Wisconsin Department of Safety and Professional Services Division of Policy Development 4822 Madison Yards Way PO Box 8366 Madison WI 53705-8366



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Tony Evers, Governor Dawn B. Crim, Secretary

VIRTUAL/TELECONFERENCE PHYSICIAN ASSISTANT AFFILIATED CREDENTIALING BOARD

Virtual, 4822 Madison Yards Way, Madison Contact: Tom Ryan (608) 266-2112 July 21, 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 record of the actions of the Board.

AGENDA

9:00 A.M.

OPEN SESSION - CALL TO ORDER - ROLL CALL

- A. Adoption of Agenda (1-4)
- B. Approval of Minutes of June 23, 2022 (5-7)
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. Introductions, Announcements and Recognition
- E. APPEARANCE: Rosie Bond, Federation of State Medical Boards (FSMB) Services Presentation Discussion and Consideration (8)
- F. APPEARANCE: Adam Wagner, Professional Assistance Procedure Presentation Discussion and Consideration (9-22)
- G. Administrative Matters Discussion and Consideration
 - 1) Department, Staff and Board Updates
 - 2) 2023 Meeting Dates Discussion
 - 3) Board Members Term Expiration Dates
 - a. Collins, Clark A. -7/1/2023
 - b. Edwards, Jacqueline K. -7/1/2025
 - c. Elliot, Eric M. $-\frac{7}{1}/2024$
 - d. Fischer, Jean M. -7/1/2023
 - e. Holmes-Drammeh, Emelle S. -7/1/2024
 - f. Jarrett, Jennifer L. -7/1/2024
 - g. Martin, Cynthia S. -7/1/2023
 - h. Sanders, Robert W. -7/1/2024
 - i. Streit, Tara E. -7/1/2023
 - 4) Wis. Stat. s 15.085 (3)(b) Biannual Meeting with the Medical Examining Board
- H. Board Chair Meeting and Options to Address Department Resources
- I. Credentialing Matters Discussion and Consideration

- 1) Division of Professional Credential Processing Metrics (23-25)
- J. Legislation and Policy Matters Discussion and Consideration

K. Administrative Rule Matters – Discussion and Consideration

- 1) Pending & Possible Rulemaking Projects
- L. COVID-19 Discussion and Consideration
- M. Items Added After Preparation of Agenda:
 - 1) Introductions, Announcements and Recognition
 - 2) Administrative Matters
 - 3) Election of Officers
 - 4) Appointment of Liaisons and Alternates
 - 5) Delegation of Authorities
 - 6) Education and Examination Matters
 - 7) Credentialing Matters
 - 8) Practice Matters
 - 9) Administrative Rule Matters
 - 10) Legislative and Policy Matters
 - 11) Liaison Reports
 - 12) Board Liaison Training and Appointment of Mentors
 - 13) Informational Items
 - 14) Division of Legal Services and Compliance (DLSC) Matters
 - 15) Presentations of Petitions for Summary Suspension
 - 16) Petitions for Designation of Hearing Examiner
 - 17) Presentation of Stipulations, Final Decision and Orders
 - 18) Presentation of Proposed Final Decision and Orders
 - 19) Presentation of Interim Orders
 - 20) Petitions for Re-Hearing
 - 21) Petitions for Assessments
 - 22) Petitions to Vacate Orders
 - 23) Requests for Disciplinary Proceeding Presentations
 - 24) Motions
 - 25) Petitions
 - 26) Appearances from Requests Received or Renewed
 - 27) Speaking Engagements, Travel, or Public Relation Requests, and Reports

N. 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.).

Deliberation on DLSC Matters

- 1) Case Closings
 - a. 21 PAB 004 –A.M.D. (**26-31**)
- O. 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) Proposed Final Decisions and Orders
 - 13) Matters Relating to Costs/Orders Fixing Costs
 - 14) Case Closings
 - 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
- P. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

- Q. Open Session Items Noticed Above Not Completed in the Initial Open Session
- R. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate
- S. Delegation of Ratification of Examination Results and Ratification of Licenses and Certificates

ADJOURNMENT

VIRTUAL/TELECONFERENCE

ORAL INTERVIEW OF CANDIDATES FOR LICENSURE

10:30 A.M. OR IMMEDIATELY FOLLOWING THE FULL BOARD MEETING

CLOSED SESSION – Reviewing Applications and Conducting Oral Interview of **Zero** (0) (at time of agenda publication) Candidates for Licensure – **Jean Fischer** and **Clark Collins**.

NEXT MEETING: AUGUST 25, 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 PHYSICIAN ASSISTANT AFFILIATED CREDENTIALING BOARD JUNE 23, 2022

PRESENT: Clark Collins, Eric Elliot (arrived at 9:02 a.m.), Jean Fischer, Emelle Holmes-Drammeh,

Jennifer Jarrett, Cynthia Martin (left at 10:38 a.m.), Robert Sanders, Tara Streit

EXCUSED: Jacqueline Edwards

STAFF: Tom Ryan, Executive Director; Jameson Whitney, Legal Counsel; Nilajah Hardin,

Administrative Rules Coordinator; Kimberly Wood, Program Assistant Supervisor-Adv.;

and other Department Staff

CALL TO ORDER

Jennifer Jarrett, Chairperson, called the meeting to order at 9:00 a.m. A quorum was confirmed with seven (7) members present.

ADOPTION OF AGENDA

MOTION: Jean Fischer moved, seconded by Robert Sanders, to adopt the Agenda as

published. Motion carried unanimously.

(Eric Elliot arrived at 9:02 a.m.)

APPROVAL OF MINUTES OF MAY 19, 2022

MOTION: Cynthia Martin moved, seconded by Clark Collins, to approve the Minutes of

May 19, 2022 as published. Motion carried unanimously.

APPEARANCE: DAN HERETH, ASSISTANT DEPUTY SECRETARY, DSPS LICENSE DEMONSTRATION

MOTION: Jean Fischer moved, seconded by Tara Streit, to acknowledge and thank Dan

Hereth, Assistant Deputy Secretary, for his appearance and presentation to the

Board. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Permanent Rule Draft: PA 1 to 4, Relating to Physician Assistants

MOTION: Jennifer Jarrett moved, seconded by Robert Sanders, to authorize Eric Elliot to

approve the preliminary rule draft of PA 1 to 4, relating to Physician Assistants, for posting of economic impact comments and submission to the Clearinghouse.

Motion carried unanimously.

(Cynthia Martin left the meeting at 10:38 a.m.)

CLOSED SESSION

MOTION:

Eric Elliot moved, seconded by Tara Streit, 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 (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.). Jennifer Jarrett, Chairperson, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Clark Collins-yes; Eric Elliot-yes; Jean Fischer-yes; Emelle Holmes-Drammeh-yes; Jennifer Jarrett-yes; Robert Sanders-yes; and Tara Streit-yes. Motion carried unanimously.

The Board convened into Closed Session at 10:38 a.m.

DELIBERATION ON DLSC MATTERS

Case Closings

21 PAB 003 – J.A.L.

MOTION:

Eric Elliot moved, seconded by Jennifer Jarrett, to close DLSC Case Number 21 PAB 003, against J.A.L., for Prosecutorial Discretion (P7). Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION:

Jennifer Jarrett moved, seconded by Emelle Holmes-Drammeh, to reconvene in Open Session. Motion carried unanimously.

The Board reconvened to Open Session at 10:47 a.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION:

Jean Fischer moved, seconded by Eric Elliot, 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:

Eric Elliot moved, seconded by Robert Sanders, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Eric Elliot moved, seconded by Emelle Holmes-Drammeh, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:53 a.m.



State of Wisconsin Department of Safety & Professional Services

AGENDA REQUEST FORM

1) Name and title of pers	son subm	itting the request:		2) Date when reque	est submitted:
Tom Ryan, Executive Di Chairperson	rector on	behalf of Jennifer Ja	arrett,		dered late if submitted after 12:00 p.m. on the h is 8 business days before the meeting
3) Name of Board, Com	nittee, Co	ouncil, Sections:		deadinie date winc	in is a business days before the meeting
Physician Assistant Affi	liated Cre	edentialing Board			
4) Meeting Date:	5) Attac	hments:	6) How	should the item be ti	tled on the agenda page?
7/21/2022	□ Ye	es	Federat	ion of State Medical	Boards (FSMB) Overview Presentation
	⊠ No				
7) Place Item in:		8) Is an appearance scheduled?	e before	the Board being	9) Name of Case Advisor(s), if applicable:
⊠ Open Session		scheduled?			N/A
☐ Closed Session		⊠ Yes: Rosie Bor	nd		
10) Describe the issue a	nd action	│	ressed:		
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A representative of the	eueratio	ii oi otate medicai bo	oaius w	iii deliver a presenta	tion about the Foliab to the board.
11)		Au	uthoriza	tion	
Signature of person ma	king this	request			Date
Supervisor (Only require	ed for pos	st agenda deadline it	tems)		Date
Executive Director signs	ature (Ind	icates approval for p	ost age	nda deadline items)	Date
Directions for including	supporti	na documents:			
1. This form should be	saved wit	h any other docume			
					y Development Executive Director.
3. If necessary, provide meeting.	original	aocuments needing l	Board C	nairperson signatur	e to the Bureau Assistant prior to the start of a

State of Wisconsin Department of Safety & Professional Services

AGENDA REQUEST FORM

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Adam Wagner			27, 2022	
Department Monitor				dered late if submitted after 12:00 p.m. on the h is 8 business days before the meeting
Division of Legal Service	es and Compliance	deadiiii	e date willer	is 8 dusiness days before the incering
3) Name of Board, Co	mmittee, Council, Sections	:		
Physician Assistan	t Affiliated Credentialing	Board		
4) Meeting Date:	5) Attachments:	6) How should	the item bo	e titled on the agenda page?
07-21-2022	⊠ Yes □ No	Professional	Assistand	e Procedure Presentation
7) Place Item in: □ Open Session □ Closed Session	8) Is an appearant being scheduled? Appearance Requirement	(If yes, please	complete	9) Name of Case Advisor(s), if required:
10) Describe the issue	and action that should be a	addressed:		
	ance Procedure power		ation.	
11)		Authorizatio	n	
Adam Q. W.	agner			June 27, 2022
Signature of person m	laking this request			Date
Supervisor (if require Executive Director sig	d) gnature (indicates approval	l to add post ag	enda deadl	Date ine item to agenda) Date
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WISCONSIN PROFESSIONAL ASSISTANCE PROCEDURE

Adam Wagner

Professional Assistance Procedure
Coordinator

adam.wagner@wisconsin.gov

608-287-3753

Professional Assistance Procedure (PAP) Program Overview

The PAP program is a self-report, non-disciplinary, confidential program that is available to any individual who has been issued a professional credential by the Department or licensing board. The program's intent is to protect the public from credential holders who are impaired by reason of the abuse of alcohol or other drugs by promoting early identification of chemically dependent professionals and encouraging rehabilitation. The PAP agreement is for five years and includes AODA therapy, drug monitoring and AA/NA meetings as part of the agreement.

Authority

The PAP is regulated by Wisconsin Administrative Code Chapter SPS 7. This chapter outlines the program's intent along with the authority the department is given to operate the program.

Program Definitions (Full definitions SPS 7.02)

- 1. **Board Liaison-** The Board member designated by the Board or the Secretary/Secretary's designee as responsible for approving credential holders for PAP and for performing other responsibilities delegated to the Board liaison under these rules.
- 2. Coordinator- Department employee who coordinates PAP.
- **3. Board-** Any Board, examining Board or affiliated credentialing Board attached to the Department.
- **4. Eligibility-** Shall be determined by the Board liaison and coordinator who shall review all relevant materials. The decision on eligibility shall be consistent with the purposes of these procedures as described in SPS 7.01(2).

How does a licensee apply for the PAP?

- A licensee can apply for PAP by the following:
 - Self-report
 - Employer referral
 - Department Referral

<u>Self-report-</u> A licensee contacts the PAP program to report a chemical dependency directly.

<u>Employer Referral-</u> An employer has determined a licensee may need assistance and suggests/requires, as a condition of employment, to apply for PAP.

<u>Department Referral</u>- A licensee is being investigated for a complaint that was reported to the Department. The prosecuting attorney or case advisor (member of the Board) may recommend the licensee be referred to PAP.

Application Process

The licensee must submit a complete application along with the release of information form and AODA assessment (completed within previous six months). The licensee should provide as much detailed information regarding the specific incident(s) that led to the PAP application. Failure to provide truthful and accurate information may be grounds for denial into the program as described in SPS 7.05(1)(a).

Once the application and AODA assessment is received, the application materials are reviewed by the PAP coordinator. If any additional information is needed the coordinator will follow up. The coordinator will then send all related application information to the PAP liaison for a decision on eligibility.

If the licensee's application is approved, an agreement (contract) will be drafted for the licensee to sign.

If the Licensee's application is denied, his/her PAP application may be submitted for further investigation in accordance with **SPS 7.03(6)**.

PAP Agreement

The PAP agreement is drafted by the coordinator after the licensee has been accepted into the program. The liaison will approve any practice limitations that are determined to be needed for the licensee. Once the agreement is completed, it will be reviewed by the PAP supervisor prior to presenting it to the licensee.

Once the licensee has received the agreement, he/she has 15 days to return a signed copy to the coordinator. If the licensee does not return a signed copy within the allotted time frame, the application may be deemed abandoned and referred to intake for a potential investigation.

The agreement becomes official once all parties have signed the agreement.

Most Common Terms and Conditions in a PAP Agreement:

- AODA therapy session twice per month.
- AA/NA meetings at a minimum of twice per week. The licensee is required to attend more if his/her AODA therapist recommends more.
- Drug monitoring which normally includes a minimum of 48 urine screens per year for the first year. Additional tests can/may be added as needed.
- Quarterly self-reports, AA/NA log, work supervisor reports and AODA treatment reports. All reports are provided by the Department.
- Practice limitations:
 - Direct supervision
 - No access to controlled substances (if applicable).
 - Practice setting restrictions such as inability to work in home health, pool, agency, assisted living, school or correctional setting.
 - Work under direct supervision:
 - The liaison will approve up to three staff individuals that have the same license as the
 licensee. One of those approved individuals needs to be on site anytime the licensee
 is working.
 - Abstain from all personal use of alcohol and only use prescribed medication. All RX's
 need to be sent to coordinator within 24 hours of ingestion.

Most Common Terms and Conditions in a PAP Agreement (continued):

Licensee can request modifications to the agreement on an annual basis. Modifications to the agreement are based on the licensee's overall compliance. Examples of modifications include:

- Reduction in drug monitoring screens.
- Reduction in AODA therapy.
- Reduction in AA/NA meetings.
- Practice limitation modifications.

The PAP intent is to promote full compliance with all terms and conditions of the agreement. Failure to comply can have an impact on future modification requests and may extend the agreement past the 5-year period.

If the licensee cannot comply or has multiple relapses, he/she will be discharged from the program and may be referred to intake for a potential investigation.

Drug Monitoring Program

PAP participants must enroll with Vault (formerly First Source Solutions) for the drug testing component. Program rules have been established by the Department. Each licensee will be required to follow the program rules and industry standards. Tests are scheduled randomly by Vault based on requirements set forth in the agreement.

Program rules:

- Check in daily (via phone, internet or mobile app).
- If selected, provide the specimen with-in 5 hours of notification.
- Required to check-in/test on weekends, holidays and vacations

A licensee is allowed to travel at any time and to any destination. However, the licensee is still required to check in daily and provide a specimen if he/she is selected. Currently, Vault does not offer testing outside of the United States. If a licensee travels outside of the United States, and missed tests/check-ins will be unexcused and may affect his/her eligibility in the program, as well as any future modification requests.

Drug testing program rules are not eligible to be modified. Rules are the same for each licensee and remain the same until the licensee is discharged from the program (exception: reduction in screens on an annual basis if approved by the liaison).

What to Expect From the Program:

Once the participant has been provided notification the agreement has been approved, participants can expect routine contact with the coordinator. Communication is a big part of the program.

The program is not a treatment facility/provider. Rather, it is a program designed to give a participant an opportunity to seek the help needed to maintain his/her professional license in good standing.

Participant ALWAYS has the option to seek and retain legal counsel at anytime during the process.

Coordinator will aid in communicating with potential employers regarding any specific questions they may have about the participant's practice limitations. Coordinator will also help obtain the information and position description needed for the approval process.

What to Expect From the Program (continued):

A few setbacks are common/expected throughout the contract period for each participant. In most cases a solution can be found. In rare cases, a participant may be discharged from the program and referred for a potential investigation.

Once a participant reaches the 5-year eligibility date, he/she must submit a request to be discharged. If the discharge is approved, the participant will be notified via email (letter on Department letterhead will be attached) of successful completion.

Frequently Asked Questions;

- Is it possible to be discharged from my PAP agreement early? No. You will be required to
 participate for 5 years. The PAP liaison must grant a discharge after successful completion.
- Can I be enrolled in another state's program and still be considered in compliance without
 having to test for both programs? Yes. The program works in conjunction with other states to avoid
 having the participant test for both programs. The primary state would be where the licensee
 works, with the other state receiving compliance reports and notifications of violations in a timely
 manner.
- What if I work 12-hour shifts on a rotating basis and cannot test? Unfortunately, you will still be required to test. This may be a deciding factor in participating or not. The alternative is having a Board issued Order requiring the same drug testing requirement.
- Can I find employment with the practice limitations? Yes. A significant number of nurses capting
 employment with these practice limitations.
- Does the PAP program have a cost for participation? Yes. The licensee is responsible for the
 of AODA therapy, drug testing, and collection costs. The licensee does not pay a fee to the
 Department.
- Can a licensee communicate directly with the liaison? No. The coordinator will relay all communication/information to the liaison.
- Does a licensee have the ability to appeal a denial? Yes. SPS 7.03 (7) states that within 10 days of the denial letter a licensee can request to have the Credentialing authority review the adverse determination.

21

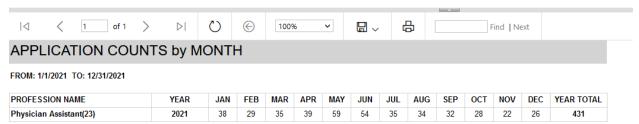
Questions?

State of Wisconsin Department of Safety & Professional Services

AGENDA REQUEST FORM

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Application counts – PA



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PA Credentials issued:

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Physician Assistant(23)	2021	26	19	20	14	23	35	43	69	35	39	35	29	387

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