



**HYBRID (IN-PERSON/VIRTUAL)
MEDICAL EXAMINING BOARD
Room N208, 4822 Madison Yards Way, 2nd Floor, Madison
Contact: Tom Ryan (608) 266-2112
May 17, 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. Be advised that board members may attend meetings designated as “Hybrid” in-person or virtually.

AGENDA

8:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-4)**
- B. Approval of Minutes of April 19, 2023 (5-9)**
- C. Secretary Dan Hereth – APPEARANCE**
- D. Introductions, Announcements and Recognition
- E. Reminders: Conflicts of Interest, Scheduling Concerns
- F. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Board Updates
 - 2) 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. Hilton, Stephanie – 7/1/2024
 - g. Lerma, Carmen – 7/1/2024
 - h. Parish, Michael A. – 7/1/2023
 - 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
 - 3) 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

- G. Legislative and Policy Matters – Discussion and Consideration (10)**
 - 1) International Medical Graduate Licensure (11)
- H. Administrative Rule Matters – Discussion and Consideration (12)**
 - 1) Pending or Possible Rulemaking Projects (13)
- I. Newsletter Matters – Discussion and Consideration**
- J. Independent Medical Examiners – Relevant Rules and Standards of Conduct – Discussion and Consideration**
- K. Federation of State Medical Boards (FSMB) Matters – Discussion and Consideration**
 - 1) Travel Report: FSMB Annual Meeting, May 4-6, 2023 – Minneapolis, MN – Sheldon Wasserman, Clarence Chou, Milton Bond, and Carmen Lerma
- L. Controlled Substances Board Report – Discussion and Consideration**
- M. Interstate Medical Licensure Compact Commission (IMLCC) – Report from Wisconsin’s Commissioners – Discussion and Consideration**
- N. Screening Panel Report**
- O. Future Agenda Items**
- P. 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

Q. 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.).

R. Presentation and Deliberation of Petitions for Summary Suspension and Designation of Hearing Official

- 1) **9:30 A.M. APPEARANCE:** Carley Peich Kiesling, DLSC Attorney; Mary Ratzel, Attorney for Respondent; and V.J.M., Respondent: 22 MED 418 – Victoria J. Mondloch **(14-63)**

S. Deliberation on Review of Administrative Warnings

- 1) **9:45 A.M. APPEARANCE:** Julie Zimmer, DLSC Attorney; John J. Richardson, Attorney for Respondent; K.L.G., Respondent: WARN000001464 – 21 MED 367 – K.L.G. **(64-104)**

T. Deliberation on DLSC Matters

- 1) **Proposed Stipulations, Final Decisions and Orders**
 - a. 22 MED 16 – Dale E. Bauwens, M.D. **(105-113)**
- 2) **Case Closings**
 - a. 21 MED 216 – F.A.A. **(114-119)**
 - b. 22 MED 371 – L.A. **(120-123)**
 - c. 22 MED 382 – K.K. **(124-132)**
 - d. 22 MED 427 – J.K.C. **(133-144)**
 - e. 22 MED 506 – R.N.T. **(145-157)**
 - f. 22 MED 546 – K.J.K. **(158-173)**
 - g. 23 MED 046 – J.S.A. & J.T.V. **(174-188)**
- 3) **Administrative Warnings**
 - a. 20 MED 168 – S.N.H. **(189-191)**
 - b. 23 MED 094 – K.C.C. **(192-193)**
- 4) **Complaints**
 - a. 21 MED 405 – S.C.V. **(194-196)**

U. 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

V. Open Cases

W. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

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

ADJOURNMENT

ORAL INTERVIEWS OF CANDIDATES FOR LICENSURE

VIRTUAL/TELECONFERENCE

10:15 A.M. OR IMMEDIATELY FOLLOWING THE FULL BOARD MEETING

CLOSED SESSION – Reviewing Applications and Conducting Oral Interview(s) of **two (2)** (at time of agenda publication) Candidate(s) for Licensure – **Dr. Parish** and **Dr. Wasserman**

NEXT MEETING: JUNE 21, 2023

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
APRIL 19, 2023**

PRESENT: Milton Bond, Jr. (*excused at 8:46 a.m.*) (*arrived at 8:51 a.m.*) (*excused at 8:52 a.m.*); Clarence Chou, M.D.; Kris Ferguson, M.D.; Diane Gerlach, D.O.; Sumeet Goel, D.O.; Stephanie Hilton; Gregory Schmeling, M.D.; Derrick Siebert, M.D. (*arrived at 8:02 a.m.*); Sheldon Wasserman, M.D.; Lemuel Yerby, M.D.; Emily Yu, M.D.

EXCUSED: Carmen Lerma; Michael Parish, M.D.

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 ten (10) members present.

ADOPTION OF AGENDA

Amendment to the Agenda

- Agenda item R.2.(c) **CHANGE** N.C. to N.D.

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

(*Derrick Siebert arrived at 8:02 a.m.*)

APPROVAL OF MINUTES OF MARCH 15, 2023

MOTION: Lemuel Yerby moved, seconded by Emily Yu, to approve the Minutes of March 15, 2023 as published. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Adoption Order: Med 13, Relating to Continuing Medical Education (CR 20-053)

MOTION: Gregory Schmeling moved, seconded by Milton Bond Jr., to approve the Adoption Order for Clearinghouse Rule 20-053 (Med 13), relating to Continuing Medical Education. Motion carried unanimously.

CLOSED SESSION

MOTION: Lemuel Yerby 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: Milton Bond, Jr.-yes; Clarence Chou-yes; Kris Ferguson-yes; Diane Gerlach-yes; Sumeet Goel-yes; Stephanie Hilton-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 8:32 a.m.

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

Proposed Stipulations, Final Decisions and Orders

19 MED 007 & 19 MED 346 – John D. Whelan, 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 John D. Whelan, M.D., DLSC Case Numbers 19 MED 007 & 19 MED 346. Motion carried unanimously.

(Milton Bond excused at 8:46 a.m.)

(Milton Bond arrived at 8:51 a.m.)

(Milton Bond excused at 8:52 a.m.)

22 MED 136 – Gregory J. Hall, M.D.

MOTION: Sumeet Goel moved, seconded by Clarence Chou, to reject the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Gregory J. Hall, M.D., DLSC Case Number 22 MED 136. Motion carried unanimously.

22 MED 309 – Marshal J. Mirviss, M.D.

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 Marshal J. Mirviss, M.D., DLSC Case Number 22 MED 309. Motion carried unanimously.

22 MED 339 – Ronda Ditter, 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 Ronda Ditter, M.D., DLSC Case Number 22 MED 339. Motion carried unanimously.

22 MED 367 – Benjamin M. Kotinsley, M.D.

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 Benjamin M. Kotinsley, M.D., DLSC Case Number 22 MED 367. Motion carried unanimously.

22 MED 536 – Joel A. Zembles, C.A.A.

MOTION: Clarence Chou moved, seconded by Gregory Schmeling, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Joel A. Zembles, C.A.A., DLSC Case Number 22 MED 536. Motion carried unanimously.

22 MED 548 – William S. Collier, M.D.

MOTION: Lemuel Yerby moved, seconded by Gregory Schmeling, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against William S. Collier, M.D., DLSC Case Number 22 MED 548. Motion carried unanimously.

Case Closings

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

1. 21 MED 244 – T.W.C. – No Violation
2. 21 MED 465 – M.E.O. – No Violation
3. 22 MED 039 – S.F.I. – Prosecutorial Discretion (P1)
4. 22 MED 152 – D.W.Z., R.J.K., D.J.C. – No Violation
5. 22 MED 343 – D.C.D. – No Violation
6. 22 MED 368 – Unknown – Insufficient Evidence
7. 22 MED 401 – S.J.W.A. – Prosecutorial Discretion (P2)
8. 22 MED 459 – C.R.G. – Insufficient Evidence
9. 22 MED 467 – T.D. – No Violation
10. 22 MED 471 – J.A.S. – No Violation
11. 22 MED 539 – N.J.F. – No Violation
12. 23 MED 029 – T.J.O. – Insufficient Evidence
13. Motion carried unanimously.

22 MED 017 – N.D.

MOTION: Sumeet Goel moved, seconded by Lemuel Yerby, to close DLSC Case Number 22 MED 017, against N.D., for No Violation. Motion carried unanimously.

(Emily Yu and Sheldon Wasserman recused themselves and left the room for deliberation and voting in the matter concerning N.D., DLSC Case Number 22 MED 017.)

22 MED 458 – S.J.B.

MOTION: Gregory Schmeling moved, seconded by Derrick Siebert, to close DLSC Case Number 22 MED 458, against S.J.B., for No Violation. Motion carried unanimously.

(Emily Yu recused herself and left the room for deliberation and voting in the matter concerning S.J.B., DLSC Case Number 22 MED 458.)

Administrative Warnings

22 MED 194– P.R.H.

MOTION: Sumeet Goel moved, seconded by Lemuel Yerby, to issue an Administrative Warning in the matter of P.R.H., DLSC Case Number 22 MED 194. Motion carried unanimously.

Monitoring Matters

David Kuester, M.D.

Requesting Full Licensure

MOTION: Sumeet Goel moved, seconded by Diane Gerlach, to grant the request of David Kuester, for full licensure. Motion carried unanimously.

Aleksandar V. Rosich, M.D.

Requesting Full Licensure

MOTION: Sumeet Goel moved, seconded by Gregory Schmeling, to grant the request of Aleksandar V. Rosich, for full licensure. Motion carried unanimously.

DELIBERATION ON PROPOSED FINAL DECISION AND ORDERS

Gladys R. Gregory, M.D. – (DHA Case Number SPS-22-0072/DLSC Case Number 20 MED 235)

MOTION: Gregory Schmeling moved, seconded by Clarence Chou, to adopt the Findings of Fact, Conclusions of Law, and Proposed Decision and Order in the matter of disciplinary proceedings against Gladys R. Gregory, M.D., Respondent – DHA Case Number SPS-22-0072/DLSC Case Number 20 MED 235. Motion carried unanimously.

CREDENTIALING MATTERS

Application Reviews

Kondragunta Prasad, Visiting Physician, Medicine and Surgery (MD) Applicant

MOTION: Sumeet Goel moved, seconded by Lemuel Yerby, to approve the Visiting Physician, Medicine and Surgery (MD) application of Kondragunta Prasad, once all requirements are met. Motion carried unanimously.

Waiver of 24 Months of ACGME/AOA Accredited Post-Graduate Training

Tal Yalon, M.D.

MOTION: Gregory Schmeling moved, seconded by Clarence Chou, to approve the waiver of 24 Months of ACGME/AOA Accredited Post-Graduate Training application of Tal Yalon, M.D., once all requirements are met. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Lemuel Yerby moved, seconded by Gregory Schmeling, to reconvene to Open Session. Motion carried unanimously.

The Board reconvened to Open Session at 9:51 a.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Clarence Chou moved, seconded by Emily Yu, 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 Lemuel Yerby, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

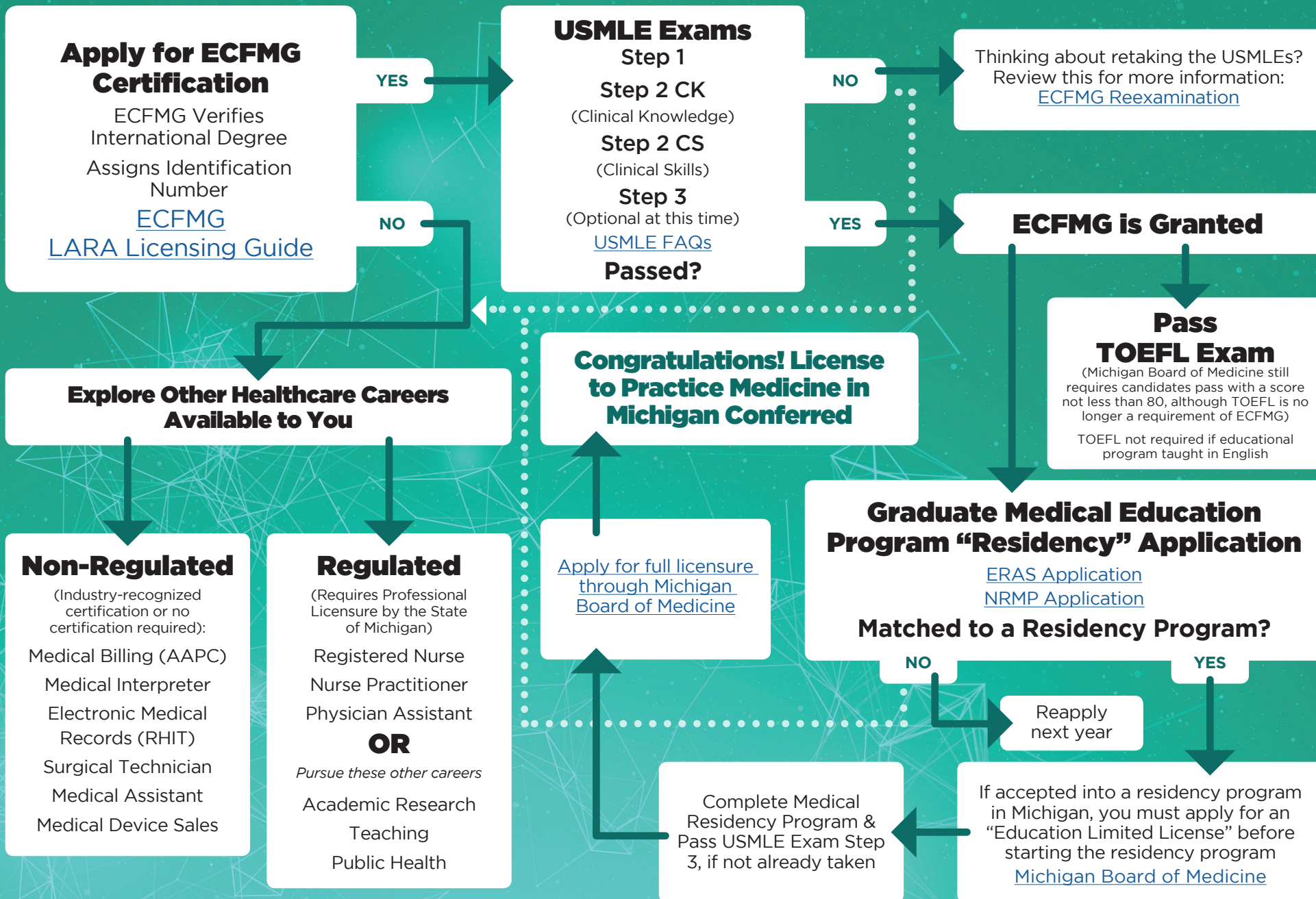
MOTION: Diane Gerlach moved, seconded by Kris Ferguson, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 9:54 a.m.

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


AGENDA REQUEST FORM

1) Name and title of person submitting the request: Sheldon Wasserman, MD, Board Chair		2) Date when request submitted: 5/9/2023 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: 5/17/2023	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? International Medical Graduates Licensure	
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 discuss licensing matters surrounding the credentialing of International Medical Graduates (IMGs).			
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: 05/05/23 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: 05/17/23	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. Pending or Possible Rulemaking Projects a. 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		05/05/23 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 05/05/23)**

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)	Legislative Review	Board Review of Adoption Order at a future meeting
20-053	094-20	01/20/2023	Med 13	Continuing Medical Education (Physician use of Electronic CE Tracking)	Effective on 07/01/23	N/A
22-067	035-22	10/25/2024	Med 13	Continuing Medical Education (Controlled Substances Prescribing CE)	Legislative Review	Board Review of Adoption Order at a future meeting
Not Assigned Yet	044-22	11/23/2024	Med 26	Military Medical Personnel	Emergency Rule Approved by the Governor on 04/27/23 (Waiting for Approval of SPS 11 Emergency Rule to move forward)	Emergency Rule Submitted for Publication; Permanent Rule Drafting