



VIRTUAL/TELECONFERENCE
PERFUSIONISTS EXAMINING COUNCIL
Virtual, 4822 Madison Yards Way, Madison, WI 53705
Contact: Valerie Payne (608) 266-2112
January 12, 2021

The following agenda describes the issues that the Council 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 Council.

AGENDA

1:00 P.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A) Adoption of Agenda (1-2)**
- B) Approval of Minutes of January 14, 2020 (3-5)**
- C) Reminders – Conflicts of Interest, Scheduling Concerns
- D) Administrative Updates**
 - 1) Department, Staff and Board Updates
 - 2) Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities
(6-11)
 - 3) Annual Policy Review **(12)**
 - 4) Board Members – Term Expiration Dates
 - a) David Cobb – 7/01/2013
 - b) Jeffery Edwards – 7/01/2014
 - c) Shawn Mergen – 7/01/2014
 - d) Gary Tsarovsky – 7/01/2016
- E) Legislative and Policy Matters – Discussion and Consideration**
- F) Administrative Rule Matters – Discussion and Consideration
 - 1) Pending or Possible Rulemaking Projects
- G) Discussion of Items Added After Preparation of Agenda:
 - 1) Introductions, Announcements and Recognition
 - 2) Administrative Updates
 - 3) Education and Examination Matters
 - 4) Credentialing Matters
 - 5) Practice Matters
 - 6) Legislation and Policy Matters
 - 7) Administrative Rule Matters
 - 8) Liaison Report(s)

- 9) Informational Item(s)
- 10) Appearances from Requests Received or Renewed
- 11) Speaking Engagement(s), Travel, or Public Relation Request(s), and Reports

H) 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.).

- D) Deliberation of Items Added After Preparation of the Agenda
 - 1) Education and Examination Matters
 - 2) Appearances from Requests Received or Renewed

J) Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

ADJOURNMENT

NEXT MEETING: TBD

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

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**PERFUSIONISTS EXAMINING COUNCIL
MEETING MINUTES
JANUARY 14, 2020**

PRESENT: David Cobb (*via Skype*), Shawn Mergen (*via Skype*), Gary Tsarovsky (*via Skype*)

EXCUSED: Jeffery Edwards

STAFF: Yolanda McGowan, Administrator-Policy Development; Valerie Payne, Executive Director; Jameson Whitney, Board Legal Counsel; Megan Glaeser, Bureau Assistant; and other DSPS Staff

CALL TO ORDER

Shawn Mergen, Chairperson, called the meeting to order at 1:14 p.m. A quorum was confirmed with three (3) members present.

ADOPTION OF AGENDA

MOTION: Shawn Mergen moved, seconded by Gary Tsarovsky, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF JANUARY 15, 2019

MOTION: David Cobb moved, seconded by Shawn Mergen, to approve the Minutes of January 15, 2019 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Chairperson

NOMINATION: Gary Tsarovsky nominated Shawn Mergen for the Office of Chairperson.

Valerie Payne, Executive Director, called for nominations three (3) times.

Shawn Mergen was elected as Chairperson by unanimous voice vote.

Vice Chairperson

NOMINATION: Shawn Mergen nominated Gary Tsarovsky for the Office of Vice Chairperson.

Valerie Payne, Executive Director, called for nominations three (3) times.

Gary Tsarovsky was elected as Vice Chairperson by unanimous voice vote.

Secretary

NOMINATION: David Cobb nominated Jeffery Edwards for the Office of Secretary.

Valerie Payne, Executive Director, called for nominations three (3) times.

Jeffery Edwards was elected as Secretary by unanimous voice vote.

2020 ELECTION RESULTS	
Chairperson	Shawn Mergen
Vice Chairperson	Gary Tsarovsky
Secretary	Jeffery Edwards

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison	Gary Tsarovsky <i>Alternate: Jeffery Edwards</i>
Education & Exams Liaison	Shawn Mergen

Delegations of Authorities

Document Signature Delegations

MOTION: Gary Tsarovsky moved, seconded by David Cobb, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION: Shawn Mergen moved, seconded by David Cobb, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Gary Tsarovsky moved, seconded by Shawn Mergen, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison (Denial Decisions)

MOTION: Shawn Mergen moved, seconded by Gary Tsarovsky, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between DSPPS and the Council and

to act on behalf of the Council in regard to credentialing applications or questions presented to them except that potential denial decisions shall be referred to the Medical Examining Board for final determination. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Shawn Mergen moved, seconded by David Cobb, to delegate credentialing authority to DSPS to act upon applications that meet all credentialing statutory and regulatory requirements without Council or Council liaison review. Motion carried unanimously.

Education and Examination Delegation(s) Modified Language

MOTION: Shawn Mergen moved, seconded by David Cobb, to delegate authority to the Education and Examination Liaison(s) to address all issues related to education, continuing education, and examinations. Motion carried unanimously.

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

MOTION: Shawn Mergen moved, seconded by Gary Tsarowsky, to authorize DSPS staff to provide national regulatory related bodies with all council member contact information that DSPS retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Shawn Mergen moved, seconded by Gary Tsarowsky to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving council member in that succession) to provide a brief statement or link relating to council-related business within the license renewal notice at the Council's or Council designee's request. Motion carried unanimously.

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

MOTION: Shawn Mergen moved, seconded by Gary Tsarowsky, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Gary Tsarovsky moved, seconded by Shawn Mergen, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:46 p.m.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Megan Glaeser, Bureau Assistant		2) Date When Request Submitted: 16 December 2020 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: Perfusionist Examining Council			
4) Meeting Date: 12 January 2021	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Matters 1) Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: 1) The Council should conduct Election Officers: Chairperson, Vice Chairperson & Secretary 2) The newly elected Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate 3) The Board should review and then consider its existing delegated authorities and any proposals for modification of delegations. a. Credentialing Delegations (Questions: Sarah Norberg) b. Monitoring Delegations (Questions: Amy Mayo)			
11) Authorization			
Megan Glaeser		16 December 2020	
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.			

ELECTION RESULTS	
Chairperson	Shawn Mergen
Vice Chairperson	Gary Tsarovsky
Secretary	Jeffery Edwards

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison	Gary Tsarovsky <i>Alternate: Jeffery Edwards</i>
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Delegations of Authorities

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MOTION: Gary Tsarovsky moved, seconded by David Cobb, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION: Shawn Mergen moved, seconded by David Cobb, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Gary Tsarovsky moved, seconded by Shawn Mergen, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison (Denial Decisions)

MOTION: Shawn Mergen moved, seconded by Gary Tsarowsky, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between DSPS and the Council and to act on behalf of the Council in regard to credentialing applications or questions presented to them except that potential denial decisions shall be referred to the Medical Examining Board for final determination. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Shawn Mergen moved, seconded by David Cobb, to delegate credentialing authority to DSPS to act upon applications that meet all credentialing statutory and regulatory requirements without Council or Council liaison review. Motion carried unanimously.

Education and Examination Delegation(s) Modified Language

MOTION: Shawn Mergen moved, seconded by David Cobb, to delegate authority to the Education and Examination Liaison(s) to address all issues related to education, continuing education, and examinations. Motion carried unanimously.

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MOTION: Shawn Mergen moved, seconded by Gary Tsarowsky, to authorize DSPS staff to provide national regulatory related bodies with all council member contact information that DSPS retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Shawn Mergen moved, seconded by Gary Tsarowsky to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving council member in that succession) to provide a brief statement or link relating to council-related business within the license renewal notice at the Council's or Council designee's request. Motion carried unanimously.

PROPOSED 2021 CREDENTIALING DELEGATION MOTIONS

Delegation of Authority to Credentialing Liaison (Denial Decisions)

MOTION: to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Council and to act on behalf of the Council in regard to credentialing applications or questions presented to them, including the signing of documents related to applications, except that potential denial decisions shall be referred to the Medical Examining Board for final determination.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Council or Council liaison review.

Delegation of Authority for Predetermination Reviews

MOTION: to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f).

Delegation of Authority for Conviction Reviews

MOTION: to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of perfusion.

Or, alternatively,

MOTION: to delegate authority to Department Paralegals to review and approve applications with [optional: up to X] municipal/ordinance violations which are not substantially related to the practice of perfusion.

MOTION: to delegate authority to Department Attorneys to review and approve applications with [optional: up to X] municipal/ordinance violations and misdemeanors [optional: each more than X years old and] which are not substantially related to the practice of perfusion.

Or, alternatively,

MOTION: to delegate authority to Department Attorneys to review and approve ordinance violations which are not substantially related to the practice of perfusion, 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

Delegated Authority for Application Denial Reviews

MOTION: to delegate authority to the Department's Attorney Supervisors to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential.

Roles and Authorities Delegated for Monitoring

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors (“Monitor”) to enforce Board/Section orders as explained below.

~~Current~~ Authorities Delegated to the Monitoring Liaison

The Liaison may take the following actions on behalf of the Board/Section:

1. Grant a temporary reduction in random drug screen frequency upon Respondent’s request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/disciplinary/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing/disciplinary/remedial education.
6. Grant a maximum of one extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant a maximum of one extension, if warranted and requested in writing by Respondent, to complete a Board/Section-ordered evaluation or exam.
- ~~7.~~8. Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain ~~the signature of~~ written authorization from the Liaison to sign on their behalf.
- ~~8.~~9. Grant or deny a request to appear before the Board/Section in closed session.
- ~~9.~~10. Board Monitoring The Liaison may determine whether Respondent’s petition is eligible for consideration by the full Board/Section.
- ~~10.~~11. (*Except Pharmacy and Medical*) Accept Respondent’s written request to surrender credential. If accepted by the Liaison, Monitor will consult with Board Counsel to determine if a stipulation is necessary. If a stipulation is not necessary, Monitor will draft an order and sign on behalf of the Liaison. If denied by the Liaison, the request to surrender credential will go to the full Board for review.

~~11.12.~~ *(Except Pharmacy)* Grant Respondent's petition for a reduction in drug screens per the standard schedule, below. If approved, Monitor will draft an order and sign on behalf of the Liaison. Orders that do not start at 49 screens will still follow the same standard schedule.

- a. ~~Initial Year 1:~~ 49 screens (including 1 hair test, if required by original order)
- b. ~~1st Reduction Year 2:~~ 36 screens (plus 1 hair test, if required by original order)
- c. ~~2nd Reduction Year 3:~~ 28 screens plus 1 hair test
- ~~d. Year 4: 28 screens plus 1 hair test~~

- e. ~~Year 5: 14 screens plus 1 hair test~~
- d. 3rd Reduction: 14 screens plus 1 hair test

~~12.13.~~ *(Dentistry only)* Ability to approve or deny all requests from a respondent.

~~13.14.~~ *(Except Nursing)* ~~Board Monitoring~~ The Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc.

~~Current~~ Authorities Delegated to the Department Monitor

The Monitor may take the following actions on behalf of the Board/Section, draft an order and sign:

1. Grant full reinstatement of licensure if education ~~CE~~ is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
2. Suspend the license if Respondent has not completed Board/Section-ordered education ~~CE~~ and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof of completion and/or payment have been received.
3. Suspend the license (or remove stay of suspension) if Respondent fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if Respondent ceases participation in the Approved Program without Board approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.

Authorities Delegated to Board Legal Counsel

Board Legal Counsel may take the following actions on behalf of the Board/Section:

1. Sign Monitoring orders that result from Board/Section meetings on behalf of the Board/Section Chair.

**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-Adv.		2) Date When Request Submitted: 12/29/2020 <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: All Boards			
4) Meeting Date:	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Annual Policy Review	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Please be advised of the following Annual Policy Review items: <ol style="list-style-type: none"> 1. Attendance/Quorum: Thank you for your service and for your commitment to meeting attendance. If you cannot attend a meeting or if you have scheduling conflicts impacting your attendance, please let us know ASAP. Timely notification is appreciated as quorum is required for our Boards, Sections and Councils to meet pursuant to Open Meetings Law. 2. Walking Quorum: Please refrain from discussing Board/Section/Council business with other members outside of legally noticed meetings so to avoid walking quorum issues pursuant to Open Meetings Law. 3. Agenda Deadlines: Please communicate agenda topics to your Executive Director before the agenda submission deadline which is 8 business days prior to a meeting. 4. Travel Voucher and Per Diem Submissions: Please submit all Per Diem and Reimbursement claims to DSPS within 30 days of the close of each month in which expenses are incurred. 5. Lodging Accommodations/Hotel Cancellation Policy: Lodging accommodations are available to eligible members. Standard eligibility: member must leave home before 6:00 a.m. to attend a meeting by the indicated start time. <ul style="list-style-type: none"> • If a member cannot attend a meeting it is their responsibility to cancel their reservation within the applicable cancellation timeframe. If a meeting is changed to occur remotely or is cancelled or rescheduled DSPS staff will cancel or modify reservations as appropriate. 6. Inclement Weather Policy: In the event of inclement weather the agency may change a meeting from an in-person venue to one that is executed remotely. 			
11) Authorization <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 60%;"><i>Kimberly Wood</i></div> <div style="width: 35%; text-align: right;"><i>12/29/2020</i></div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> Signature of person making this request Date </div> <hr/> <div style="display: flex; justify-content: space-between;"> Supervisor (if required) Date </div> <hr/> <div style="display: flex; justify-content: space-between;"> Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date </div>			
Directions for including supporting documents: <ol style="list-style-type: none"> 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. 			