



**VIRTUAL/TELECONFERENCE
RADIOGRAPHY EXAMINING BOARD**
Virtual, 4822 Madison Yards Way, Madison
Contact: Tom Ryan (608) 266-2112
July 27, 2022

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 description of the actions of the Board.

AGENDA

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of March 9, 2022 (4-10)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Board Updates
 - 2) Board Members – Term Expiration Dates
 - a. Borst, Donald A. – 7/1/2025
 - b. Grebe, Paul J. – 7/1/2023
 - c. Julson, Rachael S. – 7/1/2024
 - d. Nichols, Heidi M. – 7/1/2020
 - e. Szykutowicz, Timothy P. – 7/1/2024
- E. Administrative Rule Matters – Discussion and Consideration (11-12)**
 - 1) Pending or Possible Rulemaking Projects
- F. Quarterly Board Chair Connection Meeting Report and Department Resources – Discussion and Consideration**
- G. COVID-19 – Discussion and Consideration**
- H. Discussion and Consideration of Items Added After Preparation of Agenda
 - 1) Introductions, Announcements and Recognition
 - 2) Nominations, Elections, and Appointments
 - 3) Administrative Matters
 - 4) Election of Officers
 - 5) Appointment of Liaisons and Alternates
 - 6) Delegation of Authorities
 - 7) Education and Examination Matters

- 8) Credentialing Matters
- 9) Practice Matters
- 10) Legislative and Policy Matters
- 11) Administrative Rule Matters
- 12) Liaison Reports
- 13) Board Liaison Training and Appointment of Mentors
- 14) Informational Items
- 15) Division of Legal Services and Compliance (DLSC) Matters
- 16) Presentations of Petitions for Summary Suspension
- 17) Petitions for Designation of Hearing Examiner
- 18) Presentation of Stipulations, Final Decisions and Orders
- 19) Presentation of Proposed Final Decisions and Orders
- 20) Presentation of Interim Orders
- 21) Petitions for Re-Hearing
- 22) Petitions for Assessments
- 23) Petitions to Vacate Orders
- 24) Requests for Disciplinary Proceeding Presentations
- 25) Motions
- 26) Petitions
- 27) Appearances from Requests Received or Renewed
- 28) Speaking Engagements, Travel, or Public Relation Requests, and Reports

I. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

J. Deliberation on Division of Legal Services and Compliance Matters

- 1) **Administrative Warnings**
 - a. 21 RAD 004 – D.R.L. **(13-14)**
- 2) **Monitoring Matters**
 - a. Miranda McGinn, Licensed Radiographer – Requesting Full Licensure **(15-30)**

K. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Orders
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Case Closings
- 13) Proposed Final Decisions and Orders
- 14) Matters Relating to Costs/Orders Fixing Costs

- 15) Board Liaison Training
- 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

L. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

ADJOURNMENT

NEXT MEETING: NOVEMBER 9, 2022

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

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dsps.wi.gov>. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer at 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
RADIOGRAPHY EXAMINING BOARD
MEETING MINUTES
MARCH 9, 2022**

PRESENT: Donald Borst, Paul Grebe, Rachael Julson, Timothy Szczykutowicz

EXCUSED: Heidi Nichols

STAFF: Tom Ryan, Executive Director; Jon Derenne, Legal Counsel; Dana Denny, Administrative Rules Coordinator; Katlin Schwartz, Bureau Assistant; and other Department staff

CALL TO ORDER

Donald Borst, Chairperson, called the meeting to order at 9:06 a.m. A quorum of four (4) members was confirmed.

ADOPTION OF AGENDA

MOTION: Paul Grebe moved, seconded by Rachael Julson, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 10, 2021

MOTION: Rachael Julson moved, seconded by Paul Grebe, to approve the Minutes of November 10, 2021 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Slate of Officers

NOMINATION: Timothy Szczykutowicz nominated the 2021 slate of officers to continue in 2022. All officers present at the meeting accepted their nominations.

Tom Ryan, Executive Director, called for nominations three (3) times.

The Slate of Officers was elected by unanimous voice vote.

ELECTION RESULTS	
Chairperson	Donald Borst
Vice Chairperson	Rachael Julson
Secretary	Heidi Nichols

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Donald Borst <i>Alternate: Tim Szczykutowicz</i>
Education and Examinations Liaison(s)	Heidi Nichols <i>Alternate: Donald Borst</i>
Monitoring Liaison(s)	Heidi Nichols <i>Alternate: Paul Grebe</i>
Professional Assistance Procedure (PAP) Liaison(s)	Donald Borst <i>Alternate: Paul Grebe</i>
Legislative Liaison(s)	Donald Borst <i>Alternate: Heidi Nichols</i>
Travel Authorization Liaison	Donald Borst <i>Alternate: Tim Szczykutowicz</i>
Practice Question Liaison(s)	Heidi Nichols <i>Alternate: Donald Borst</i>
Website Liaison	Donald Borst
Screening Panel	Donald Borst, Rachael Julson <i>Alternate: Heidi Nichols</i>

Delegation of Authorities

Document Signature Delegations

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

Delegation to Chief Legal Counsel Due to Loss of Quorum

MOTION: Donald Borst moved, seconded by Paul Grebe, to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after one meeting. Motion carried unanimously.

Monitoring Delegations

Delegation of Authorities for Monitoring

MOTION: Donald Borst moved, seconded by Rachael Julson, to adopt the "Roles and Authorities Delegated for Monitoring" document as presented in the March 9, 2022 agenda materials on pages 17-18. Motion carried unanimously.

Delegation of Authorities for Legal Counsel to Sign Monitoring Orders

MOTION: Rachael Julson moved, seconded by Paul Grebe, to delegate to Legal Counsel the authority to sign Monitoring orders that result from Board meetings on behalf of the Board Chairperson. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison

MOTION: Rachael Julson moved, seconded by Timothy Szczykutowicz, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Paul Grebe moved, seconded by Rachael Julson, to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

Delegation of Authority for Predetermination Reviews

MOTION: Donald Borst moved, seconded by Timothy Szczykutowicz, to delegate authority to the Department Attorneys to review and approve predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

Delegation of Authority for Conviction Reviews

MOTION: Rachael Julson moved, seconded by Donald Borst, to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of radiography. Motion carried unanimously.

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

MOTION: Rachael Julson moved, seconded by Paul Grebe, to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous radiography credential and there is no new conviction record. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Donald Borst moved, seconded by Rachael Julson, that the Department's Attorney Supervisors are authorized to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

Pre-Screening Delegation to Open Cases

MOTION: Rachael Julson moved, seconded by Paul Grebe, to delegate pre-screening decision making authority to the Department screening attorney for opening cases as outlined below:

1. OWIs of 3 or more that occurred in the last 5 years.
2. Reciprocal discipline cases.
3. Impairment and/or diversion at work that includes a positive drug/alcohol test or admission by respondent.
4. Conviction of a misdemeanor or felony that the attorney believes is substantially related and is not otherwise excluded from consideration via Wis. Stat. ch. 111.
5. No response from the respondent after intake requested a response (case would be opened for the failure to respond issue as well as the merits).

Motion carried unanimously.

Pre-Screening Delegation to Close Cases

MOTION: Timothy Szczykutowicz moved, seconded by Rachael Julson, to delegate pre-screening decision making authority to the Department screening attorney for closing cases as outlined below:

1. One OWI that is non-work related and if AODA assessment completed, assessment does not indicate dependency.
2. Complaints that even if allegations are true, do not amount to a violation of law or rules.

Motion carried unanimously.

Voluntary Surrenders

MOTION: Rachael Julson moved, seconded by Donald Borst, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

Education and Examination Liaison(s) Delegation

MOTION: Rachael Julson moved, seconded by Paul Grebe, to delegate authority to the Education and Examination Liaison(s) to address all issues related to education and examinations. Motion carried unanimously.

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

MOTION: Timothy Szczykutowicz moved, seconded by Donald Borst, to authorize the Department staff to provide national regulatory related bodies with all board member contact information that the Department retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Rachael Julson moved, seconded by Donald Borst, to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

Legislative Liaison Delegation

MOTION: Donald Borst moved, seconded by Paul Grebe, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Authorization Liaison Delegation

MOTION: Rachael Julson moved, seconded by Timothy Szczykutowicz, to delegate authority to the Travel Authorization Liaison to approve any board member travel to and/or participation in events germane to the board, and to designate representatives from the Board to speak and/or act on the Board's behalf at such events. Motion carried unanimously.

Practice Question Liaison(s) Delegation

MOTION: Paul Grebe moved, seconded by Timothy Szczykutowicz, to delegate authority to the Practice Question Liaison(s) to confer with Department staff when necessary to answer practice questions. Motion carried unanimously.

Website Liaison(s) Delegation

MOTION: Rachael Julson moved, seconded by Paul Grebe, to authorize to the Website Liaison(s) to act on behalf of the Board in working with Department staff to identify and execute website updates. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Adoption Order: RAD 1 and 4, Relating to Scope of Practice

MOTION: Paul Grebe moved, seconded by Rachael Julson, to approve the Adoption Order for Clearinghouse Rule 21-054 (Rad 1 and 4), relating to scope of practice. Motion carried unanimously.

Adoption Order: RAD 1 and 3, Relating to Requirements for Licenses and Permits

MOTION: Rachael Julson moved, seconded by Paul Grebe, to approve the Adoption Order for Clearinghouse Rule 21-048 (Rad 1 and 3), relating to requirements for licenses and permits. Motion carried unanimously.

CLOSED SESSION

MOTION: Rachael Julson moved, seconded by Paul Grebe, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (s. 19.85(1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Donald Borst, Chairperson, read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Donald Borst-yes; Paul Grebe-yes; Rachael Julson-yes; and Timothy Szczykutowicz -yes. Motion carried unanimously.

The Board convened into Closed Session at 10:54 a.m.

DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE MATTERS

Administrative Warnings

21 RAD 006 – M.J.S.

MOTION: Timothy Szczykutowicz moved, seconded by Rachael Julson, to issue an Administrative Warning in the matter of M.J.S., DLSC Case Number 21 RAD 006. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Rachael Julson moved, seconded by Paul Grebe, to reconvene in Open Session. Motion carried unanimously.

The Board reconvened in Open Session at 11:18 a.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Timothy Szczykutowicz moved, seconded by Paul Grebe, 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.)

ADJOURNMENT

MOTION: Rachael Julson moved, seconded by Timothy Szczykutowicz, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:19 a.m.

DRAFT

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Dana Denny,		2) Date when request submitted: 7/14/2022 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting																
3) Name of Board, Committee, Council, Sections: Radiography Examining Board																		
4) Meeting Date: 7/27/2022	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters - Discussion and Consideration 1. Pending or Possible Rulemaking Projects																
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input checked="" type="checkbox"/> Yes <Appearance Name(s)> <input type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A																
10) Describe the issue and action that should be addressed: Pending or Possible Rule Projects																		
<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></td> <td style="text-align: center;"><i>Dana Denny</i></td> <td style="text-align: center;">7/14/2022</td> </tr> <tr> <td></td> <td style="text-align: center;">Signature of person making this request</td> <td style="text-align: center;">Date</td> </tr> <tr> <td></td> <td style="text-align: center;">Supervisor (Only required for post agenda deadline items)</td> <td style="text-align: center;">Date</td> </tr> <tr> <td></td> <td style="text-align: center;">Executive Director signature (Indicates approval for post agenda deadline items)</td> <td style="text-align: center;">Date</td> </tr> </table>				11)	Authorization			<i>Dana Denny</i>	7/14/2022		Signature of person making this request	Date		Supervisor (Only required for post agenda deadline items)	Date		Executive Director signature (Indicates approval for post agenda deadline items)	Date
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**State of Wisconsin
Department of Safety & Professional Services**

Directions for including supporting documents:

1. This form should be saved with any other documents submitted to the [Agenda Items](#) folders.
2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.
3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.