



MEDICAL EXAMINING BOARD
Room N208, 4822 Madison Yards Way, Madison
Contact: Yolanda Y. McGowan (608) 266-2112
March 20, 2019

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 February 20, 2019 (5-11)**
- C. Conflicts of Interest**
- D. Administrative Matters**
 - 1. Department and Staff Updates
 - 2. Board Members – Term Expiration Dates
 - a. Alaa Abd-Elsayed – 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. Vacant Public Member
 - 3. Screening Panel and Examination Panel Appointments
 - 4. Wis. Stat. § 15.085 (3)(b) – Affiliated Credentialing Boards’ Biannual Meeting with the Medical Examining Board to Consider Matters of Joint Interest
- E. 8:00 A.M. Preliminary Hearing: SS 008-19 – Med 10, Relating to Unprofessional Conduct (12-14)**
 - 1. Review Public Comments

- F. Legislation and Rule Matters – Discussion and Consideration (15-16)**
 - 1. Update on Legislation and Pending or Possible Rulemaking Projects
- G. Speaking Engagement(s), Travel, or Public Relation Request(s), and Reports (17)**
 - 1. Speaking Engagement Request from Advanced Pain Management for May 18, 2019 in Waukesha, WI
- H. Uniform Emergency Volunteer Health Practitioners Act (18-21)**
- I. Elections, Appointments, Reappointments, Confirmations, and Committee, Panel and Liaison Appointments (22-27)**
- J. Federation of State Medical Boards (FSMB) Matters
- K. Controlled Substances Board Report – Timothy Westlake
- L. Interstate Medical Licensure Compact Commission (IMLCC) – Report from Wisconsin’s Commissioners
- M. Newsletter Matters
- N. Screening Panel Report
- O. Informational Items
- P. Discussion and Consideration of 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. Division of Legal Services and Compliance (DLSC) 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

Q. Future Agenda Items

R. 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.).

S. Credentialing Matters

1. Full Board Review

- a. Siamak Karimian, M.D. **(28-67)**

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

1. Stipulations, Final Decisions and Orders

- a. 15 MED 093 – Arvind Ahuja, M.D. **(68-75)**
- b. 17 MED 426 – Larry R. Myers, M.D. **(76-81)**
- c. 17 MED 542 & 18 MED 032 – Bennett S. Walstatter, M.D. **(82-87)**
- d. 18 MED 026 – Robert C. Buss, M.D. **(88-93)**
- e. 18 MED 061 – James J. Yurcek, M.D. **(94-99)**

2. Case Closing(s)

- a. 16 MED 422 – C.A. **(100-102)**
- b. 17 MED 300 – E.W. **(103-107)**
- c. 17 MED 490 – L.S. **(108-118)**
- d. 17 MED 537 – R.E.S. **(119-127)**
- e. 18 MED 077 – J.G. **(128-144)**
- f. 18 MED 133 – D.R.S. **(145-147)**
- g. 18 MED 218 – A.D. **(148-155)**
- h. 18 MED 223 – J.A.S. **(156-158)**
- i. 18 MED 270 – K.S. & S.L. **(159-167)**
- j. 18 MED 290 – F.C. **(168-170)**

U. Open Cases

V. Consulting with Legal Counsel

W. 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. 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

X. RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

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

ADJOURNMENT

ORAL EXAMINATION OF CANDIDATES FOR LICENSURE

ROOM N207

10:00 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. Mary Jo Capodice and Dr. Kenneth Simons

NEXT MEETING DATE: APRIL 17, 2019

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

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the council’s agenda, please call the listed contact person. The council may consider materials or items filed after the transmission of this notice. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112

**MEDICAL EXAMINING BOARD
MEETING MINUTES
FEBRUARY 20, 2019**

PRESENT: Alaa Abd-Elseyed, M.D. (*via teleconference and arrived in-person at 8:22 a.m.*); David Bryce, M.D. (*arrived at 8:10 a.m.*); Mary Jo Capodice, D.O. (*via teleconference*); Padmaja Doniparthi, M.D. (*via teleconference*); Rodney Erickson, M.D. (*via teleconference*); Lee Ann Lau, M.D. (*via teleconference*); David Roelke, M.D. (*arrived at 8:14 a.m.*); Kenneth Simons, M.D.; Timothy Westlake, M.D. (*via teleconference*); Robert Zoeller, M.D. (*via teleconference*)

EXCUSED: Michael Carton, Bradley Kudick

STAFF: Tom Ryan, Executive Director; Dale Kleven, Rule Coordinator; Kate Stolarzyk, Bureau Assistant; and other Department staff

CALL TO ORDER

Kenneth Simons, Chair, called the meeting to order at 8:04 a.m. A quorum of eight (8) members was confirmed.

ADOPTION OF AGENDA

MOTION: Mary Jo Capodice moved, seconded by Lee Ann Lau, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JANUARY 16, 2019

Amendment to the Minutes

- Page 6 of 11 under “Renewal of the Interstate Medical Licensure Compact”
 - Remove the word “its” so the motion reads as follows:
 - **“MOTION:** Lee Ann Lau moved, seconded by David Bryce, to denote strong support for permanent statutory authorization of the Interstate Medical Licensure Compact. Motion carried unanimously.”

MOTION: Robert Zoeller moved, seconded by Alaa Abd-Elseyed, to approve the minutes of January 16, 2019 as amended. Motion carried unanimously.

(David Bryce arrived at 8:10 a.m.)

**PUBLIC HEARING: CR 18-101 – MED 20, RELATING TO RESPIRATORY CARE
PRACTITIONERS**

Review and Respond to Public Comments, Clearinghouse Report, and Recommendations from the Respiratory Care Practitioners Examining Council

MOTION: Lee Ann Lau moved, seconded by Robert Zoeller, to reject the Clearinghouse comment for Clearinghouse Rule 18-101, relating to respiratory care practitioners. Motion carried unanimously.

MOTION: David Bryce moved, seconded by Mary Jo Capodice, to authorize the Chair to approve the Legislative Report and Draft for Clearinghouse Rule 18-101, relating to respiratory care practitioners, for submission to the Governor's Office and Legislature. Motion carried unanimously.

(David Roelke arrived at 8:14 a.m.)

(Alaa Abd-Elsayed arrived in-person at 8:22 a.m.)

LEGISLATION AND RULE MATTERS

Notice of Preliminary Hearing on Statement of Scope SS 008-19, Relating to Unprofessional Conduct

MOTION: David Roelke moved, seconded by Padmaja Doniparthi, to approve the Notice of Preliminary Hearing for Scope Statement SS 008-19, relating to unprofessional conduct. Motion carried unanimously.

MOTION: David Roelke moved, seconded by Robert Zoeller, to authorize any member of the Board to testify in support of repealing the Sunset provision in the Interstate Medical Licensure Compact law. Motion carried unanimously.

CLOSED SESSION

MOTION: David Bryce moved, seconded by Alaa Abd-Elsayed, 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, the 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 Bryce-yes; Mary Jo Capodice-yes; Padmaja Doniparthi-yes; Rodney Erickson-yes; Lee Ann Lau-yes; David Roelke – yes; Kenneth Simons-yes; Timothy Westlake-yes; Robert Zoeller-yes. Motion carried unanimously.

The Board convened into Closed Session at 8:40 a.m.

RECONVENE TO OPEN SESSION

MOTION: Alaa Abd-Elsayed moved, seconded by David Bryce, to reconvene to Open Session. Motion carried unanimously.

The Board reconvened to Open Session at 9:59 a.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: David Roelke moved, seconded by Lee Ann Lau, 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.)

CREENTIALING MATTERS

Full Board Review

Siamak Karimian, M.D.

MOTION: Lee Ann Lau moved, seconded by Mary Jo Capodice, to table the application of Siamak Karimian, M.D. for further review. Motion carried unanimously.

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

Administrative Warnings

17 MED 392 – M.G.V.

MOTION: David Roelke moved, seconded by David Bryce, to issue an Administrative Warning in the matter of M.G.V., DLSC Case Number 17 MED 392. Motion carried unanimously.

18 MED 159 – K.L.

MOTION: Lee Ann Lau moved, seconded by David Roelke, to issue an Administrative Warning in the matter of K.L., DLSC Case Number 18 MED 159. Motion carried unanimously.

Stipulations, Final Decisions and Orders

15 MED 418, 18 MED 001, and 18 MEB 113 – Ricardo R. Sinense, M.D.

MOTION: Robert Zoeller moved, seconded by David Roelke, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Ricardo R. Sinense, M.D., DLSC Case Numbers 15 MED 418, 18 MED 001, and 18 MEB 113. Motion carried unanimously.

17 MED 561 – Ronald M. Shenfeld, M.D.

MOTION: Mary Jo Capodice moved, seconded by David Roelke, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Ronald M. Shenfeld, M.D., DLSC Case Number 17 MED 561. Motion carried unanimously.

18 MED 027 – Michael Dean Repplinger, M.D.

MOTION: David Roelke moved, seconded by Alaa Abd-Elsayed, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Michael Dean Repplinger, M.D., DLSC Case Number 18 MED 027. Motion carried unanimously.

18 MED 122 – Satish N. Patel, M.D.

MOTION: Lee Ann Lau moved, seconded by Padmaja Doniparthi, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Satish N. Patel, M.D., DLSC Case Number 18 MED 122. Motion carried unanimously.

18 MED 377 – Neil D. Pivar, M.D.

MOTION: David Roelke moved, seconded by David Bryce, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Neil D. Pivar, M.D., DLSC Case Number 18 MED 377. Motion carried unanimously.

19 MED 001 – Rodney J. Halverson, M.D.

MOTION: Lee Ann Lau moved, seconded by David Roelke, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Rodney J. Halverson, M.D., DLSC Case Number 19 MED 001. Motion carried unanimously.

Complaints

15 MED 419 and 15 MED 472 – S.C.

MOTION: David Roelke moved, seconded by David Bryce, to find probable cause to believe that S.C., DLSC Case Number 15 MED 419 and 15 MED 472, 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.

(Rodney Erickson recused himself and left the room for deliberation and voting in the matter concerning S.C., DLSC Case Number 15 MED 419 and 15 MED 472.)

16 MED 118 – M.H.

MOTION: Robert Zoeller moved, seconded by Lee Ann Lau, to find probable cause to believe that M.H., DLSC Case Number 16 MED 118, 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.

(Padmaja Doniparthi and Timothy Westlake recused and left the room for deliberation and voting in the matter concerning M.H., DLSC Case Number 16 MED 118.)

17 MED 331 – M.R.B.

MOTION: David Roelke moved, seconded by Alaa Abd-Elsayed, to find probable cause to believe that M.R.B., DLSC Case Number 17 MED 331, 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.

18 MED 026 – K.R.W.

MOTION: Robert Zoeller moved, seconded by Rodney Erickson, to find probable cause to believe that K.R.W., DLSC Case Number 18 MED 026, 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.

(Mary Jo Capodice recused herself and left the room for deliberation and voting in the matter concerning K.R.W., DLSC Case Number 18 MED 026.)

18 MED 026 – R.C.B.

MOTION: Lee Ann Lau moved, seconded by David Roelke, to find probable cause to believe that R.C.B., DLSC Case Number 18 MED 026, 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.

(Mary Jo Capodice recused herself and left the room for deliberation and voting in the matter concerning R.C.B., DLSC Case Number 18 MED 026.)

Case Closings

16 MED 065 – D.I.S.

MOTION: David Roelke moved, seconded by David Bryce, to close DLSC Case Number 16 MED 065, against D.I.S., for Insufficient Evidence. Motion carried.

17 MED 124 – T.S.

MOTION: Lee Ann Lau moved, seconded by David Roelke, to close DLSC Case Number 17 MED 124, against T.S., for No Violation. Motion carried unanimously.

17 MED 145 – D.B.K.

MOTION: Robert Zoeller moved, seconded by Padmaja Doniparthi, to close DLSC Case Number 17 MED 145, against D.B.K., for Insufficient Evidence. Motion carried unanimously.

(Alaa Abd-Elsayed recused himself and left the room for deliberation and voting in the matter concerning DLSC Case Number 17 MED 145.)

17 MED 170 – T.R.

MOTION: Robert Zoeller moved, seconded by David Bryce, to close DLSC Case Number 17 MED 170, against T.R., for No Violation. Motion carried unanimously.

17 MED 219 – S.C.

MOTION: David Roelke moved, seconded by Alaa Abd-Elsayed, to close DLSC Case Number 17 MED 219, against S.C., for No Violation. Motion carried unanimously.

17 MED 230 – A.M.

MOTION: Lee Ann Lau moved, seconded by Rodney Erickson, to close DLSC Case Number 17 MED 230, against A.M., for No Violation. Motion carried unanimously.

(Kenneth Simons recused himself and left the room for deliberation and voting in the matter concerning DLSC Case Number 17 MED 230.)

17 MED 271 – G.P.

MOTION: David Roelke moved, seconded by David Bryce, to close DLSC Case Number 17 MED 271, against G.P., for No Violation. Motion carried unanimously.

17 MED 471 – C.M.

MOTION: Alaa Abd-Elsayed moved, seconded by Robert Zoeller, to close DLSC Case Number 17 MED 471, against C.M., for No Violation. Motion carried unanimously.

17 MED 483 – S.C.

MOTION: Mary Jo Capodice moved, seconded by David Roelke, to close DLSC Case Number 17 MED 483, against S.C., for No Violation. Motion carried.

18 MED 085 – T.D.

MOTION: Alaa Abd-Elsayed moved, seconded by David Bryce, to close DLSC Case Number 18 MED 085, against T.D., for No Violation. Motion carried unanimously.

18 MED 208 – D.D.

MOTION: David Roelke moved, seconded by Lee Ann Lau, to close DLSC Case Number 18 MED 208, against D.D., for No Violation. Motion carried unanimously.

Monitoring Matters

Requesting Reinstatement of Full Licensure or Reduction in Screens – Edward J. Muellerleile, M.D.

MOTION: David Bryce moved, seconded by Alaa Abd-Elsayed, to deny the request of Edward J. Muellerleile, M.D. for reinstatement of full licensure or reduction in screens.
Reason for Denial: insufficient compliance. Motion carried unanimously.

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

MOTION: Lee Ann Lau 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: Alaa Abd-Elsayed moved, seconded by David Roelke, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:00 a.m.

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

AGENDA REQUEST FORM

| | | | | | | | | | | | | | | | | | | |
|---|--|--|--|------------|----------------------|--|--------------------|--|----------------------|--|--|-------------|---------------------------------|--|-------------|---|--|-------------|
| 1) Name and Title of Person Submitting the Request: Dale Kleven Administrative Rules Coordinator | | 2) Date When Request Submitted: 3/8/19 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: 3/20/19 | 5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 6) How should the item be titled on the agenda page? 8:00 A.M. Preliminary Hearing: SS 008-19 – Med 10 Relating to Unprofessional Conduct 1. Review Public Comments Legislative/Administrative Rule Matters: 1. 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: Legislative/Administrative Rule Matters: Senate Bill 74, relating to the Interstate Medical Licensure Compact, was referred on March 1, 2019 to the Senate Committee on Health and Human Services. | | | | | | | | | | | | | | | | | | |
| <table style="width: 100%; border: none;"> <tr> <td style="width: 30%; border: none;">11)</td> <td style="width: 40%; border: none; text-align: center;">Authorization</td> <td style="width: 30%; border: none;"></td> </tr> <tr> <td style="border: none;"><i>Dale Kleven</i></td> <td style="border: none;"></td> <td style="border: none; text-align: right;"><i>March 8, 2019</i></td> </tr> <tr> <td style="border: none;">Signature of person making this request</td> <td style="border: none;"></td> <td style="border: none; text-align: right;">Date</td> </tr> <tr> <td style="border: none;">Supervisor (if required)</td> <td style="border: none;"></td> <td style="border: none; text-align: right;">Date</td> </tr> <tr> <td style="border: none;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)</td> <td style="border: none;"></td> <td style="border: none; text-align: right;">Date</td> </tr> </table> | | | | 11) | Authorization | | <i>Dale Kleven</i> | | <i>March 8, 2019</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 |
| 11) | Authorization | | | | | | | | | | | | | | | | | |
| <i>Dale Kleven</i> | | <i>March 8, 2019</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.: Med 10

Relating to: Unprofessional Conduct

Rule Type: Permanent

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

N/A

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

The objective of the proposed rule is to revise s. Med 10.03 (3) (h) to be consistent with the provisions of s. SPS 4.09 (2) concerning reporting a conviction.

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 10.03 (3) (h) provides that unprofessional conduct includes "[f]ailing, within 30 days of conviction of any crime, to provide the board with certified copies of the criminal complaint and judgment of conviction." This provision is inconsistent with s. SPS 4.09 (2), which requires a licensee who is convicted of a felony or misdemeanor in Wisconsin or elsewhere to ". . . notify the department in writing of the date, place and nature of the conviction or finding within 48 hours after the entry of the judgment of conviction." The proposed rule will revise s. Med 10.03 (3) (h) to be consistent with the provisions of s. SPS 4.09 (2).

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 448.015 (4) (am), Stats., defines "unprofessional conduct" to mean all of the following:

- Those acts or attempted acts of commission or omission defined as unprofessional conduct by the board under the authority delegated to the board by s. 15.08 (5) (b), Stats.
- Any act by a physician or physician assistant in violation of ch. 450 or 961, Stats.
- Failure by a physician to report as required under s. 448.115, Stats.

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

60 hours

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

Physicians and other health care practitioners issued a license or certificate under ch. 448, Stats.

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

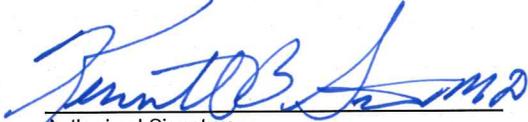
None.

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

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

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

Approved for publication:


Authorized Signature


Date Submitted

Approved for implementation:

Authorized Signature

Date Submitted



2019 SENATE BILL 74

March 1, 2019 - Introduced by Senators TESTIN, SCHACHTNER, BEWLEY, COWLES, DARLING, FEYEN, KOOYENGA, LARSON, MARKLEIN, OLSEN, RINGHAND and SHILLING, cosponsored by Representatives VANDERMEER, KOLSTE, ANDERSON, BALLWEG, BILLINGS, BORN, BROOKS, BROSTOFF, CONSIDINE, DOYLE, EDMING, EMERSON, HUTTON, KATZMA, KRUG, KUGLITSCH, KULP, KURTZ, LOUDENBECK, MACCO, MAGNAFICI, MURPHY, MURSAU, NOVAK, OLDENBURG, PETERSEN, PETRYK, PLUMER, PRONSCHINSKE, RAMTHUN, RIEMER, RODRIGUEZ, ROHRKASTE, SINICKI, SKOWRONSKI, SNYDER, SPIROS, SPREITZER, STEINEKE, SUMMERFIELD, TAUCHEN, C. TAYLOR, THIESFELDT, TITTL, TRANEL, TUSLER, VRUWINK, WICHGERS, ZAMARRIPA, DITTRICH and SUBECK. Referred to Committee on Health and Human Services.

1 **AN ACT to affect** 2015 Wisconsin Act 116, sections 1m, 2m, 4m, 5m, 6m, 7m, 8m,
2 9m, 10m, 11m, 12m, 13m, 14m, 15m, 16m, 17m, 18m, 19m, 20m, 21m and 22m,
3 2017 Wisconsin Act 135, sections 14, 17 and 33 (3), 2017 Wisconsin Act 278,
4 sections 19 and 25 (1) and 2017 Wisconsin Act 319, sections 3 and 6 (2); **relating**
5 **to:** the Interstate Medical Licensure Compact.

Analysis by the Legislative Reference Bureau

2015 Wisconsin Act 116 ratified and entered Wisconsin into the Interstate Medical Licensure Compact (compact), which provides for, as stated in the compact, “a streamlined process that allows physicians to become licensed in multiple states.” The compact provides that a state may withdraw from the compact by repealing the statute authorizing the compact, but that a withdrawal does not take effect until one year after the effective date of that repeal. 2015 Act 116 provided for the repeal of the statutes authorizing the compact on December 16, 2019, which, under the compact, would consequently result in Wisconsin’s withdrawal from the compact.

This bill repeals the provisions in 2015 Act 116 that provided for the repeal of the statutes authorizing the compact.

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

AGENDA REQUEST FORM

| | | | |
|--|--|---|--|
| 1) Name and Title of Person Submitting the Request: Rod Erickson | | 2) Date When Request Submitted: 2/2019 | |
| | | 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: 3/20/2018 | 5) Attachments: x Yes <input type="checkbox"/> No | 6) How should the item be titled on the agenda page? Uniform Emergency Volunteer Health Practitioners Act | |
| 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: Dr. Erickson would like to discuss the Uniform Emergency Health Practitioners Act. | | | |
| 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 | |

Uniform Emergency Volunteer Health Practitioners Act

Situation

In the event of a natural or manmade catastrophe with a large number of casualties and loss of infrastructure disruption, many states including Wisconsin have limited ability to respond.

- No mechanism to bring in practitioners not licensed in Wisconsin
- Available resources very limited
 - National Guard limited (federal oversight)
 - Medical Reserve Corps limited (state oversight)
 - Disaster Medical Assistance Team (DMAT) limited (federal oversight)

Background

In the aftermath of Hurricane Katrina, it became apparent existing organizations and infrastructures were inadequate to provide prompt, effective emergency medical care. Multiple barriers existed.

- Volunteers were willing to come to the aid of communities
 - Not clear what roles they could fulfill
 - No licensing mechanism
 - No license, no liability protection
- Lack of infrastructure
 - Volunteer practitioners may have no place to provide services
- No easy expedient way to license
 - No oversight or jurisdiction
 - No limits: time, place, practice

Assessment

To address these deficiencies something was needed to provide states with the ability to access health manpower, especially licensed practitioners from outside jurisdictions rapidly, safely, and efficiently. One response has been the Uniform Emergency Volunteer Health Practitioners Act.

In 2006, the National Conference of Commissioners on Uniform State Laws adopted a model bill to address the issue of health care practitioners providing care **during a declared emergency** in states where they may not be licensed to practice. The UEVHPA was developed in response to the significant legal and licensing barriers to volunteer physicians and health care practitioners who would like to provide care in times of a declared emergency.

- Defines who may practice: professionals have registered with a public or private registration system
- Provides licensure: permits those professionals to enter the state and provide services without having to seek a license in the state
- Provides access to services: increasing access to care during a critically difficult situation where licensure boards may be swamped with requests
- Helps define liability
- May be integrated into larger emergency response system including medical reserve corps

The Purpose of the UEVHPA

The UEVHPA establishes legal guidelines to allow volunteers to provide assistance during a time of declared emergency by recognizing other states' licenses for physicians and health care

practitioners. Whereas federal provisions for interstate cooperation do not extend to most private practitioners, the UEVHPA calls for the creation of a registration system that out-of-state practitioners may use either before or during a disaster. Upon successful registration, practitioners are expressly permitted to contribute their professional skills to existing organized disaster efforts. In addition, the Act addresses issues of workers' compensation coverage and civil liability protections for physicians and other licensed health care practitioners.

Why the UEVHPA Is Important to Physicians

Physicians are uniquely qualified to assist during disasters. Physicians with training in trauma and critical care, play a major role in the health care community's response to most disaster situations. Properly trained volunteers are critical in such circumstances.

By enacting the UEVHPA, state legislatures can have a positive impact on disaster response effectiveness. Removing barriers that prohibit licensed surgeons and other qualified responders from traveling across state lines to voluntarily administer medically necessary care during disasters will ensure the citizens of their state have access to high-quality surgical services in the event of a crisis.

Recommendation

Propose legislation for an Emergency Volunteer Health Practitioners Act

Establishes the Uniform Emergency Volunteer Health Practitioners Act which

- Applies to volunteer health practitioners (out of state/in-state) registered with the volunteer health practitioner registration system defined in the bill and who provide health or veterinary services in this state for a host entity while an emergency declaration is in effect.

Purpose

Authorizes the Department of Health or Department of Safety and Professional Services to regulate the use of in-state/out-of-state licensed volunteer health & veterinary practitioners **during a Governor's declared emergency.**

- Authorizes registered volunteer health & veterinary practitioners licensed in other states to practice in the state during a declared emergency.
- Establishes standards for volunteer health practitioner registration.

Key points

- Requires: Volunteer Health Professionals to register with DHS/DSPP before or during an emergency
- Deployment Trigger: Requires Governor (*state, regional or national*) to issue State of Emergency Proclamation.
- Out-of-State: Volunteer Health Professionals licensed in good standing and registered by DHS/DSPP may practice in WI during a declared emergency.

DHS/DSPP may:

- Limit, restrict, or otherwise regulate
- Duration of Practice
- Geographical areas
- Types of Practitioners

Licensing Boards may:

- Sanction out-of-state practitioners for conduct occurring in WI during the emergency

- A Volunteer Health Practitioner that is injured or dies during deployment is deemed an employee of the state – L&I coverage *
- Liability protection for acts or omission while providing services *

Benefits **

- Provides a pathway for in-state/out-of-state providers.
- Provides authorities for DHS/DSPS to manage & deploy state-level volunteer programs.
- Complements MRCs – Local volunteer program
- Allows local MRC members to register with DHS/DSPS for in-state deployment.
- Provides worker compensation liability protection.
- Provides authorities to deploy in-state DHS/DSPS registered volunteers as state employees for purposes of supporting an EMAC/PNEMA request.

[uniform emergency volunteer healthcare practitioners act uniform ...
www.ifrc.org/docs/idrl/367EN.pdf](http://www.ifrc.org/docs/idrl/367EN.pdf)

States that have enacted UEVHPA model legislation include:

- Arkansas (2009)
- Colorado (2007)
- District of Columbia (2010)
- Georgia (2016)
- Illinois (2010)
- Indiana (2008)
- Kentucky (2007)
- Louisiana (2009)
- Maine (2018)
- Nevada (2011)
- New Mexico (2008)
- North Dakota (2009)
- Oklahoma (2009)
- Oregon (2009)
- Tennessee (2007)
- Texas (2013)
- Utah (2008)
- Washington (2018)
- West Virginia (2017)

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

AGENDA REQUEST FORM

| | | | |
|--|--|---|--|
| 1) Name and Title of Person Submitting the Request: Kimberly Wood, Program Assistant Supervisor-Advanced | | 2) Date When Request Submitted: 3/14/2019 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: 3/20/2019 | 5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 6) How should the item be titled on the agenda page? Medical Examining Board – Council Member Appointment Matters 1) Respiratory Care Practitioners Examining Council a. Consider Appointment i. Chris R. Becker b. Reappointments i. Lynn Waldera | |
| 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: The Board should determine how best to proceed with appointments or reappointments to the Respiratory Care Practitioners Examining Council. Consider Appointment to the Respiratory Care Practitioners Examining Council ii. Chris R. Becker – Applicant (Replace William Rosandick) Resume, Cover Letters and Application Attached If the Board choose to appoint Chris Becker, consider whether to appoint effective immediately with an expiration of 7/1/2019 (Motion 1) or to appoint to a term beginning on 7/1/2019 and expiring 7/1/2022 (Motion 2). 1. Motion Language: to appoint Chris R. Becker to the Respiratory Care Practitioners Examining Council as a Respiratory Care Practitioner Member for a term to expire on July 1, 2019. 2. Motion Language: to appoint Chris R. Becker to the Respiratory Care Practitioners Examining Council as a Respiratory Care Practitioner Member as of 7/1/2019 for a term to expire on July 1, 2022. | | | |
| 11) Authorization Kimberly Wood <hr/> Signature of person making this request Date <hr/> Supervisor (if required) Date <hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date | | | |
| Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. | | | |

Chris R. Becker, MSE, RRT

May 1, 2018

Mr. Kenneth Simons
Chairperson
WI Medical Examining Board
1400 E. Washington Ave.
Madison, WI 53708-8366

Dear Mr. Simons,

As a respiratory therapy instructor at Madison Area Technical College for over 15 years, I would be very interested in becoming a member of the Respiratory Care Practitioner Examining Council. William Rosandick, a colleague from Mid-state Technical College, apprised me that there may be an opening on the Council. With my background in educating future respiratory therapists, and my passion for teaching the correct way to perform respiratory treatments, I know I will be a strong asset for the Council.

My career as a respiratory therapist started as a career change, as it has for so many of my students. This was not easy for me, but I succeeded in meeting the challenge. I started getting interested in the educational aspect of the career very early on. This interest was sparked by an occasion where I was asked to set up a high-frequency ventilator for a premature newborn baby in a neonatal intensive care unit on the night shift. I did not know one key procedure to make the ventilator operational. I called another therapist, and they were able to help me, but that was the worst feeling in the world to watch that baby struggle to breathe. And I didn't look very competent in the eyes of the NICU nurse who was caring for this baby. I could blame it on the very rapid orientation I had to the hospital I was working at, but ultimately it was up to me to learn this piece of equipment. So from that point on, I made sure I was an expert on any piece of equipment that I wasn't very familiar with. This led to organizing and managing a series of skills fairs for the RT staff, which were very well received. I wasn't the only one who felt unprepared to use certain pieces of equipment. This was noticed by a Madison College clinical instructor at the hospital, who shortly afterward offered me a part time clinical instructor position at the hospital where I was working. I found I really enjoyed teaching students to be excellent respiratory care practitioners, and this led me to a full time faculty position at Madison College. Within a few years, I became the Director of Clinical Education, which involves coordinating and scheduling students for clinical courses at our five clinical affiliate hospitals in the Madison area. Becoming a member of the Respiratory Care Practitioner Examining Council will be a natural extension of what I'm already doing, and I'm excited about this opportunity.

Attached with my application is my resume that provides details about my education and work experience. I look forward to your response. Thank you for your consideration.

Sincerely,

Chris R. Becker

Attachment: Resume

Kenneth Simons
Chairperson

Timothy Westlake
Vice Chairperson

Mary Jo Capodice
Secretary

WISCONSIN MEDICAL EXAMINING BOARD



1400 E Washington Ave
PO Box 8366
Madison WI 53708-8366

Email: dsps@wisconsin.gov
Voice: 608-266-2112
FAX: 608-251-3032

APPLICATION FOR APPOINTMENT

INSTRUCTIONS

Thank you for expressing an interest in serving Wisconsin. Councils attached to the Medical Examining Board serve an integral role in protecting the public and in creating licensing standards for professionals in related fields. To be considered for appointment to a Council, please complete the application below.

PART I – Personal Information

| | | | |
|---|---|----------------|------------|
| Name (First, Middle Initial, Last): | Chris R. Becker | | |
| Home Address 1: | [REDACTED] | | |
| Address Line 2: | [REDACTED] | | |
| City: | Waunakee | ZIP Code: | [REDACTED] |
| Home Phone: | [REDACTED] | Cell Phone: | [REDACTED] |
| E-mail Address: | [REDACTED] | Date of Birth: | [REDACTED] |
| Job Title, Company: | Director of Clinical Education, Madison College Respiratory Therapy Program | | |
| Work Address 1: | 1701 Wright St | | |
| Address Line 2: | [REDACTED] | | |
| City: | Madison | ZIP Code: | 53704 |
| Work Phone: | [REDACTED] | Fax Number: | [REDACTED] |
| Preferred Mailing Address (please check one): | <input checked="" type="checkbox"/> Home <input type="checkbox"/> Work | | |
| What is your state of residence? | WI | | |
| Are you a state employee? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| If yes, list your Department and Division. | [REDACTED] | | |
| Are you an elected official? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| If yes, what is your position? | [REDACTED] | | |
| Are you a licensed/certified professional? If so, please specify. | [REDACTED] | | |
| Licensed Respiratory Care Practitioner, WI License # | 2590 | | |
| Do you belong to any professional groups? If so, please specify. | [REDACTED] | | |
| AARC - American Association of Respiratory Care | [REDACTED] | | |
| WSRC - WI Society for Respiratory Care | [REDACTED] | | |
| NBRC - National Board for Respiratory Care | [REDACTED] | | |

| | | | |
|-------------------------------------|--|------------|------------|
| *Demographic Information – Optional | | | |
| Disability: | [REDACTED] | Veteran: | [REDACTED] |
| Gender: | <input type="checkbox"/> Female <input checked="" type="checkbox"/> Male | Ethnicity: | Caucasian |

Part II – Social Media

Provide a link to the profile page of any social media accounts you maintain.

| Social Media Type | Link(s) |
|----------------------|---|
| Facebook: | I'm not on any social media at present. |
| Twitter: | |
| LinkedIn: | |
| Google+: | |
| YouTube: | |
| Instagram: | |
| Pinterest: | |
| Tumblr: | |
| Vine: | |
| Flickr: | |
| Miscellaneous | |
| : | |
| : | |

Part III – Council(s) Sought

Please list in order of preference and specify member type, if known.

| | |
|----|---|
| 1. | Respiratory Care Practitioner Examining Council |
| 2. | |
| 3. | |
| 4. | |

Part IV – References

In the space provided below, please list the names of three people who are willing to serve as references. Please also include phone numbers and their relationship to you.

| Name | Phone Number | Relationship to You |
|--------------------------------|--------------|--|
| 1. William Rosandick | ██████████ | Professional colleague in the WTCS. Bill is the Director of Clinical Education for the Respiratory Therapy Program at Mid-state Technical College, Marshfield, WI. |
| 2. Dr. Mark Lausch, Ed.D., MPH | ██████████ | Dean, School of Health Education, Madison College. Dr. Lausch has been my supervisor and a mentor for me for 8 – 10 years here at MATC. |
| 3. Steven E. Cattapan, MD | ██████████ | I have worked professionally with Dr. Cattapan over the last 14-15 years at UnityPoint-Meriter Hospital and at Select Specialty Hospital, both in Madison, WI. He is the Medical Director for Pulmonary and Critical Care Medicine at both Meriter and Select. He is a faculty member of the University of Wisconsin School of Medicine and Public Health. He is also a member |

| | | | |
|--|--|--|---|
| | | | of the Advisory Board for the Respiratory Therapy Program at Madison College. |
|--|--|--|---|

Did anyone refer you to this council? If so, who?

| | |
|----|-------------------|
| 1. | William Rosandick |
|----|-------------------|

Part V – Supporting Documentation and Submission

Please attach a resume and cover letter to this application.

Resume:

Please include relevant work experience, education, community involvement, government or military service, honors, awards, and other talents.

Cover Letter:

Please describe why you are interested in working for a Medical Examining Board council. Your cover letter should include any information that is relevant for the Board to know as they consider your appointment.

By submitting this application you are affirming that all the statements you have made in this document are true and that you understand that a background check may be conducted if you are considered for appointment.

- Under Wisconsin Statutes 19.36(7)(b), as an applicant for this position, you have the limited right to request that your identity be kept in confidence. If you wish to prefer this right, you must attach to our application a letter requesting confidentiality of your identify with respect to this application.
- This right prevents your identity from being released in response to a public records request unless; you are appointed to the position or you are a finalist for the position as defined by Wisconsin Statute 19.36(7)(a).

| Applications should be faxed to: | Applications should be emailed to: | Applications should be mailed to: |
|----------------------------------|--|---|
| 608-251-3032 | DSPSAppointments@wisconsin.gov | Department of Safety & Professional Services Division of Policy Development MEB Appointments P.O. Box 8366 Madison, WI 53708-8366 |

Chris R. Becker, MSE, RRT

Waunakee, [REDACTED]

Objective

· Become a member of the Respiratory Care Practitioner Examining Council of the Wisconsin Medical Examining Board for the purpose of ensuring that only qualified applicants for Respiratory Care Practitioner licensure are allowed to practice in Wisconsin

Qualifications

- Practicing RRT since Aug. 1999
- Teaching in Respiratory Therapy Program at Madison College since 2003
- Maintained Active certification status, Wisconsin Technical College System, since Jan. 2006
- Teaching a review course for the Therapist Multiple Choice examination administered by the NBRC in the program since 2008
- Coordinating clinical schedules and experiences for students since 2010

Licenses and Credentials

- Respiratory Care Practitioner #2590, State of Wisconsin Dec. 1999 to present
- Registered Respiratory Therapist Oct. 2000 to present
- BLS Certification Concurrent to Jan. 2019
- Teaching Certification, WTCS *Active* Jan. 2006 to present

Professional Experience

Madison Area Technical College, Madison, WI

- Director of Clinical Education-Respiratory Therapy Program Aug. 2010 to Current
- Instructor, Full Time Faculty-Respiratory Therapy Program Jan. 2006 to Current
- Clinical Instructor, Part Time-Respiratory Therapy Program Dec. 2002 to Dec. 2005

Meriter Hospital, Madison, WI

- Registered Respiratory Therapist Jan. 2000 to Dec. 2005

Children's Hospital of WI, Milwaukee, WI

- Certified Respiratory Therapist Aug. 1999 to Dec. 1999

Education

University of Wisconsin-Platteville, Platteville, WI

- Master of Science in Education: **Adult Education** Dec. 2014

Madison Area Technical College, Madison, WI

- Associate of Applied Science: **Respiratory Care Practitioner** Aug. 1999

University of Wisconsin-Madison, Madison, WI

- Bachelor of Science: **Zoology** Dec. 1985