



MEDICAL EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Valerie Payne (608) 266-2112
August 19, 2020

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 (1-5)

B. Approval of Minutes of July 15, 2020 (6-13)

C. Introductions, Announcements and Recognition

- 1) Recognition of Michael Carton, Public Member
- 2) Carmen Lerma, Public Member (Replaces: Carton) – 7/1/2024
- 3) Rebecca Sattler, Public Member (Replaces: Kudick) – 7/1/2024
- 4) Lemuel Yerby, Physician Member (Replaces: Lau) – 7/1/2024
- 5) Emily Yu, Physician Member (Replaces: Westlake) – 7/1/2024

D. Conflicts of Interest

E. Administrative Matters

- 1) Board, Department and Staff Updates
- 2) Election of Officers, Appointment of Liaisons
- 3) Board Members – Term Expiration Dates
 - a. Milton Bond, Jr. – 7/1/2023
 - b. David A. Bryce – 7/1/2021
 - c. Clarence Chou – 7/1/2023
 - d. Padmaja Doniparthi – 7/1/2021
 - e. Sumeet Goel – 7/1/2023
 - f. Carmen Lerma – 7/1/2024
 - g. Michael Parish – 7/1/2023
 - h. David Roelke – 7/1/2021
 - i. Rebecca Sattler – 7/1/2024
 - j. Sheldon Wasserman – 7/1/2023
 - k. Lemuel Yerby – 7/1/2024
 - l. Emily Yu – 7/1/2024
- 4) Appointments, Reappointments, Confirmations, and Committee, Panel and Liaison Appointments
- 5) Screening Panel and Examination Panel Appointments

- 6) Wis. Stat. § 15.085 (3)(b) – Affiliated Credentialing Boards’ Biannual Meeting with the Medical Examining Board to Consider Matters of Joint Interest
- F. Legislative and Policy Matters – Discussion and Consideration
- G. Administrative Rule Matters – Discussion and Consideration (14-16)**
 - 1) Pending or Possible Rulemaking Projects
 - a. Continuing Medical Education
- H. Medical Examining Board Report on Opioid Abuse – Discussion and Consideration (17-20)**
 - 1) Review of 2019 Report
 - 2) Proposals for 2020 Report
- I. COVID-19 – Discussion and Consideration**
- J. University of Minnesota Request for Extension of Reciprocity – Discussion and Consideration**
- K. Stem Cell Clinics – Discussion and Consideration**
- L. CE Broker – Discussion and Consideration**
- M. Budgeting and Maintaining Licensure Fees – Discussion and Consideration**
- N. Email Address Addition to Initial and Renewal Applications – Discussion and Consideration**
- O. Federation of State Medical Boards (FSMB) Matters – Discussion and Consideration
- P. Controlled Substances Board Report
- Q. Interstate Medical Licensure Compact Commission (IMLCC) – Report from Wisconsin’s Commissioners
- R. Newsletter Matters – Discussion and Consideration
- S. Screening Panel Report
- T. Future Agenda Items
- U. Discussion and Consideration of Items Added After Preparation of Agenda:
 - 1) Introductions, Announcements and Recognition
 - 2) Elections, Appointments, Reappointments, Confirmations, and Committee, Panel and Liaison Appointments
 - 3) Administrative Matters
 - 4) Election of Officers
 - 5) Appointment of Liaisons and Alternates
 - 6) Delegation of Authorities
 - 7) Education and Examination Matters
 - 8) Credentialing Matters
 - 9) Practice Matters
 - 10) 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

V. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), and 448.02(8), Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

W. Credentialing Matters

- 1) **Waiver of Post-Graduate Training**
 - a. Loyal Abou Daher **(21-76)**
 - b. Fady Youssef **(77-121)**

X. Deliberation on DLSC Matters

- 1) **Stipulations and Final Decisions and Orders**
 - a. 18 MED 221 – Terrence P. Asplund, M.D. **(122-127)**
 - b. 18 MED 287 – Robert J. Rawski, M.D. **(128-133)**
 - c. 18 MED 345 – Jose L. Boggio, M.D. **(134-140)**
 - d. 18 MED 438 – Roy Douglas Ozanne, M.D. **(141-147)**
 - e. 18 MED 643 – Michael A. Tressler, M.D. **(148-153)**
 - f. 19 MED 132 – Vishal Verma, M.D. **(154-159)**
 - g. 19 MED 363 – Mary B.R. Clifton, M.D. **(160-165)**
 - h. 19 MED 530 – Robert H. Mikkelsen, M.D. **(166-172)**
 - i. 19 MED 535 and 19 MED 571 – Kevin J. Weber, M.D. **(173-179)**
- 2) **Administrative Warnings**
 - a. 18 MED 337 – T.A. **(180-181)**
 - b. 18 MED 070 – M.M.W. **(182-183)**
 - c. 18 MED 644 – P.M.C. **(184-185)**
 - d. 19 MED 103 – J.D.K. **(186-188)**
 - e. 19 MED 188 – A.M.K. **(189-190)**

3) Case Closings

- a. 18 MED 040 – C.D.S. **(191-208)**
- b. 18 MED 070 – C.F. **(209-221)**
- c. 18 MED 226 – J.B.G. **(222-224)**
- d. 18 MED 285 – A.Z.K. **(225-230)**
- e. 18 MED 343 – J.E.B. **(231-233)**
- f. 18 MED 619 – B.A. **(234-251)**
- g. 18 MED 680 – J.P.P. **(252-260)**
- h. 19 MED 028 – K.S. **(261-267)**
- i. 19 MED 135 – E.K. **(268-276)**
- j. 19 MED 170 – A.S. **(277-283)**
- k. 19 MED 184 – C.L.H. **(284-290)**
- l. 19 MED 277 – J.K. **(291-299)**
- m. 19 MED 341 – A.B. **(300-309)**
- n. 19 MED 373 – A.A. **(310-318)**
- o. 19 MED 392 – Unknown **(319-322)**
- p. 19 MED 463 – N.H. **(323-330)**
- q. 19 MED 516 – D.C. **(331-339)**
- r. 19 MED 525 – M.L.B. **(340-347)**
- s. 20 MED 026 – M.M., N.T. **(348-359)**
- t. 20 MED 090 – K.S.M. **(360-365)**
- u. 20 MED 104 – M.M. **(366-371)**
- v. 20 MED 159 – D.K.M. **(372-376)**

4) Monitoring Matters

- a. Carol A. Haughey, P.A. – Requesting Reinstatement of Full Licensure **(377-409)**

Y. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petitions for Summary Suspensions
- 7) Petitions for Designation of Hearing Examiner
- 8) Proposed Stipulations, Final Decisions and Order
- 9) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Complaints
- 15) Case Closings
- 16) Board Liaison Training
- 17) Petitions for Extension of Time
- 18) Petitions for Assessments and Evaluations
- 19) Petitions to Vacate Orders
- 20) Remedial Education Cases
- 21) Motions

- 22) Petitions for Re-Hearing
- 23) Appearances from Requests Received or Renewed

Z. Open Cases

AA. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

DD. 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 **four (4)** (at time of agenda publication) Candidates for Licensure – **Dr. Roelke** and **Dr. Chou**

NEXT DATE: SEPTEMBER 16, 2020

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. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**TELECONFERENCE/VIRTUAL
MEDICAL EXAMINING BOARD
MEETING MINUTES
JULY 15, 2020**

PRESENT: David Bryce, M.D.; Padmaja Doniparthi, M.D.; Clarence Chou, M.D.; Sumeet Goel, D.O.; Michael Parish, M.D.; David Roelke, M.D.; Sheldon Wasserman, M.D.

EXCUSED: Milton Bond, Jr., Michael Carton

STAFF: Valerie Payne, Executive Director; Yolanda McGowan, Legal Counsel; Megan Glaeser, Bureau Assistant; and other Department staff

CALL TO ORDER

Sheldon Wasserman, Vice Chairperson, called the meeting to order at 8:00 a.m. A quorum was confirmed with seven (7) members present.

ADOPTION OF AGENDA

Amendments to the Agenda

- Open Session: Under item “C. Introductions, Announcements and Recognition” ADD:
 - Recognition of Alaa Abd-Elseyed, Physician Member
 - Recognition of Bradley Kudick, Public Member
- Open Session: Under item “E. Administrative Matters, 3) Board Members – Term Expiration Dates” REMOVE:
 - Alaa Abd-Elseyed – 7/1/2020
 - Bradley Kudick – 7/1/2020

MOTION: David Roelke moved, seconded by Padmaja Doniparthi, to adopt the Agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JUNE 17, 2020

MOTION: David Roelke moved, seconded by Sumeet Goel, to adopt the Minutes of June 17, 2020 as published. Motion carried unanimously.

INTRODUCTIONS, ANNOUNCEMENTS & RECOGNITION

Recognition of Timothy Westlake, Physician Member

MOTION: Clarence Chou moved, seconded by David Bryce, to recognize and thank Timothy Westlake for his years of dedicated service to the Medical Examining Board and the State of Wisconsin. Motion carried unanimously.

Recognition of Alaa Abd-Elseyed, Physician Member

MOTION: Michael Parish moved, seconded by Padmaja Doniparthi, to recognize and thank Alaa Abd-Elsayed for his years of dedicated service to the Medical Examining Board and the State of Wisconsin. Motion carried unanimously.

Recognition of Bradley Kudick, Public Member

MOTION: David Roelke moved, seconded by Michael Parish, to recognize and thank Bradley Kudick for his years of dedicated service to the Medical Examining Board and the State of Wisconsin. Motion carried unanimously.

Election of Officers

Chairperson

NOMINATION: Clarence Chou nominated Sheldon Wasserman for the Office of Chairperson.

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

Sheldon Wasserman was elected as Chairperson by unanimous voice vote.

Vice Chairperson

NOMINATION: Sheldon Wasserman nominated Sumeet Goel for the Office of Vice Chairperson.

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

Sumeet Goel was elected as Vice Chairperson by unanimous voice vote.

Secretary

NOMINATION: Sheldon Wasserman nominated Clarence Chou for the Office of Secretary.

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

Clarence Chou was elected as Secretary by unanimous voice vote.

2020 ELECTION RESULTS	
Chairperson	Sheldon Wasserman
Vice Chairperson	Sumeet Goel
Secretary	Clarence Chou

Appointment of Liaisons

2020 LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Sumeet Goel, Clarence Chou Alternate: David Roelke, David Bryce
Office of Education and Examinations Liaison(s)	David Roelke Alternate: David A. Bryce
Continuing Education Liaison(s)	David Roelke Alternate: Michael Parish
Monitoring Liaison(s)	Padmaja Doniparthi Alternate: Clarence Chou
Professional Assistance Procedure (PAP) Liaison(s)	Padmaja Doniparthi Alternate: David Bryce
Legislative Liaison	Sumeet Goel, Sheldon Wasserman
Travel Liaison(s)	David Bryce Alternate: Sumeet Goel
Newsletter Liaison(s)	Sheldon Wasserman Alternate: Michael Carton
Prescription Drug Monitoring Program Liaison(s)	Michael Parish Alternate: David Bryce
Website Liaison(s)	Michael Carton Alternate: Milton Bond, Jr.
Administrative Rules Liaison(s)	David Roelke Alternate: Sumeet Goel
Appointed to Controlled Substances Board as per Wis. Stats. §15.405(5g) (MED)	Padmaja Doniparthi David Bryce

OTHER APPOINTMENTS	
Council on Anesthesiologist Assistants	Padmaja Doniparthi
IMLCC	Sheldon Wasserman, Clarence Chou
Licensure Forms Committee	David Bryce, Padmaja Doniparthi, David Roelke

ADMINISTRATIVE RULE MATTERS

Preliminary Draft Rules of the Podiatry Affiliated Credentialing Board

MOTION: David Roelke moved, seconded by Padmaja Doniparthi, to reflect the Board's support of the proposed rules creating Wisconsin Administrative Code Chapter Pod 9, relating to physician assistants, and has no comments for the Podiatry Affiliated Credentialing Board to consider. Motion carried unanimously.

LICENSING FEES

MOTION: David Roelke moved, seconded by Sumeet Goel, to assert the Medical Examining Board's need for additional resources to ensure expediency and improve processing of applications and complaints. Motion carried unanimously.

MOTION: Padmaja Doniparthi moved, seconded by Michael Parish, to request that the Department of Safety and Professional Services request, in its upcoming biennial budget, an increase in positions and funding to hire additional staff to improve services to the Medical Examining Board and its affiliates. Motion carried unanimously.

MOTION: Clarence Chou moved, seconded by Sumeet Goel, to request that the Legislature authorize an increase in the number of full time permanent positions and appurtenant funding necessary to hire additional staff to provide services to the Medical Examining Board and its affiliates. Motion carried unanimously.

EMAIL ADDRESS ADDITION TO INITIAL AND RENEWED APPLICATIONS

MOTION: David Roelke moved, seconded by Padmaja Doniparthi, to request that the Department of Safety and Professional Services include in its upcoming biennial budget a provision requiring all credential holders to provide a permanent email address in addition to their physical address, on initial and renewal applications, and provide any updates to email address within 30 days. Motion carried unanimously.

CLOSED SESSION

MOTION: Sumeet Goel moved, seconded by Padmaja Doniparthi, to convene to Closed Session to deliberate on cases following hearing (§ 19.85 (1) (a), Stats.); to consider licensure or certification of individuals (§ 19.85 (1) (b), Stats.); to consider closing disciplinary investigations with administrative warnings (§ 19.85 (1) (b), Stats. and § 448.02 (8), Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.). Sheldon Wasserman, the Chairperson, read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: David Bryce-yes; Clarence Chou-yes; Padmaja Doniparthi-yes; Sumeet Goel-yes;

Michael Parish-yes; David Roelke-yes; and Sheldon Wasserman-yes.
Motion carried unanimously.

The Board convened into Closed Session at 9:37 a.m.

CREDENTIALING MATTERS

Full Board Oral Examination

Muhammad Choudhry

MOTION: David Bryce moved, seconded by Sumeet Goel, to find that Muhammad Choudhry failed to achieve a passing score on the Full Board Oral Examination pursuant to Wis. Admin Code § Med 1.06(4)(b). Motion carried unanimously.

Waiver of Post-Graduate Training

Layal Abou Daher

MOTION: Padmaja Doniparthi moved, seconded by Sumeet Goel, to table the Request for Waiver of 24-Month Post-Graduate Training application of Layal Abou Daher until the August 2020 meeting. Motion carried unanimously.

Sasha Mansukhani

MOTION: David Roelke moved, seconded by Padmaja Doniparthi, to approve the Waiver of 24-Month Post-Graduate Training application of Sasha Mansukhani, once all requirements are met. Motion carried unanimously.

James Reichman

MOTION: David Roelke moved, seconded by David Bryce, to approve the Waiver of 24-Month Post-Graduate Training and Limited Privileges application of James Reichman, once all requirements are met. Motion carried unanimously.

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

Stipulations, Final Decisions and Orders

18 MED 136 & 18 MED 655 – Jeffrey P. Holmgren, M.D.

MOTION: Michael Parish moved, seconded by Sumeet Goel, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Jeffrey P. Holmgren, M.D., DLSC Case Numbers 18 MED 136 & 18 MED 655. Motion carried unanimously.

18 MED 376 – Aleksandar V. Rosich, M.D.

MOTION: Clarence Chou moved, seconded by David Roelke, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Aleksandar V. Rosich, M.D., DLSC Case Number 18 MED 376. Motion carried unanimously.

18 MED 525 – James M. Esser, M.D.

MOTION: David Roelke moved, seconded by Padmaja Doniparthi, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against James M. Esser, M.D., DLSC Case Number 18 MED 525. Motion carried unanimously.

18 MED 561 – Peter J. Bartzen, Jr., M.D.

MOTION: David Roelke moved, seconded by Clarence Chou, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Peter J. Bartzen, Jr., M.D., DLSC Case Number 18 MED 561. Motion carried unanimously.

19 MED 585 – Francis X. Downey, M.D.

MOTION: David Roelke moved, seconded by Clarence Chou, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Francis X. Downey, M.D., DLSC Case Number 19 MED 585. Motion carried unanimously.

Administrative Warnings

18 MED 478 – Y.S.

MOTION: David Roelke moved, seconded by David Bryce, to issue an Administrative Warning in the matter of Y.S., DLSC Case Number 18 MED 478. Motion carried unanimously.

18 MED 559 – M.F.W.

MOTION: David Roelke moved, seconded by Clarence Chou, to issue an Administrative Warning in the matter of M.F.W., DLSC Case Number 18 MED 559. Motion carried unanimously.

19 MED 298 – L.T.S.

MOTION: David Roelke moved, seconded by Michael Parish, to issue an Administrative Warning in the matter of L.T.S., DLSC Case Number 19 MED 298. Motion carried unanimously.

19 MED 482 – L.M.D.

MOTION: Sumeet Goel moved, seconded by Padmaja Doniparthi, to issue an Administrative Warning in the matter of L.M.D., DLSC Case Number 19 MED 482. Motion carried unanimously.

20 MED 107 – A.L.S.

MOTION: David Roelke moved, seconded by Clarence Chou, to issue an Administrative Warning in the matter of A.L.S., DLSC Case Number 20 MED 107. Motion carried unanimously.

Case Closings

MOTION: Sumeet Goel moved, seconded by David Roelke, to close the following DLSC Cases for the reasons outlined below:

1. 18 MED 070 – M.F. – No Violation
 2. 18 MED 126 – D.K. – Prosecutorial Discretion (P7)
 3. 18 MED 158 – P.D. – No Violation
 4. 18 MED 172 – T.M. – Prosecutorial Discretion (P5)
 5. 18 MED 321 – N.S. – No Violation
 6. 18 MED 328 – R.J. – Prosecutorial Discretion (P5)
 7. 18 MED 336 – L.D. – No Violation
 8. 18 MED 491 – R.S. – No Violation
 9. 19 MED 006 – M.P.N. – Prosecutorial Discretion (P5)
 10. 19 MED 013 – R.A.N. – Prosecutorial Discretion (P5)
 11. 19 MED 418 – T.C. – No Violation
 12. 20 MED 091 – S.T.W. – No Violation
 13. 20 MED 144 – B.R.K. – No Violation
- Motion carried unanimously.

18 MED 303 – D.T.M.

MOTION: David Roelke moved, seconded by Padmaja Doniparthi, to table the request to close DLSC Case Number 18 MED 303, against D.T.M. until the August 2020 meeting. Motion carried unanimously.

Monitoring Matters

John E. Kelly, M.D. – Requesting Reinstatement of Full Licensure

MOTION: Padmaja Doniparthi moved, seconded by David Bryce, to grant the request of John E. Kelly, M.D. for Reinstatement of Full Licensure. Motion carried unanimously.

MOTION: Padmaja Doniparthi moved, seconded by Clarence Chou, to reconvene to Open Session. Motion carried unanimously.

The Board reconvened to Open Session at 11:45 a.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Clarence Chou moved, seconded by David Roelke, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the closed session motions stand for the purposes of the affirmation vote.)

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

MOTION: David Roelke moved, seconded by Michael Parish, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Sumeet Goel moved, seconded by Padmaja Doniparthi, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:51 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: 8/7/20 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: 8/19/20	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Pending and Possible Rulemaking Projects a. Continuing Medical Education	
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: 1.a. Pending and Possible Rulemaking Projects Current administrative rules requiring a minimum of 2 of the 30 hours of continuing medical education be an educational course or program related to opioid prescribing will sunset with the renewal occurring on November 1, 2021. The Board is asked to consider if it wants to extend this requirement.			
11) Signature of person making this request <i>Dale Kleven</i>		Authorization Date <i>August 7, 2020</i>	
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.			

Chapter Med 13

CONTINUING MEDICAL EDUCATION FOR PHYSICIANS

Med 13.01 Authority and purpose.
 Med 13.02 Continuing medical education required; waiver.
 Med 13.03 Acceptable continuing medical educational programs.

Med 13.04 Physician postgraduate training program; length of service.
 Med 13.05 Evidence of compliance.
 Med 13.06 Audit.

Med 13.01 Authority and purpose. The rules in this chapter are adopted by the medical examining board pursuant to the authority delegated by ss. 15.08 (5) (b), 227.11 (2) and 448.13, Stats., and govern the biennial training requirements for physicians as provided under s. 448.13, Stats.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77; am. Register, March, 1979, No. 279, eff. 4-1-79; correction made under s. 13.93 (2m) (b) 7., Stats., Register, May, 1989, No. 401; am. Register, May, 1997, No. 497, eff. 6-1-97; am. Register, December, 1999, No. 528, eff. 1-1-00.

Med 13.02 Continuing medical education required; waiver. (1) Each physician required to complete the biennial training requirements provided under s. 448.13, Stats., shall, in each second year at the time of making application for a certificate of registration as required under s. 448.07, Stats., sign a statement on the application for registration certifying that the physician has completed at least 30 hours of acceptable continuing medical educational programs within the biennial registration period.

(1g) (a) Except as provided under par. (b), for a renewal date occurring in 2017 or 2018, a minimum of 2 of the 30 hours of continuing medical education required under sub. (1) shall be an educational course or program related to the guidelines issued by the board under s. 440.035 (2m), Stats., that is approved under s. Med 13.03 (3) at the time of the physician's attendance.

(b) This subsection does not apply to a physician who, at the time of making application for a certificate of registration, does not hold a U.S. drug enforcement administration number to prescribe controlled substances.

(1r) (a) Except as provided under par. (b), for the renewal date occurring on November 1, 2019, a minimum of 2 of the 30 hours of continuing medical education required under sub. (1) shall be an educational course or program related to the guidelines issued by the board under s. 440.035 (2m), Stats., that is approved under s. Med 13.03 (3) at the time of the physician's attendance.

(b) This subsection does not apply to a physician who, at the time of making application for a certificate of registration, does not hold a U.S. drug enforcement administration number to prescribe controlled substances.

(1v) (a) Except as provided under par. (b), for the renewal date occurring on November 1, 2021, a minimum of 2 of the 30 hours of continuing medical education required under sub. (1) shall be an educational course or program related to opioid prescribing that is approved under s. Med 13.03 (3) at the time of the physician's attendance.

(b) This subsection does not apply to a physician who, at the time of making application for a certificate of registration, does not hold a U.S. drug enforcement administration number to prescribe controlled substances.

(2) A physician may apply to the board for waiver of the requirements of this chapter on grounds of prolonged illness or disability or other similar circumstances, and each case will be considered individually on its merits by the board.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77; am. (1), Register, March, 1979, No. 279, eff. 4-1-79; am. (1), February, 1981, No. 302, eff. 3-1-81; am. Register, May, 1997, No. 497, eff. 6-1-97; am. Register, December, 1999, No. 528, eff. 1-1-00; EmR1631; emerg. am. (1), cr. (1g), (1r), eff. 11-10-16; CR 16-070; am. (1), cr. (1g), (1r) Register May 2017 No. 737, eff. 6-1-17; CR 18-072; am. (1g), (1r), cr. (1v), Register July 2019 No. 763, eff. 8-1-19.

Med 13.03 Acceptable continuing medical educational programs. The board shall accept the following in satisfaction of the biennial training requirement provided under s. 448.13, Stats.:

(1) (a) *Program approval.* Educational courses and programs approved in advance by the board may be used for credit, except that the board may approve for credit completed programs and courses conducted in other countries.

(b) *Physicians.* The board recognizes only those educational programs recognized as approved at the time of the physician's attendance by the council on medical education of the American medical association, or the American osteopathic association, or the accreditation council for continuing medical education or may recognize program providers outside the United States unless any of the foregoing have been previously disapproved by the board. The board will accept attendance at and completion of programs accredited as the American medical association's or the American osteopathic association's "Category I" or an equivalent as fulfilling the requirements of this chapter for continuing medical education. One clock hour of attendance shall be deemed to equal one hour of acceptable continuing medical education.

(2) (a) The board shall accept for continuing medical education credit, voluntary, uncompensated services provided by physicians specializing in psychiatry in assisting the department of health services in the evaluation of community outpatient mental health programs, as defined in s. 51.01 (3n), Stats., and approved by the department of health services according to rules promulgated under s. 51.42 (7) (b), Stats. Four hours of assistance, including hours expended in necessary training by the department of health services, shall be deemed to equal one hour of acceptable continuing medical education for the purposes of this chapter.

(b) Physicians wishing to apply for continuing medical education credit under this subsection shall register in advance with the board and shall notify the board on forms provided by the board of the dates and the total number of hours in any biennium for which the applicant will be available to provide assistance. Referrals shall be made to the department of health services in the order received pursuant to requests for assistance received from that department by the medical examining board and by the psychology examining board.

Note: Forms to apply for continuing medical education credit are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708 or by email at dsp@wisconsin.gov.

(3) (a) Only educational courses and programs approved by the board may be used to satisfy the requirement under s. Med 13.02 (1g) (a) and (1r) (a). To apply for approval of a continuing education course or program, a provider shall submit to the board an application on forms provided by the department. The application shall include all of the following concerning the course or program:

1. The title.
2. A general description and a detailed outline of the content.
3. The dates and locations.
4. The name and qualifications of the instructor.
5. The sponsor.

Note: An application for continuing education course or program approval may be obtained from the board at the Department of Safety and Professional Services,

Office of Education and Examinations, P.O. Box 8366, Madison, Wisconsin, 53708, or from the department's website at <http://dsps.wi.gov>.

(b) A continuing education course or program must meet all of the following criteria to be approved:

1. The course or program is accepted by the board under sub. (1) (b).

2. The subject matter of a course under s. Med 13.02 (1g) (a) or (1r) (a) shall pertain to the guidelines issued by the board under s. 440.035 (2m), Stats.

2m. The subject matter of a course under s. Med 13.02 (1v) (a) shall pertain to opioid prescribing.

3. The provider agrees to monitor the attendance and furnish a certificate of attendance to each participant. The certificate of attendance shall certify successful completion of the course or program.

4. The provider is approved by the board.

5. The course or program content and instructional methodologies are approved by the board.

(c) A separate application shall be submitted for each continuing education course or program approval request.

(d) A course or program sponsor may repeat a previously approved course or program without application, if the subject matter and instructor has not changed.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77; am. Register, February, 1981, No. 302, eff. 3-1-81; renum. Med 13.03 to be 13.03 (1) and am., cr. (intro.), (2), Register, November, 1995, No. 479, eff. 12-1-95; r. and recr. (1), Register, May, 1997, No. 497, eff. 6-1-97; r. (1) (c), Register, December, 1999, No. 528, eff. 1-1-00; correction in (2) made under s. 13.92 (4) (b) 6., Stats., Register November 2011 No. 671; EmR1631: emerg. cr. (3), eff. 11-10-16; CR 16-070: cr. (3) Register May 2017 No. 737, eff. 6-1-17; CR 18-072: am. (3) (b) 2., cr. (3) (b) 2m. Register July 2019 No. 763, eff. 8-1-19.

Med 13.04 Physician postgraduate training program; length of service. The board will accept postgraduate training in a program approved by the board under the provisions of s. Med 1.02 (3), as fulfilling the requirements of this chapter for continuing medical education for physicians. Three consecutive months of such postgraduate training shall be deemed to equal 30

hours of acceptable continuing medical education for the purposes of this chapter.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77; am. Register, March, 1979, No. 279, eff. 4-1-79; am. Register, May, 1997, No. 497, eff. 6-1-97.

Med 13.05 Evidence of compliance. (1) PHYSICIANS. The board will accept as evidence of compliance by physicians with the requirements of this chapter, as original documents or verified copies thereof, any or all or any combination of the following:

(a) Certification by either the providing institution or organization or the American medical association or the American osteopathic association, or components thereof, of attendance at and completion of continuing medical education programs approved under the provisions of s. Med 13.03 (1) (a).

(b) A "Physician's Recognition Award" of the American medical association or a certificate of continuing medical education from the American academy of family physicians awarded not more than 12 months prior to the beginning of the calendar year for which application for registration is being made.

(c) Certification by a chief of service or head of department or director of medical education of the providing facility of appointment to and satisfactory participation in a postgraduate training program approved under the provisions of s. Med 13.04.

(2) RETENTION REQUIREMENT. Evidence of compliance shall be retained by each physician through the biennium for which 30 hours of credit are required for registration.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77; am. (1) (intro.) and r. and recr. (2), Register, February, 1981, No. 302, eff. 3-1-81; am. (1) (intro.), (a) and (2), cr. (1m), Register, May, 1997, No. 497, eff. 6-1-97; r. (1m), am. (2), Register, December, 1999, No. 528, eff. 1-1-00.

Med 13.06 Audit. The board shall conduct a random audit of licensees on a biennial basis for compliance with the continuing education requirement stated in s. Med 13.02 (1). The board may require any physician to submit evidence of compliance with the continuing education requirement to the board during the biennium for which 30 hours of credit are required for registration to audit compliance.

History: Cr. Register, February, 1981, No. 302, eff. 3-1-81; am. Register, May, 1997, No. 497, eff. 6-1-97; am. Register, December, 1999, No. 528, eff. 1-1-00; CR 14-033: am. Register May 2015 No. 713, eff. 6-1-15.

**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: 8/7/20 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: 8/19/20	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 Report on Opioid Abuse 1. Review of 2019 Report 2. Proposals for 2020 Report	
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: 			
11) Signature of person making this request <i>Dale Kleven</i>		Authorization	Date <i>August 7, 2020</i>
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.			

Kenneth Simons
Chairperson

WISCONSIN MEDICAL EXAMINING BOARD

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Mary Jo Capodice
Secretary

Wisconsin Medical Examining Board Report on Opioid Abuse – October 2019

Scope and purpose of the report: 2017 Wisconsin Act 262 requires the Medical Examining Board to annually submit a report related to opioid abuse to the Legislature and Governor’s Office. The report must include proactive efforts taken by the Board to address the issue of opioid abuse and goals for addressing the issue of opioid abuse as it relates to the practice of medicine and surgery in Wisconsin. The report must also include actions taken by the Board to achieve the goals identified in previous reports, and whether those goals have been achieved.

Proactive efforts taken by the Board to address the issue of opioid abuse:

- **Statewide Outreach**

As vice chair of the Medical Examining Board and a member of the Controlled Substances Board, Dr. Timothy Westlake has worked with the Governor’s Office, the Legislature, the Wisconsin Medical Society, the state’s two medical schools, and hospital and clinic systems to ensure the Board is an effective partner in statewide efforts to enhance the physician workforce’s knowledge concerning the appropriate use and best prescriptive practices with opioids. These efforts have included determining how to combat the inappropriate prescribing of opioids through use of the Prescription Drug Monitoring Program, as well as through enhancements to electronic health records.

- **National Outreach and Leadership**

Doctor Kenneth Simons, Chair of the Medical Examining Board, serves on the Board of Directors for the Federation of State Medical Boards (FSMB). During his term, the FSMB has undertaken several initiatives related to opioid abuse, including participation in the Action Collaborative on Countering the U.S. Opioid Epidemic.

- **Opioid Prescribing Guideline**

In July 2016, the Board issued its Opioid Prescribing Guideline. The Guideline, which encourages providers to implement best practices for responsible prescribing, was developed using the Centers for Disease Control and Prevention’s Guideline for Prescribing Opioids for Chronic Pain and the Wisconsin Department of Workforce Development’s Chronic Opioid Clinical Management Guidelines for Wisconsin Worker’s Compensation Patient Care as primary resources. The Board has continually monitored and periodically updated the Guideline, most recently in January of 2019.

- **Continuing Education Related to Prescribing Controlled Substances**

The Board revised its administrative rules to extend the requirement for both MD and DO physicians to take two of the required 30 hours of continuing medical education via an approved course on prescribing controlled substances. Physicians who do not hold a U.S. Drug Enforcement Administration number to prescribe controlled substances are exempted from the requirement. The requirement will sunset with the renewal on November 1, 2021.

Goals for addressing the issue of opioid abuse as it relates to the practice of medicine and surgery in Wisconsin:

- **Continuing Education Related to Prescribing Controlled Substances**

As the current requirement for continuing medical education related to prescribing controlled substances will expire after the 2019-2021 biennium, the Board will assess the need to extend the requirement for an additional biennium.

- **Enforcement Action**

The Board's goal is to, in partnership with the Controlled Substances Board, continue to proactively investigate physicians whose prescriptive practices with controlled substances may be inconsistent with the standard of minimally competent medical practice.

- **Opioid Prescribing Guideline**

The Board will continue to monitor the Guideline and make updates as needed to keep it current and relevant to physicians and their patients.

- **Continued Outreach and Leadership**

It is the Board's goal to continue its active participation in the statewide and national efforts to combat opioid abuse.

Actions taken by the Board to achieve the goals identified in previous reports:

- **Continuing Education Related to Prescribing Controlled Substances**

The Board's goal was to have rules in place at the beginning of the 2019-2021 biennium that would extend the requirement for the completion of continuing medical education related to prescribing controlled substances. These rules were finalized with an effective date of August 1, 2019.

- **Enforcement Action**

The Board's goal was to, in partnership with the Controlled Substances Board (CSB), proactively investigate physicians whose prescriptive practices with controlled substances may be inconsistent with the standard of minimally competent medical practice.

The Board received a summary of CSB data specific to physicians, from which it opened investigations for the prescribers who fell in the top .04 percentile of opioid dispensing volume for all physician prescribers.

- **Opioid Prescribing Guideline**

The Board's goal was to monitor its Opioid Prescribing Guideline and make updates as needed to keep it current and relevant to physicians and their patients.

In January 2019, the Board reviewed and adopted updates to the Guideline. The updates added a provision indicating it is best practice for a practitioner to consider guidelines within their specialty when prescribing opioids. The updates also revised the guidelines concerning discontinuing opioid therapy to better reflect current prescribing practices.

- **Continued Outreach and Leadership**

It was the Board's goal to continue its active participation in the statewide and national efforts to combat opioid abuse.

As vice chair of the Medical Examining Board and a member of the Controlled Substances Board, Dr. Timothy Westlake has continued to work with the Governor's Office, the Legislature, the Wisconsin Medical Society, the state's two medical schools, and hospital and clinic systems to ensure the Board is an effective partner in statewide efforts to enhance the physician workforce's knowledge concerning the appropriate use and best prescriptive practices with opioids. These efforts have included determining how to combat the inappropriate prescribing of opioids through use of the Prescription Drug Monitoring Program, as well as through enhancements to electronic health records.

Doctor Kenneth Simons, Chair of the Medical Examining Board, continues to serve on the Board of Directors for the Federation of State Medical Boards (FSMB). The FSMB remains dedicated to initiatives related to opioid abuse, including participation in the Action Collaborative on Countering the U.S. Opioid Epidemic.