



MEDICAL EXAMINING BOARD
Room 121A, 1400 East Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
February 21, 2018

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) Minutes of January 17, 2018 – Review and Approval (5-14)**
- C) Introductions, Announcements and Recognition**
- D) Conflicts of Interest**
- E) Administrative Matters**
 - 1) Department and Staff Updates
 - 2) Board Members – Term Expiration Dates
 - a) Alaa Abd-Elseyed – 07/01/2020
 - b) David Bryce – 07/01/2021
 - c) Mary Jo Capodice – 07/01/2018
 - d) Michael Carton – 07/01/2020
 - e) Padmaja Doniparthi – 07/01/2021
 - f) Rodney Erickson – 07/01/2019
 - g) Bradley Kudick – 07/01/2020
 - h) Lee Ann Lau – 07/01/2020
 - i) David Roelke – 07/01/2021
 - j) Kenneth Simons – 07/01/2018
 - k) Timothy Westlake – 07/01/2020
 - l) Robert Zoeller – 07/01/2019
 - m) Robert Zondag – 07/01/2018
 - 3) Wis. Stat. § 15.085 (3)(b) – Affiliated Credentialing Boards’ Biannual Meeting with the Medical Examining Board to Consider Matters of Joint Interest
- F) Federation of State Medical Boards (FSMB) Matters (15-20)**
 - 1) Re-Designation of Delegate for FSMB Annual Meeting – Board Consideration
 - 2) Designation of Mary Jo Capodice to Attend the 2018 AAOE Annual Business Meeting on April 27, 2018, in Conjunction with the 2018 FSMB Annual Meeting
 - 3) Report of the Special Committee on Re-Entry to Practice

- 4) Survey Results: Opioid Prescribing, Telemedicine Among Most Important Regulatory Topics for State Medical Boards
 - 5) Physician Wellness and Burnout
- G) Report from Controlled Substances Board – Timothy Westlake (21)**
- 1) Continuing Education Proposals Regarding Opioid Prescribing with Indefinite Duration
- H) Legislation and Rule Matters – Discussion and Consideration**
- 1) Scope Statement for Med 22, Relating to Perfusionists **(22-24)**
 - 2) Update on Legislation and Pending or Possible Rulemaking Projects **(25)**
 - a) Assembly Bill 907, Controlled Substance Continuing Education
 - b) Senate Bill 684, Physician License Exemption
 - c) Senate Bill 744, Physicians at Camps
 - d) Assembly Bill 903, Alignment of M.D. and D.O. Renewal Dates
- I) Interstate Medical Licensure Compact Commission (IMLCC) – Report from Wisconsin’s Commissioners**
- J) Speaking Engagement(s), Travel, or Public Relation Request(s), and Report(s) (26)**
- 1) Travel Report - Mary Jo Capodice: American Association of Osteopathic Examiners (AAOE) – Leadership, Education, Advocacy, and Development (LEAD) Conference Annual Business Meeting on January 25-28th, 2018 in Austin, TX
- K) Newsletter Matters**
- L) Screening Panel Report**
- M) Informational Items**
- N) Items Added After Preparation of Agenda**
- 1) Introductions, Announcements and Recognition
 - 2) Administrative Updates
 - 3) Elections, Appointments, Reappointments, Confirmations, and Committee, Panel and Liaison Appointments
 - 4) Council Appointment Matters
 - 5) Education and Examination Matters
 - 6) Credentialing Matters
 - 7) Practice Matters
 - 8) Future Agenda Items
 - 9) Legislation/Administrative Rule Matters
 - 10) Liaison Report(s)
 - 11) Newsletter Matters
 - 12) Annual Report Matters
 - 13) Informational Item(s)
 - 14) Disciplinary Matters
 - 15) Presentations of Petition(s) for Summary Suspension
 - 16) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
 - 17) Presentation of Proposed Decisions
 - 18) Presentation of Interim Order(s)
 - 19) Petitions for Re-Hearing
 - 20) Petitions for Assessments
 - 21) Petitions to Vacate Order(s)
 - 22) Petitions for Designation of Hearing Examiner

- 23) Requests for Disciplinary Proceeding Presentations
- 24) Motions
- 25) Petitions
- 26) Appearances from Requests Received or Renewed
- 27) Speaking Engagement(s), Travel, or Public Relation Request(s), and Reports

O) Future Agenda Items

P) Public Comments

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.).

Q) Deliberation on Division of Legal Services and Compliance (DLSC) Matters

1) Complaints (27-30)

- a) 15 MED 093

2) Administrative Warnings

- a) 17 MED 245(31-32)
- b) 17 MED 387 (33-34)

3) Stipulations, Final Decisions and Orders

- a) 15 MED 261 & 16 MED 123 – Charles R. Szyman, D.O. (35-40)
- b) 16 MED 172 – Cristhian Lujan, P.A. (41-46)

4) Case Closings

- a) 15 MED 470 (47-49)
- b) 16 MED 199 (50-53)
- c) 16 MED 202 (54-57)
- d) 16 MED 426 (58-61)
- e) 16 MED 481 (62- 64)
- f) 17 MED 191 (65-73)
- g) 17 MED 237 (74-76)
- h) 17 MED 290 (77-85)
- i) 17 MED 301 (86-92)
- j) 17 MED 304 (93-99)
- k) 17 MED 308 (100-102)
- l) 17 MED 396 (103-104)

5) Monitoring (105-159)

- a) Requesting Termination of Order #LS0808207MED, #213 & #2835 – Michael A. Dehner, M.D.

6) Deliberation on Petition for Authorization to Request Extension of Time (160-164)

- a) 17 MED 010 – John Klemen, M.D., and Eric Wohlfeil, M.D.

R) Deliberation on Order Fixing Costs (165-170)

- 1) Natasha R. Shallow, M.D., Respondent (DHA Case Number SPS-17-0018/DLSC Case Number 17 MED 159)

- S) Open Cases
- T) Consulting with Legal Counsel
- U) Deliberation of Items Added After Preparation of the Agenda
 - 1) Education and Examination Matters
 - 2) Credentialing Matters
 - 3) Disciplinary Matters
 - 4) Monitoring Matters
 - 5) Professional Assistance Procedure (PAP) Matters
 - 6) Petition(s) for Summary Suspensions
 - 7) Proposed Stipulations, Final Decisions and Orders
 - 8) Administrative Warnings
 - 9) Proposed Decisions
 - 10) Matters Relating to Costs
 - 11) Complaints
 - 12) Case Closings
 - 13) Case Status Report
 - 14) Petition(s) for Extension of Time
 - 15) Proposed Interim Orders
 - 16) Petitions for Assessments and Evaluations
 - 17) Petitions to Vacate Orders
 - 18) Remedial Education Cases
 - 19) Motions
 - 20) Petitions for Re-Hearing
 - 21) Appearances from Requests Received or Renewed

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

- V) Open Session Items Noticed Above Not Completed in the Initial Open Session
- W) Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate
- X) Delegation of Ratification of Examination Results and Ratification of Licenses and Certificates

ADJOURNMENT

ORAL EXAMINATION OF CANDIDATES FOR LICENSURE

ROOM 124D/E

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

CLOSED SESSION – Reviewing Applications and Conducting Oral Examination of Zero (0) at time of agenda publication) Candidates for Licensure – Dr. Kenneth Simons

NEXT MEETING DATE: MARCH 21, 2018

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

**MEDICAL EXAMINING BOARD
MEETING MINUTES
JANUARY 17, 2018**

PRESENT: Alaa Abd-Elsayed, M.D.; David A. Bryce, M.D. (*arrived at 8:03 a.m.*); Mary Jo Capodice, D.O.; Michael Carton (*via GoToMeeting*); Padmaja Doniparthi, M.D.; Rodney Erickson, M.D.; Bradley Kudick; Lee Ann Lau, M.D. (*via GoToMeeting*); David Roelke, M.D.; Kenneth Simons, M.D.; Timothy Westlake, M.D; Robert Zoeller, M.D.; Robert Zondag

STAFF: Tom Ryan, Executive Director; Emily Handel, Bureau Assistant; and other Department staff

CALL TO ORDER

Kenneth Simons, Chair, called the meeting to order at 8:00 a.m. A quorum of twelve (12) members was confirmed.

ADOPTION OF AGENDA

Amendment to the Agenda

- Open Session – After “Item F. Re-Entry to Practice” - **ADD:** “Licensing of Physicians with a License in Minnesota”

MOTION: Timothy Westlake moved, seconded by Mary Jo Capodice, to adopt the agenda as amended. Motion carried unanimously.

MINUTES OF DECEMBER 20, 2017

MOTION: Robert Zondag moved, seconded by David Roelke, to approve the minutes of December 20, 2017 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

BOARD CHAIR

NOMINATION: Timothy Westlake nominated Kenneth Simons for the Office of Board Chair.

Tom Ryan called for nominations three (3) times.

Kenneth Simons was elected as Chair by unanimous consent.

(*David A. Bryce arrived at 8:03 a.m.*)

VICE CHAIR

NOMINATION: Mary Jo Capodice nominated Timothy Westlake for the Office of Vice Chair.

Tom Ryan called for nominations three (3) times.

Timothy Westlake was elected as Vice Chair by unanimous consent.

SECRETARY

NOMINATION: Timothy Westlake nominated Mary Jo Capodice for the Office of Secretary.

Tom Ryan called for nominations three (3) times.

Mary Jo Capodice was elected as Secretary by unanimous consent.

2018 ELECTION RESULTS	
Board Chair	Kenneth Simons
Vice Chair	Timothy Westlake
Secretary	Mary Jo Capodice

Appointment of Liaisons and Alternates

2018 LIAISON APPOINTMENTS	
Professional Assistance Procedure (PAP) Liaison	Padmaja Doniparthi Alternate – Mary Jo Capodice
Office of Education and Examinations Liaison	David Roelke Alternate – David A. Bryce
Website Liaison	Robert Zondag Alternate – Michael Carton
Credentialing Liaison(s)	Rodney Erickson, Robert Zoeller Alternate – Lee Ann Lau, Padmaja Doniparthi
Legislative Liaison	Timothy Westlake
Newsletter Liaison	Robert Zondag Alternate – Bradley Kudick
Monitoring Liaison	Mary Jo Capodice Alternate – Padmaja Doniparthi
Continuing Education Liaison	Lee Ann Lau Alternate – Alaa Abd-Elseyed
Administrative Rules Liaison	David Roelke Alternate – Robert Zoeller
Prescription Drug Monitoring Program Liaison	Timothy Westlake Alternate – Mary Jo Capodice
Travel Liaison	Kenneth Simons Alternate – David A. Bryce
Appointed to Controlled Substances Board as per Wis. Stats. §15.405(5g) (MED)	Timothy Westlake

MOTION: Rodney Erickson moved, seconded by David Roelke, to disband the Licensure, Telemedicine Rule, and Disciplinary Guidelines Committees. Motion carried unanimously.

MOTION: Timothy Westlake moved, seconded by Robert Zondag, to affirm the Chair's appointment of liaisons for 2018. Motion carried unanimously.

Delegation of Authorities

Delegated Authority for Urgent Matters

MOTION: Bradley Kudick moved, seconded by Robert Zoeller, that, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department to act in urgent matters, make appointments to vacant liaison, panel and committee positions, and to act when knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Lee Ann Lau moved, seconded by Michael Carton, that the Board counsel or another department attorney is formally authorized to serve as the Board's designee for purposes of Wis. Admin Code § SPS 1.08(1). Motion carried unanimously.

Document Signature Delegation

MOTION: Padmaja Doniparthi moved, seconded by David Roelke, to delegate authority to the Chair or chief presiding officer, or longest serving member of the Board, by order of succession, to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair, chief presiding officer, or longest serving member of the Board, has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair, chief presiding officer, or longest serving member of the Board delegates the authority to the Executive Director or designee to sign the name of any Board member on documents as necessary and appropriate. Motion carried unanimously.

Credentialing Authority Delegations

MOTION: Rodney Erickson moved, seconded by Timothy Westlake, to delegate authority to the Credentialing Liaisons to address all issues related to credentialing matters except potential denial decisions should be referred to the full Board for final determination. Motion carried unanimously.

MOTION: Mary Jo Capodice moved, seconded by Robert Zondag, to delegate credentialing authority to DSPS for those submitted applications that meet the criteria of Rule and Statute and thereby would not need further Board or Board liaison review. Motion carried unanimously.

MOTION: David A. Bryce moved, seconded by Alaa Abd-Elsayed, to delegate authority to the DSPS attorneys to review and approve ordinance violations which are not substantially related to the practice of medicine, limited to:

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

Motion carried unanimously.

MOTION: Michael Carton moved, seconded by Lee Ann Lau, to delegate authority to DSPS attorneys to review and approve conviction reviews for Medicine & Surgery (Physicians) applications which have previously been approved for a full Resident Educational License (REL) license after a criminal background check and there have been no new violations or convictions since the previous license approval. Motion carried unanimously.

Council Delegation Motion

MOTION: David A. Bryce moved, seconded by Alaa Abd-Elsayed, to delegate to the Board's Councils and/or its liaisons, 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.

Optional Renewal Notice Insert Delegation

MOTION: Alaa Abd-Elsayed moved, seconded by Padmaja Doniparthi, to designate the highest-ranking officer, or longest serving member of the Board, by order of 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.

Delegation of Authority to Assign and Schedule Members to Screening Panels and Oral Examinations

MOTION: David Roelke moved, seconded by Rodney Erickson, to delegate to Department staff the assignment and scheduling of screening panel and oral examination panel members. Motion carried unanimously.

Monitoring Delegations

MOTION: Timothy Westlake moved, seconded by Mary Jo Capodice, to adopt the 'Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor' document as presented. Motion carried unanimously.

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

MOTION: Robert Zondag moved, seconded by Bradley Kudick, to authorize Department staff to provide national regulatory bodies with all Board member contact information that the Department retains on file. Motion carried unanimously.

Legislative Liaison Delegation

MOTION: Robert Zoeller moved, seconded by David A. Bryce, to delegate authority to the Legislative Liaison to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Delegation

MOTION: Lee Ann Lau moved, seconded by Michael Carton, to delegate authority to the Travel Liaison to approve any Board Member travel. Motion carried unanimously.

Occupational Licensure Study Liaison

MOTION: Rodney Erickson moved, seconded by David Roelke, to designate the Chair as the Board's liaison to represent and speak on behalf of the Board regarding occupational license review and related matters. Motion carried unanimously.

FEDERATION OF STATE MEDICAL BOARDS MATTERS

Board Consideration of Attendance for the 2018 FSMB Annual Meeting – April 26-28, 2018 – Charlotte, North Carolina

MOTION: Mary Jo Capodice moved, seconded by David Roelke, to designate the Chair, as the Board's Delegate, to attend the 2018 FSMB Annual Meeting on April 26-28, 2018 in Charlotte, North Carolina, and to authorize travel. Motion carried unanimously.

MOTION: Robert Zoeller moved, seconded by David A. Bryce, to designate Michael Carton to attend the 2018 FSMB Annual Meeting on April 26-28, 2018 in Charlotte, North Carolina, and to authorize travel. Motion carried unanimously.

MOTION: Alaa Abd-Elsayed moved, seconded by Padmaja Doniparthi, to designate Mary Jo Capodice and Lee Ann Lau, to attend the 2018 FSMB Annual Meeting on April 26-28, 2018 in Charlotte, North Carolina, and to authorize travel. Motion carried unanimously.

MOTION: David A. Bryce moved, seconded by Alaa Abd-Elsayed, to designate Tom Ryan, Executive Director, to attend the 2018 FSMB Annual Meeting on April 26-28, 2018 in Charlotte, North Carolina, and to authorize travel. Motion carried unanimously.

LEGISLATION AND RULE MATTERS – DISCUSSION AND CONSIDERATION

Possible Alignment of MD and DO License Renewal Dates

MOTION: Alaa Abd-Elsayed moved, seconded by Bradley Kudick, to authorize the Legislative Liaison to work with the Legislature to align the MD and DO renewal dates. Motion carried unanimously.

CLOSED SESSION

MOTION: David Roelke moved, seconded by Rodney Erickson, 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.). Kenneth Simons, Chair read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Alaa Abd-Elsayed-yes; David A. Bryce-yes; Mary Jo Capodice-yes; Michael Carton-yes; Padmaja Doniparthi-yes; Rodney Erickson-yes; Bradley Kudick-yes; Lee Ann Lau-yes; David Roelke-yes; Kenneth Simons-yes; Timothy Westlake-yes; Robert Zoeller-yes; Robert Zondag-yes. Motion carried unanimously.

The Board convened into Closed Session at 9:42 a.m.

RECONVENE TO OPEN SESSION

MOTION: Mary Jo Capodice moved, seconded by Alaa Abd-Elsayed, to reconvene to Open Session. Motion carried unanimously.

The Board reconvened to Open Session at 11:43 a.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Lee Ann Lau moved, seconded by Michael Carton, 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.)

CREDENTIALING MATTERS

APPEARANCE: KEVIN LANG, M.D. – FULL BOARD EXAMINATION

MOTION: Bradley Kudick moved, seconded by Robert Zondag, to find that Kevin Lang, M.D., failed the Full Board Oral Examination. **Reason for Failure:** Failure to achieve a passing score. Wis. Stats. §§ 448.06(2) and Wis. Admin Code §§ Med 1.06(1)(a)3., 5., 6., 8., 11., Med 1.06(4)(b), and Med 14.06(2)(b). Motion carried unanimously.

MOTION: Robert Zondag moved, seconded by David Roelke, to deny the application of Kevin Lang, M.D. **Reason for Denial:** Failure to pass the required examination. Additionally, the Board has determined Kevin Lang, M.D., engaged in unprofessional conduct in violation of Wis. Stat. §§ 448.06(2) and 448.05(1)(a) and Wis. Admin. Code §§ Med 10.03(2), Med 10.03(3)(c), Med 10.03(3)(i) and Med 10.036(3)(j). Motion carried unanimously.

NAZIH FARAH, M.D. – FULL BOARD REVIEW

MOTION: David Roelke moved, seconded by Robert Zoeller, to grant the renewal of the license to practice medicine and surgery to Nazih Farah, M.D., once all requirements are met. Motion carried unanimously.

BRETT GOETTSCH, M.D. – VOLUNTARY SURRENDER REQUEST

MOTION: Timothy Westlake moved, seconded by David Roelke, to accept the voluntary surrender request of Brett Goettsch, M.D.. Motion carried unanimously.

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

Complaints

14 MED 288

MOTION: Mary Jo Capodice moved, seconded by Robert Zondag, in favor of a finding of probable cause to issue a complaint in the matter of DLSC Case number 14 MED 288 pursuant to Wis. Stat. s. 448.02(3)(b). Motion carried.

(Timothy Westlake recused himself and left the room for deliberation and voting in the matter concerning DLSC Case Number 14 MED 288.)

15 MED 479

MOTION: David Roelke moved, seconded by Padmaja Doniparthi, in favor of a finding of probable cause to issue a complaint in the matter of DLSC Case Number 15 MED 479 pursuant to Wis. Stat. s. 448.02(3)(b). Motion carried.

(Kenneth Simons recused himself and left the room for deliberation and voting in the matter concerning DLSC Case Number 15 MED 479. Timothy Westlake, Vice Chair, Chaired the meeting for the duration of deliberation and voting.)

Administrative Warning

15 MED 442

MOTION: Lee Ann Lau moved, seconded by David Roelke, to issue an Administrative Warning in the matter of DLSC Case Number 15 MED 442. Motion carried unanimously.

17 MED 112

MOTION: Mary Jo Capodice moved, seconded by Timothy Westlake, to issue an Administrative Warning in the matter of DLSC Case Number 17 MED 112 against. Motion carried unanimously.

Stipulations, Final Decisions and Orders

15 MED 382 – Joseph M. Feder, M.D.

MOTION: Timothy Westlake moved, seconded by David Roelke, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Joseph M. Feder, M.D., DLSC Case Number 15 MED 382. Motion carried unanimously.

16 MED 376 – Colleen D. Browne, D.O.

MOTION: Timothy Westlake moved, seconded by David Roelke, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against, Colleen D. Browne, D.O., DLSC Case Number 16 MED 376. Motion carried unanimously.

17 MED 239 – Vijil K. Rahulan, M.D.

MOTION: David Roelke moved, seconded by Padmaja Doniparthi, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Vijil K. Rahulan, M.D., DLSC Case Number 17 MED 239. Motion carried unanimously.

17 MED 261 – Timothy Burke, M.D.

MOTION: Lee Ann Lau moved, seconded by Robert Zoeller, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Timothy Burke, M.D., DLSC Case Number 17 MED 261. Motion carried unanimously.

Case Closings

15 MED 023

MOTION: Alaa Abd-Elsayed moved, seconded by David A. Bryce, to close DLSC Case Number 15 MED 023 for Insufficient Evidence. Motion carried unanimously.

15 MED 389

MOTION: Robert Zondag moved, seconded by Bradley Kudick, to close DLSC Case Number 15 MED 389 for Insufficient Evidence. Motion carried unanimously.

16 MED 017

MOTION: Rodney Erickson moved, seconded by David A. Bryce, to close DLSC Case Number 16 MED 017 for Prosecutorial Discretion (P2). Motion carried.
Opposed-1

16 MED 121

MOTION: Alaa Abd-Elsayed moved, seconded by David Roelke, to close DLSC Case Number 16 MED 121 for Insufficient Evidence. Motion carried unanimously.

16 MED 266

MOTION: Timothy Westlake moved, seconded by Mary Jo Capodice, to close DLSC Case Number 16 MED 266 for No Violation. Motion carried unanimously.

16 MED 277

MOTION: David Roelke moved, seconded by David A. Bryce, to close DLSC Case Number 16 MED 277 for No Violation. Motion carried unanimously.

17 MED 251

MOTION: David Roelke moved, seconded by Rodney Erickson, to close DLSC Case Number 17 MED 251 for Prosecutorial Discretion (P5). Motion carried unanimously.

17 MED 313

MOTION: Robert Zondag moved, seconded by Bradley Kudick, to close DLSC Case Number 17 MED 313 for No Violation. Motion carried unanimously.

DELIBERATION ON PROPOSED FINAL DECISION(S) AND ORDER(S)

Larry F. Carlyon, M.D., DHA Case Number SPS-17-0023, DLSC Case Number 16 MED 157

MOTION: David Roelke moved, seconded by Mary Jo Capodice, to adopt the Findings of Fact, Conclusions of Law, and Proposed Decision and Order in the matter of disciplinary proceedings against Larry F. Carlyon, M.D., Respondent – DHA Case Number SPS-17-0023/DLSC Case Number 16 MED 157. Motion carried.

(Bradley Kudick recused himself and left the room for deliberation, and voting in the matter concerning Larry F. Carlyon, M.D., Respondent – DHA Case Number SPS-17-0023/DLSC Case Number 16 MED 157.)

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

MOTION: Timothy Westlake moved, seconded by Robert Zoeller, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: David A. Bryce moved, seconded by Alaa Abd-Elsayed, to adjourn the meeting.
Motion carried unanimously.

The meeting adjourned at 11:44 a.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:		2) Date When Request Submitted: 1/18/2018	
		Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Medical Examining Board			
4) Meeting Date: 2/21/2018	5) Attachments: x Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Re-Designation of Delegate for FSMB Annual Meeting – Board Consideration	
7) Place Item in: x Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Consider appointing Dr. Capodice as the Board's Delegate to the FSMB Annual Meeting. Dr. Simons plans to attend the meeting as a funded FSMB Board member. Dr. Capodice would be funded by the FSMB as the Wisconsin Board's Delegate.			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:		2) Date When Request Submitted: 1/17/2018	
		Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Medical Examining Board			
4) Meeting Date: 2/21/2018	5) Attachments: x Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Federation of State Medical Boards' Report of the Special Committee on Re-Entry to Practice	
7) Place Item in: x Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: http://www.fsmb.org/Media/Default/PDF/Publications/pub-sp-cmt-reentry.pdf			
11) Authorization			
Signature of person making this request			Date
Supervisor (if required)			Date
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)			Date

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:		2) Date When Request Submitted: 1/14/2018	
		Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Medical Examining Board			
4) Meeting Date: 2/21/2018	5) Attachments: x Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? FSMB Survey Results: Opioid Prescribing, Telemedicine Among Most Important Regulatory Topics for State Medical Boards	
7) Place Item in: x Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Board Review.			
 <p><i>Federation of</i> STATE  MEDICAL BOARDS</p>			
<p>For Immediate Release: January 17, 2018 Contact: Joe Knickrehm, (202) 601-7803 jknickrehm@fsmb.org; www.fsmb.org</p>			
<p>FSMB Survey: Opioid Prescribing, Telemedicine among Most Important Regulatory Topics for State Medical Boards</p>			

Physician stress and burnout, medical marijuana and Interstate Medical Licensure Compact (IMLC) also listed as important regulatory topics

WASHINGTON, D.C. (January 17, 2018) – Today, the Federation of State Medical Boards (FSMB) announced that resources related to opioid prescribing and telemedicine are currently the most important regulatory issues to state medical boards. The announcement comes after analyzing responses from 51 state medical boards as part of the FSMB’s 2017 annual survey to its member boards.

Physician stress and burnout, medical marijuana and the Interstate Medical Licensure Compact (IMLC) also made the list of top issues for medical boards.

“Our member boards play a central role in providing guidance to policymakers and healthcare professionals on how to navigate some of our nation’s most pressing medical issues,” said Humayun J. Chaudhry, DO, MACP, President and CEO of the FSMB. “Anticipating these trends will help the FSMB provide boards with resources they need to address these challenges and continue their mission.”

Each of the 51 participating medical boards was asked to choose five of the most important topics from a list of 16, including an “other” option. The top five issues and the percentage of boards that chose them were:

- **Resources related to opioid prescribing** (74%)
- **Telemedicine** (74%)
- **Physician stress and burnout** (44%)
- **Medical marijuana** (42%)
- **Interstate Medical Licensure Compact (IMLC)** (38%)

The FSMB periodically convenes representatives of state medical boards, together with experts in specific subject areas, to study and develop recommendations on issues pertinent to medical regulation. The Federation currently has official model [guidelines and policies](#) for four of the medical regulatory topics that boards deemed most important:

- **Opioid prescribing:** [Model Policy on the Use of Opioid Analgesics in the Treatment of Chronic Pain](#) (Adopted in April 2017 by the FSMB House of Delegates)
- **Telemedicine:** [“Model Policy for the Appropriate Use of Telemedicine Technologies in the Practice of Medicine”](#)
- **Medical marijuana:** [Model Guidelines for the Recommendation of Marijuana in Patient Care](#)

- **Interstate Medical Licensure Compact (IMLC):** [Model legislation \(22 states are now members of the IMLC, with seven more states considering adopting legislation to join\)](#)
- **Physician stress and burnout:** [In 2016, the FSMB formed the “Workgroup on Physician Wellness and Burnout” to identify resources and strategies to help identify, manage and prevent physician burnout as well as reduce the stigma associated with seeking help for burnout. The workgroup will be releasing a report and recommendations once approved by the FSMB House of Delegates in April 2018.](#)

About the Federation of State Medical Boards

The Federation of State Medical Boards (FSMB) is a national non-profit organization representing all medical boards within the United States and its territories that license and discipline allopathic and osteopathic physicians and, in some jurisdictions, other health care professionals. The FSMB serves as the voice for state medical boards, supporting them through education, assessment, research and advocacy while providing services and initiatives that promote patient safety, quality health care and regulatory best practices. To learn more about FSMB, visit www.fsmb.org. You can also follow FSMB on Twitter ([@theFSMB](https://twitter.com/theFSMB)).

###

11)	Authorization
<hr/>	
Signature of person making this request	Date
<hr/>	
Supervisor (if required)	Date
<hr/>	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)	Date

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Emily Handel, on behalf of Tom Ryan, Executive Director		2) Date When Request Submitted: 1/17/2018 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Medical Examining Board			
4) Meeting Date: 2/21/2018	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Physician Wellness and Burnout	
7) Place Item in: <input type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:			
11) Emily Handel		Authorization 2/15/2018	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	

**5State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dr. Timothy Westlake		2) Date When Request Submitted: 1/25/2018 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Medical Examining Board			
4) Meeting Date: 2/21/2018	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Continuing Education Proposals Regarding Opioid Prescribing with Indefinite Duration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Dr. Westlake will address possible continuing education requirement proposals that are indefinite in duration.			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dale Kleven Administrative Rules Coordinator		2) Date When Request Submitted: 2/9/18 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Medical Examining Board			
4) Meeting Date: 2/21/18	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislative/Administrative Rule Matters: 1. Scope Statement for Med 22 Relating to Perfusionists 2. Update on Other Legislation and Pending or Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: <div style="height: 100px;"></div>			
11) <i>Dale Kleven</i>		Authorization <i>February 9, 2018</i>	
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.			

STATEMENT OF SCOPE

Medical Examining Board

Rule No.: Chapter Med 22

Relating to: Perfusionists

Rule Type: Permanent

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

N/A

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

The primary objective of the proposed rule is to reflect s. 440.03 (4m), Stats., as created by 2017 Wisconsin Act 59, which specifies that, except as otherwise permitted in chs. 440 to 480, Stats., an examining board or affiliated credentialing board attached to an examining board may require a credential holder to submit proof of completion of continuing education programs or courses only if a complaint is made against the credential holder.

Chapter Med 22 may also be revised to address incorrect or outdated references and ensure consistency with current standards for drafting style and format.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Section Med 22.10 (5) provides the Medical Examining Board may conduct a random audit of all perfusionist licensees on a biennial basis for compliance with continuing education requirements. The proposed rules will revise this provision, as the underlying statutes no longer provide this authority.

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

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

Section 448.40 (2) (c), Stats., requires the Medical Examining Board to promulgate rules “[e]stablishing continuing education requirements for renewal of a license to practice perfusion under s. 448.13 (2).”

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

State employees will spend approximately 60 hours developing the proposed rule.

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

Individuals licensed in Wisconsin as perfusionists.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None.

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

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

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

Approved for publication:

Approved for implementation:

Authorized Signature

Authorized Signature

Date Submitted

Date Submitted

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Emily Handel, on behalf of Tom Ryan, Executive Director		2) Date When Request Submitted: 2/12/2018 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>																
3) Name of Board, Committee, Council, Sections: Medical Examining Board																		
4) Meeting Date: 2/21/2018	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislative & Rule Matters: Update on 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? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <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: Update on: Assembly Bill 907, Controlled Substance Continuing Education Senate Bill 684, Physician License Exemption Senate Bill 744, Physicians at Camps Assembly Bill 903, Alignment of M.D. and D.O. Renewal Dates																		
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">11)</td> <td style="width: 60%; text-align: center;">Authorization</td> <td style="width: 30%;"></td> </tr> <tr> <td>Emily Handel</td> <td></td> <td style="text-align: right;">2/12/2018</td> </tr> <tr> <td>Signature of person making this request</td> <td></td> <td style="text-align: right;">Date</td> </tr> <tr> <td>Supervisor (if required)</td> <td></td> <td style="text-align: right;">Date</td> </tr> <tr> <td colspan="3">Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date</td> </tr> </table>				11)	Authorization		Emily Handel		2/12/2018	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		
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AGENDA REQUEST FORM

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3) Name of Board, Committee, Council, Sections: Medical Examining Board			
4) Meeting Date: 2/21/2018	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Speaking Engagement, Travel, or Public Relations and Reports: Report from Mary Jo Capodice: AAOE Annual Meeting	
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 (Fill out Board Appearance Request) <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:			
11) Emily Handel <hr/> Signature of person making this request		Authorization 2/12/2018 <hr/> Date	
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