSC Case Number 22 MED 118. Motion carried unanimously.

22 MED 151 – Julie E. Faber, M.D.

MOTION: Sumeet Goel moved, seconded by Gregory Schmeling, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Julie E. Faber, M.D., DLSC Case Number 22 MED 151. Motion failed. Kris Ferguson, no; Rachel Sattler, no; Gregory Schmeling, no; Derrick Siebert, no; Sheldon Wasserman, no; Diane Gerlach, no.

MOTION: Gregory Schmeling moved, seconded by Kris Ferguson, to defer a decision on the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Julie E. Faber, M.D., DLSC Case Number 22 MED 151. Motion carried unanimously.

22 MED 177 – Matthew F. H. Beeson, M.D.

MOTION: Michael Parish moved, seconded by Lemuel Yerby, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Matthew F. H. Beeson, M.D., DLSC Case Number 22 MED 177. Motion carried unanimously.

Proposed Stipulations and Interim Orders

21 MED 191– Francis F. Joseph, M.D.

MOTION: Gregory Schmeling moved, seconded by Michael Parish, to adopt the Findings of Fact, Conclusions of Law and Interim Order in the matter of disciplinary proceedings against Francis F. Joseph, M.D., DLSC Case Number 21 MED 191. Motion carried unanimously.

(Diane Gerlach recused herself and left the room for deliberation and voting in the matter concerning Francis F. Joseph, M.D., DLSC Case Number 21 MED 191.)

Derrick Siebert was excused at 11:31 a.m.

Derrick Siebert arrived at 11:32 a.m.

Complaints

21 MED 479 & 22 MED 09 & 22 MED 250 – E.P.H.

MOTION: Lemuel Yerby moved, seconded by Gregory Schmeling, to find probable cause in DLSC Case Numbers 21 MED 479 & 22 MED 09 & 22 MED

250, to believe that E.P.H. 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.

(Sheldon Wasserman recused himself and left the room for deliberation and voting in the matter concerning E.P.H., DLSC Case Numbers 21 MED 479 & 22 MED 09 & 22 MED 250)

Case Closings

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

1. 20 MED 282 – L.C. – No Violation
2. 21 MED 102 – N.Y. – Prosecutorial Discretion (P2)
3. 21 MED 200 – S.F.S. – No Violation
4. 21 MED 242 – J.T.M. – No Violation
5. 21 MED 277 – D.M.D. – No Violation
6. 21 MED 391 – R.J.D. – No Violation
7. 22 MED 095 – E.E. – Insufficient Evidence
8. 22 MED 103 – G.M. – No Violation
9. 22 MED 294 – K.K. – No Violation
10. 22 MED 295 – C.C. – No Violation
11. 22 MED 299 – T.W.A. – Insufficient Evidence
12. 22 MED 312 – B.O.O. – No Violation
13. 22 MED 402 – M.S.A. – Insufficient Evidence
14. 22 MED 410 – E.J.D. – Insufficient Evidence
15. Motion carried unanimously.

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

1. 20 MED 409 – S.S.K. – No Violation
2. 21 MED 377 – J.A.H. – Insufficient Evidence
3. 22 MED 366 – S.E.S. – No Violation
4. Motion carried unanimously.

(Clarence Chou recused himself and left the room for deliberation and voting in the matter concerning S.S.K., J.A.H., S.E.S., DLSC Case Number 20 MED 409, 21 MED 377, 22 MED 366.)

21 MED 350 – M.P.

MOTION: Gregory Schmeling moved, seconded by Rachel Sattler, to close DLSC Case Number 21 MED 350, against M.P., for Insufficient Evidence. Motion carried unanimously.

(Sheldon Wasserman recused himself and left the room for deliberation and voting in the matter concerning M.P., DLSC Case Number 21 MED 350.)

22 MED 468 – B.J.

MOTION: Michael Parish moved, seconded by Rachel Sattler, to close DLSC Case Number 22 MED 468, against B.J., for No Violation. Motion carried unanimously.

(Emily Yu recused herself and left the room for deliberation and voting in the matter concerning B.J., DLSC Case Number 22 MED 468.)

Administrative Warnings

22 MED 056 – T.N.N.

MOTION: Diane Gerlach moved, seconded by Clarence Chou, to not issue an Administrative Warning in the matter of T.N.N., DLSC Case Number 22 MED 056, and to return the matter to DLSC for further proceeding. Motion carried unanimously.

Michael Parish was excused at 11:58 a.m.

Case Closings

20 MED 060 – R.J.D.

MOTION: Lemuel Yerby moved, seconded by Rachel Sattler, to return DLSC Case Number 20 MED 060, against R.J.D., to DLSC for further investigation. Motion carried unanimously.

CREDENTIALING MATTERS

Full Board Oral Interviews

Michael Brown, (MD) Renewal Applicant

MOTION: Sumeet Goel moved, seconded by Diane Gerlach, to defer action on the application of Michael Brown, and to contact him regarding whether he intends to withdraw his application and apply for an Administrative Physician license. Motion carried unanimously.

Kris Ferguson was excused at 12:49 p.m.

RECONVENE TO OPEN SESSION

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

The Board reconvened to Open Session at 12:55 p.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Gregory Schmeling 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: Derrick Siebert moved, seconded by Lemuel Yerby, 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 Gregory Schmeling, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:57 p.m.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Dialah Azam, Bureau Assistant		2) Date when request submitted: 1/9/2023 <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: 1/18/2023	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? 2023 Meeting Dates	
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 <Appearance Name(s)> <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: The Board will review and potentially make a motion to approve the follow 2023 meeting dates: a. Wednesday, January 18 2023, at 8:00 a.m. – Virtual b. Wednesday, February 15 2023, at 8:00 a.m. – Virtual c. Wednesday, March 15 2023, at 8:00 a.m. – Virtual d. Wednesday, April 19 2023, at 8:00 a.m. – Virtual e. Wednesday, May 17 2023, at 8:00 a.m. – In-Person f. Wednesday, June 21 2023, at 8:00 a.m. – Virtual g. Wednesday, July 19 2023, at 8:00 a.m. – Virtual h. Wednesday, August 16 2023, at 8:00 a.m. – Virtual i. Wednesday, September 20 2023, at 8:00 a.m. – Virtual j. Wednesday, October 18 2023, at 8:00 a.m. – In-Person k. Wednesday, November 15 2023, at 8:00 a.m. – Virtual l. Wednesday, December 20 2023, at 8:00 a.m. – Virtual			
11) Authorization			
<i>Dialah Azam</i>		<i>1/9/2023</i>	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 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: Dialah Azam, Bureau Assistant		2) Date when request submitted: 1/9/2023 <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: 1/18/2023	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters <ul style="list-style-type: none"> • Election of Officers 	
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 applicable: N/A	
10) Describe the issue and action that should be addressed: The Board, Council or Section should conduct Election Officers: Chairperson, Vice Chairperson & Secretary			
11) Authorization			
<i>Dialah Azam</i>		1/9/2023	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 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
2022 ELECTION AND APPOINTMENT RESULTS**

Election of Officers

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

**MEDICAL EXAMINING BOARD
2022 ELECTION AND APPOINTMENT RESULTS**

Appointed to Controlled Substances Board as per Wis. Stats. §15.405(5g) (MED)	Kris Ferguson <i>Alternate:</i> Michael Parish, Sheldon Wasserman (9/21/2022)
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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.

Delegation to Chief Legal Counsel Due to Loss of Quorum Declined in 2022

**MEDICAL EXAMINING BOARD
2022 ELECTION AND APPOINTMENT RESULTS**

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.

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 of Authority for Conviction Reviews (accepted 2/16/2022)

MOTION: Michael Parish moved, seconded by Kris Ferguson, to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of medicine. The Board requests that the Department provide a statistics report by January 2023. Motion carried unanimously.

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

MEDICAL EXAMINING BOARD 2022 ELECTION AND APPOINTMENT RESULTS

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.

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.

Voluntary Surrenders Declined in 2022

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

**MEDICAL EXAMINING BOARD
2022 ELECTION AND APPOINTMENT RESULTS**

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

**MEDICAL EXAMINING BOARD
2022 ELECTION AND APPOINTMENT RESULTS**

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.


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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Sheldon Wasserman		2) Date when request submitted: 12/22/2022 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: 1/18/23	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislative Matter – Board Osteopathic Physician Membership	
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 applicable: N/A	
10) Describe the issue and action that should be addressed: State statutes regarding osteopathic physician membership on the Board.			
11) Authorization			
Signature of person making this request			Date
Supervisor (Only required for post agenda deadline items)			Date
Executive Director signature (Indicates approval for post agenda deadline items)			Date
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 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		2) Date when request submitted: 01/05/23 <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: 01/18/23	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. Board Member Word Group on Med 26, Relating to military Medical Personnel 2. Pending or Possible Rulemaking Projects	
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: -Act 158 -Med 26 -Rule Project Chart <small>(Board Rule projects can be Viewed Here if Needed: https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx)</small>			
11) Authorization			
		01/05/23	
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.			

State of Wisconsin



2021 Assembly Bill 720

Date of enactment: **March 8, 2022**
Date of publication*: **March 9, 2022**

2021 WISCONSIN ACT 158

AN ACT *to amend* 441.06 (4) and 448.61; and *to create* 440.077, 448.03 (2) (bm) and 448.40 (1m) of the statutes; **relating to:** practice of certain skilled health services by military medical personnel, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures, and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 440.077 of the statutes is created to read:
440.077 Military medical personnel program. (1)

In this section:

(a) "Advanced practice nurse prescriber" means an advanced practice nurse prescriber certified under s. 441.16 (2).

(am) "Community-based residential facility" has the meaning given in s. 50.01 (1g).

(b) "Disease" means any pain, injury, deformity, physical or mental illness, or departure from complete health or the proper condition of the human body or any of its parts.

(c) "Inpatient health care facility" has the meaning given in s. 50.135 (1).

(d) "Military medical personnel" means a person who has served as an army medic, a navy or coast guard corpsman, or an air force aerospace medical technician in the U.S. armed forces and who was discharged or released from such service in the previous 12 months under honorable or general conditions.

(e) "Physician assistant" has the meaning given in s. 448.971 (2).

(f) "Podiatrist" has the meaning given in s. 448.60 (3).

(g) "Registered professional nurse" means a registered nurse who is licensed under ch. 441 or who holds a multistate license, as defined in s. 441.51 (2) (h), issued in a party state, as defined in s. 441.51 (2) (k).

(gm) "Residential care apartment complex" has the meaning given in s. 50.01 (6d).

(h) 1. "Skilled health services" means any of the following:

a. To examine into the fact, condition, or cause of human health or disease, or to treat, operate, prescribe, or advise for the same, by any means or instrumentality.

b. To apply principles or techniques of medical sciences in the diagnosis or prevention of any of the conditions in subd. 1. a. and par. (b).

c. To penetrate, pierce, or sever the tissues of a human being.

d. To offer, undertake, attempt, or hold oneself out in any manner as able to do any of the acts described in this paragraph.

2. "Skilled health services" does not include surgical procedures or issuing prescription orders.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

(2) (a) The department, in collaboration with the department of veterans affairs, the medical examining board, and the board of nursing, shall establish a program in which military medical personnel may temporarily perform certain skilled health services while supervised in an inpatient health care facility, outpatient health care facility, community-based residential facility, or a residential care apartment complex without having to obtain a license under s. 441.06, 441.10, 448.04, 448.61, or 448.974.

(b) Under the program under par. (a), the services that a military medical personnel may provide shall reflect the level of training and experience of the military medical personnel. Before performing any services under the program under par. (a), the military medical personnel shall complete and sign a memorandum of understanding on a form prescribed by the medical examining board and shall submit the memorandum of understanding to their employer. The memorandum of understanding shall detail the military medical personnel's scope of practice.

(c) Under the program under par. (a), a participating military medical personnel shall be supervised by a physician, physician assistant, podiatrist, registered professional nurse, or advanced practice nurse prescriber. The supervising physician, physician assistant, podiatrist, registered professional nurse, or advanced practice nurse prescriber shall retain responsibility for the care of the patient.

(3) (a) In order to participate in the program under sub. (2) (a), a military medical personnel shall establish a reasonable timeline with his or her employer that describes the actions the military medical personnel intends to take to acquire a license under s. 441.06, 441.10, 448.04, 448.61, or 448.974 including the date by which the military medical personnel agrees to acquire the license. The military medical personnel shall submit the timeline to the department on a form provided by the department.

(b) A military medical personnel becomes ineligible to participate in the program under sub. (2) (a) beginning on the day after the date that the military medical personnel agreed to acquire a license under par. (a).

(c) The timeline to acquire a license under par. (a) may not be longer than is reasonably necessary considering the license the military medical personnel intends to acquire, his or her education and experience, and any other relevant factors.

(d) The medical examining board may extend the timeline under par. (a) if it appears that, because of unforeseen circumstances, the applicant requires more time to receive a license under s. 441.06, 441.10, 448.04, 448.61, or 448.974.

(4) The medical examining board shall oversee the operations of the program under sub. (2) (a).

(5) The department may promulgate any rules necessary for the administration of this section.

SECTION 2. 441.06 (4) of the statutes is amended to read:

441.06 (4) Except as provided in ~~s. ss. 257.03 and 440.077~~, no person may practice or attempt to practice professional nursing, nor use the title, letters, or anything else to indicate that he or she is a registered or professional nurse unless he or she is licensed under this section. Except as provided in ~~s. ss. 257.03 and 440.077~~, no person not so licensed may use in connection with his or her nursing employment or vocation any title or anything else to indicate that he or she is a trained, certified or graduate nurse. This subsection does not apply to any registered nurse who holds a multistate license, as defined in s. 441.51 (2) (h), issued by a jurisdiction, other than this state, that has adopted the enhanced nurse licensure compact under s. 441.51.

SECTION 3. 448.03 (2) (bm) of the statutes is created to read:

448.03 (2) (bm) The activities of military medical personnel, as defined in s. 440.077 (1) (d), while supervised under s. 440.077.

SECTION 4. 448.40 (1m) of the statutes is created to read:

448.40 (1m) The board may promulgate rules to establish minimum standards for military medical personnel, as defined in s. 440.077 (1) (d), who perform skilled health services, as defined in s. 440.077 (1) (g), that are supervised under s. 440.077.

SECTION 5. 448.61 of the statutes is amended to read:

448.61 License required. Except as provided in ss. 257.03, ~~440.077~~, and 448.62, no person may practice podiatry, designate himself or herself as a podiatrist, use or assume the title "doctor of surgical chiropody", "doctor of podiatry" or "doctor of podiatric medicine", or append to the person's name the words or letters "doctor", "Dr.", "D.S.C.", "D.P.M.", "foot doctor", "foot specialist" or any other title, letters or designation which represents or may tend to represent the person as a podiatrist unless the person is licensed under this subchapter.

SECTION 6. Nonstatutory provisions.

(1) The department of safety and professional services may promulgate emergency rules under s. 227.24 to implement s. 440.077 (5). Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in effect until December 1, 2023, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding s. 227.24 (1) (a) and (3), the department of safety and professional services is not required to provide evidence that promulgating a rule under this subsection as emergency rules is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(2) The medical examining board may promulgate emergency rules under s. 227.24 to establish minimum standards for military medical personnel under s. 448.40

2021 Assembly Bill 720

– 3 –

2021 Wisconsin Act 158

(1m). Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in effect until December 1, 2023, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding s. 227.24 (1) (a) and (3), the medical examining board is not required to provide evidence that promulgating a rule under this subsection as emergency rules is necessary for the preservation of public peace, health, safety,

or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

SECTION 7. Effective dates. This act takes effect on April 2, 2022, or on the day after publication, whichever is later, except as follows:

(1) SECTION 6 of this act takes effect on the day after publication.

Chapter Med 26
MILITARY MEDICAL PERSONNEL

Med 26.01 Authority and Purpose. The rules in this chapter are adopted by the Medical Examining Board pursuant to the authority delegated by ss. 15.08 (5) (b) and 448.40 (1m), Stats.

Med 26.02 Definitions.

- (1) "Board" means the Medical Examining Board.
- (2) "Community-based residential facility" has the meaning given in s. 50.01 (1g), Stats.
- (3) "Department" means the Department of Safety and Professional Services.
- (4) "Inpatient health care facility" has the meaning given in s. 50.135 (1), Stats.
- (5) "Military medical personnel" has the meaning given in s. 440.077 (1) (d), Stats.
- (6) "Residential care apartment complex" has the meaning given in s. 50.01 (6d), Stats.
- (7) "Skilled health services" has the meaning given in s. 440.077 (1) (h), Stats.

Commented [HND1]: Add complete statutory definition instead of reference?

Med 26.03 Minimum Practice Standards. An applicant shall satisfy all of the following requirements in order to participate in the military medical personnel program specified under s. 440.077 (2) (a), Stats:

- (1) Pursuant to s. 440.077 (3) (a), Stats., notify the department of their timeline to acquire a license.
- (2) Complete the Memorandum of Understanding form outlined in s. Med 26.05.
- (3) Provide evidence of a general or honorable discharge from the military within the most recent 12 months.
- (4) Except as provided in s. 440.077 (1) (h) 2., Stats. practice skilled health services that reflect their individual training and experience under a supervisor as outlined in s. Med 26.04, which may include:
 - (a) Examining the fact, condition, or cause of human health or disease.
 - (b) Treating or advising on human health or disease by any means or instrumentality.
 - (c) Penetrating, piercing, or severing human tissues.
 - (d) Applying principles of medical science in the diagnosis or prevention of human disease.
- (5) Practice under supervision at any of the following locations:
 - (a) A community-based residential facility.
 - (b) An inpatient health care facility.
 - (c) A residential care apartment complex.
 - (d) An outpatient health care facility.

Commented [HND2]: 440.077 (1) (h) 2. - "Skilled health services" does not include surgical procedures or issuing prescription orders."

Med 26.04 Supervision. (1) An individual participating in the military medical personnel program specified under s. 440.077 (2) (a), Stats. shall practice under the supervision of any of the following Wisconsin licensed healthcare practitioners:

- (a) Advanced practice nurse prescriber certified under s. 441.16 (2), Stats;
- (b) Physician licensed under s. 448.03 (1), Stats;
- (c) Physician assistant licensed under s. 448.974 (1), Stats;

- (d) Podiatrist licensed under s. 448.63 (1), Stats; or,
- (e) Registered professional nurse licensed under s. 441.06, Stats.
- (2) The supervising healthcare practitioners under sub. (1) shall do all of the following while supervising a military medical personnel program participant:
 - (a) Retain responsibility for the care of any patient treated by the participant.
 - (b) Remain on-site and available to participant for consultation for as long as that participant is practicing skilled health services.
 - (c) Regularly review and evaluate the practice of the participant to ensure proper patient care standards are being met.

Med 26.05 Memorandum of Understanding. The Memorandum of Understanding form for the military medical personnel program shall contain all of the following information:

- (1) A description of all relevant military or civilian healthcare training.
- (2) A detailed list of skilled health services that the individual has the training and experience to perform.
- (3) The signature of the program participant.
- (4) The signature of the supervising healthcare practitioner.

Med 26.06 Extension of Timeline to Obtain Licensure. An extension of the timeline required under s. 440.077 (3) (a), Stats., may be requested by a program participant and must be approved by the Board. A maximum of one extension request may be granted by the Board to a military medical personnel program participant.

**Medical Examining Board
Rule Projects (updated 01/05/23)**

Clearinghouse Rule Number	Scope #	Scope Expiration	Code Chapter Affected	Relating clause (description)	Current Stage	Next Step
22-063	012-21	08/08/2023	Med 10	Performance of Physical Examinations (Chaperones and Observers during Physical Examinations)	Drafting Legislative Report and Final Rule	Submit to Governor's Office for Review and Approval
20-053	094-20	01/20/2023	Med 13	Continuing Medical Education (Physician use of Electronic CE Tracking)	Legislative Review After 01/03/2023	Adoption
22-067	035-22	10/25/2024	Med 13	Continuing Medical Education (Controlled Substances Prescribing CE)	Drafting Legislative Report and Final Rule	Submit to Governor's Office for Review and Approval
Not Assigned Yet	Not Assigned Yet	Not Assigned Yet	Med 20	Respiratory Care Practitioner Examinations (RCP Jurisprudence Exam)	Project on hold pending results of spring 2022 test software update	N/A
Not Assigned Yet	044-22	11/23/2024	Med 26	Military Medical Personnel	Drafting	Board Approval of Emergency and Preliminary Rule Drafts

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Dialah Azam. Bureau Assistant		2) Date when request submitted: 1/9/2023 <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: 1/18/2023	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Controlled Substances Board's Annual Report – Discussion and Consideration	
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 applicable: N/A	
10) Describe the issue and action that should be addressed: The Board will review the Controlled Substances Board's Annual Report			
11) Authorization			
<i>Dialah Azam</i>		<i>1/9/2023</i>	
Signature of person making this request		Date	
Supervisor (Only required for post agenda deadline items)		Date	
Executive Director signature (Indicates approval for post agenda deadline items)		Date	
Directions for including supporting documents: 1. This form should be saved with any other documents submitted to the Agenda Items folders. 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.			

Doug Englebert
Chairperson

Alan Bloom
Vice Chairperson

Yvonne Bellay
Secretary

CONTROLLED SUBSTANCES BOARD



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Annual Report

I. Membership

Statutory membership of the Board:

1. A psychiatrist (appointed by the Governor)
2. A pharmacologist (appointed by the Governor)
3. Chair of the Pharmacy Examining Board or designee
4. Chair of the Board of Nursing or designee
5. Chair of the Dentistry Examining Board or designee
6. Chair of the Medical Examining Board or designee
7. State Attorney General or designee
8. Secretary of the Department of Agriculture, Trade & Consumer Protection or designee
9. Secretary of the Department of Health Services or designee

II. Drug Scheduling

The Controlled Substances Board may add substances to or delete or reschedule substances listed in the schedules of chapter 961.

Scheduling

The Controlled Substances Board took the following scheduling actions in 2022:

Schedule I:

- Addition of 7 synthetic benzimidazole-opioid substances

Schedule III:

- Addition of 38 anabolic steroids

Schedule IV:

- Addition of daridorexant

Schedule V:

- Addition of ganaxolone

III. Drug Use Trends in Wisconsin

The Controlled Substances Board received the following information at the public hearing held on November 11, 2022 in accordance with Executive Order 228:

Trends

According to the Wisconsin State Crime Laboratories, the most prevalent drugs seen in 2022 are:

- methamphetamine
- cannabis

- cocaine
- fentanyl/ fentanyl analogs
- heroin

The data listed below was compiled by the Wisconsin Department of Health Services and can be found on the Dose of Reality: Opioids Data Dashboard.

2021 Overdose Data

*Data for 2022 was not available for the reporting year at the time this report was required for submission

- The statewide death rate per 100,000 people was 24.6 for all opioids and 6.1 for prescription opioids
 - 54.9 in Milwaukee County
 - 26.1 in Dane County
 - 24.7 in Waukesha County

Wisconsin Overdose Deaths

(Data source: WI Department of Health Services)

*Please note that a single death can be represented in multiple drug categories

2020	2021
All Opioids: 1,231	All Opioids: 1,425
Heroin: 265	Heroin: 162
Prescription Opioids: 335	Prescription Opioids: 355
Synthetic Opioids (Including Fentanyl): 1,052	Synthetic Opioids (Including Fentanyl): 1,293
Cocaine: 397	Cocaine: 549

National Overdose Deaths

(Data source: Centers for Disease Control and Prevention National Vital Statistics System and *CDC WONDER)

2020	2021
All Opioids: 69,061	All Opioids: 80,926
Heroin: 13,253	Heroin: 9,259
*Prescription Opioids: 7,790	(Data not yet available)
Synthetic Opioids (Including Fentanyl): 56,894	Synthetic Opioids (Including Fentanyl): 71,074
Cocaine: 19,601	Cocaine: 24,688

IV. Special Use Authorization (SUA) Permits

The Board under Chapter 961 issues permits that authorize individuals to manufacture, obtain, possess, use, administer or dispense controlled substances. Permits are necessary for research, teaching, analytical laboratories, industrial applications, humane societies, and drug detection dog training.

SUA Types	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Year Totals
Analytical Lab	3	1	3		10			5	7	8	2		39
Humane Society	6	9	1	1	3	1	5	5	7	4	4	1	47

Instructional Activities					1								1
Narcotic Dog Training									1				1
Research	15	1	17	6	20	2	1	8	30	17	11	2	130
Other	1												1
Law Enforcement Animal Control Officers									1				1
Industrial/Commercial Processing	1								1				2
									Total SUA's Issued in 2022				219

V. The Wisconsin enhanced Prescription Drug Monitoring Program (WI ePDMP).

The ePDMP is a tool to help combat the ongoing prescription drug abuse epidemic in Wisconsin. By providing valuable information about monitored prescription drugs that are dispensed in the state, it aids healthcare professionals in their prescribing and dispensing decisions. The ePDMP also fosters the ability of pharmacies, healthcare professionals, law enforcement agencies, and public health officials to work together to reduce the misuse, abuse, and diversion of prescribed monitored prescription drugs.

2022 Accomplishments

- In 2022, the WI PDMP was awarded \$1,400,000 in federal funding through the Bureau of Justice Assistance (BJA) Harold Rogers PDMP Grant program. This funding will allow the PDMP to improve on-demand training materials as well as create new interactive testing opportunities for data submitters and healthcare professionals. Along with updating current training materials, DSPS will create a sandbox environment, equipped with tutorials, allowing users to test data submission processes and better understand the analytics and new functionalities of the ePDMP system.
- In 2022, the PDMP began to allow healthcare organizations to access ePDMP data via electronic health record (EHR) without the payment of monthly subscription fees. This will continue to greatly benefit under-resourced and rural healthcare facilities.
- DSPS has conducted a survey of ePDMP users on a quarterly basis which began the second quarter of 2021 to measure user satisfaction and inform current and future system enhancements. Survey results indicated a 78% overall user satisfaction rate amongst respondents, a 6% increase compared to the same timeframe in 2021.

2022 Referrals

The Controlled Substances Board refers to relevant boards, suspicious or critically dangerous conduct or practices of a pharmacy, pharmacist, or practitioner.

The Controlled Substances Board made the following referrals in 2022:

- 36 physicians to the Medical Examining Board
- 18 dentists to the Dentistry Examining Board
- 5 physician assistants to the Physician Assistant Affiliated Credentialing Board
- 4 advanced practice nurse prescribers to the Board of Nursing

Top 15 Dispensed Monitored Prescription Drugs

In general, the top 15 drugs have annually remained the same with some changes in the ranking with the exception of gabapentin, which joined to the list in 2021 for the first time.

The Top 15 Dispensed Monitored Prescription Drugs by Dispensing in the third quarter of 2022 were:

1. Gabapentin (Other)
2. Hydrocodone-Acetaminophen (Opioid)
3. Amphetamine-Dextroamphetamine (Stimulant)
4. Tramadol HCl (Opioid)
5. Oxycodone HCl (Opioid)
6. Pregabalin (Other)
7. Alprazolam (Benzodiazepine)
8. Clonazepam (Benzodiazepine)
9. Lorazepam (Benzodiazepine)
10. Methylphenidate HCl (Stimulant)
11. Oxycodone w/ Acetaminophen (Opioid)
12. Lisdexamfetamine Dimesylate (Stimulant)
13. Zolpidem Tartrate (Other)
14. Buprenorphine HCl-Naloxone HCl Dihydrate (Opioid)
15. Diazepam (Benzodiazepine)

2022 Dispensing Trends

There was an 8% increase in monitored prescription drugs being dispensed in Wisconsin through Q3 2022 compared to same quarter in 2021. This increase in dispensing can largely be attributed to gabapentin being introduced as a monitored drug in Q3 2021 which had 157,175 dispensings in that timeframe. In Q3 2022, gabapentin accounted for 388,049 dispensings, a 115% increase compared to the same quarter in 2021.

- 5% decrease in the total number of monitored prescription drugs dispensed through Q3 2022 compared to 2017 including:
 - 32% decrease in the number of opioid prescriptions dispensed.
 - 27% decrease in the number of benzodiazepine prescriptions dispensed.
 - 17% increase in the number of stimulant prescriptions dispensed.
- 38% decrease in the total number of data-driven alerts generated by the WI ePDMP through Q3 2022 compared to 2017 including:
 - 39% decrease in the number of alerts for multiple same day prescriptions.

- 33% decrease in the number of alerts for multiple prescribers or pharmacies.
- 65% decrease in the number of alerts for high opioid daily dose
- 42% decrease in the number of alerts for concurrent benzodiazepine and opioid prescriptions.
- 35% decrease in the number of alerts for long-term opioid therapy.
- 30% decrease in the number of alerts for early refills.