



**VIRTUAL/TELECONFERENCE
RADIOGRAPHY EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Tom Ryan (608) 266-2112
July 26, 2023**

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

9:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of March 8, 2023 (4-11)**
- C. Introductions, Announcements, and Recognition
- D. Reminders: Conflicts of Interest, Scheduling Concerns
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Board Updates
 - 2) Board Members – Term Expiration Dates
 - a. Berumen, Blas R. – 7/1/2024
 - b. Borst, Donald A. – 7/1/2025
 - c. Grebe, Paul J. – 7/1/2027
 - d. Julson, Rachael S. – 7/1/2024
 - e. Szykutowicz, Timothy P. – 7/1/2024
- F. Administrative Rule Matters – Discussion and Consideration (12-13)**
 - 1) Rulemaking Infographic Presentation (**13**)
 - 2) Pending or Possible Rulemaking Projects
- G. 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) Public Health Emergencies
- 14) Board Liaison Training and Appointment of Mentors
- 15) Informational Items
- 16) Division of Legal Services and Compliance (DLSC) Matters
- 17) Presentations of Petitions for Summary Suspension
- 18) Petitions for Designation of Hearing Examiner
- 19) Presentation of Stipulations, Final Decisions and Orders
- 20) Presentation of Proposed Final Decisions and Orders
- 21) Presentation of Interim Orders
- 22) Petitions for Re-Hearing
- 23) Petitions for Assessments
- 24) Petitions to Vacate Orders
- 25) Requests for Disciplinary Proceeding Presentations
- 26) Motions
- 27) Petitions
- 28) Appearances from Requests Received or Renewed
- 29) Speaking Engagements, Travel, or Public Relation Requests, and Reports

H. 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.).

I. Deliberation on Division of Legal Services and Compliance Matters (14-28)

- 1) Case Closing**
 - a. 22 RAD 003 – M.H.D. **(14-18)**
 - b. 22 RAD 006 – K.K. **(19-25)**
 - c. 23 RAD 002 – E.B. **(26-28)**

J. 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

K. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

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

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

ADJOURNMENT

NEXT MEETING: November 8, 2023

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, or the Meeting Staff at 608-267-7213.

**VIRTUAL/TELECONFERENCE
RADIOGRAPHY EXAMINING BOARD
MEETING MINUTES
MARCH 8, 2023**

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

STAFF: Tom Ryan, Executive Director; Jameson Whitney, 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 9:30 a.m. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES OF NOVEMBER 9, 2022

MOTION: Rachael Julson moved, seconded by Paul Grebe, to approve the Minutes of November 9, 2022 as published. Motion carried unanimously.

INTRODUCTIONS, ANNOUNCEMENTS, AND RECOGNITION

Recognition of Heidi Nichols, Radiographer Member (Resigned:11/1/2022)

MOTION: Donald Borst moved, seconded by Timothy Szczykutowicz, to recognize and thank Heidi Nichols for her years of dedicated service to the Board and State of Wisconsin. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Chairperson

NOMINATION: Rachael Julson nominated Donald Borst for the Office of Chairperson. Donald Borst accepted the nomination.

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

Donald Borst was elected as Chairperson by unanimous voice vote.

Vice Chairperson

NOMINATION: Donald Borst nominated Rachael Julson for the Office of Vice Chairperson. Rachael Julson accepted the nomination.

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

Rachael Julson was elected as Vice Chairperson by unanimous voice vote.

Secretary

NOMINATION: Rachael Julson nominated Timothy Szczykutowicz for the Office of Secretary. Timothy Szczykutowicz accepted the nomination.

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

Timothy Szczykutowicz was elected as Secretary by unanimous voice vote.

ELECTION RESULTS	
Chairperson	Donald Borst
Vice Chairperson	Rachael Julson
Secretary	Timothy Szczykutowicz

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Donald Borst <i>Alternate:</i> Timothy Szczykutowicz
Education and Examinations Liaison(s)	Donald Borst <i>Alternate:</i> Rachael Julson
Monitoring Liaison(s)	Donald Borst <i>Alternate:</i> Paul Grebe
Professional Assistance Procedure (PAP) Liaison(s)	Donald Borst <i>Alternate:</i> Paul Grebe
Legislative Liaison(s)	Donald Borst <i>Alternate:</i> Blas Berumen
Travel Authorization Liaison	Donald Borst <i>Alternate:</i> Timothy Szczykutowicz

Practice Question Liaison(s)	Rachael Julson <i>Alternate: Donald Borst</i>
Website Liaison	Donald Borst
Screening Panel	Donald Borst, Blas Berumen <i>Alternate: Rachael Julson</i>

Delegation of Authorities

Document Signature Delegations

MOTION: Rachael Julson moved, seconded by Paul Grebe, 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: Donald Borst moved, seconded by Timothy Szczykutowicz, 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: Rachael Julson moved, seconded by Paul Grebe, 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: Blas Berumen moved, seconded by Donald Borst, 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.

Delegation to Chief Legal Counsel for Stipulated Resolutions

MOTION: Paul Grebe moved, seconded by Rachael Julson, to delegate to DSPS Chief Legal Counsel the authority to act on behalf of the Board concerning stipulated resolutions providing for a surrender, suspension, or revocation of a credential, where the underlying merits involve serious and dangerous behavior, and where the signed stipulation is received between Board meetings. The Board further requests that CLC only act on such matters when the best interests of the Board, Department and the Public are best served by acting upon the stipulated resolution at the time the signed stipulation is received versus waiting for the next Board meeting. Motion carried unanimously.

Monitoring Delegations

Delegation of Authorities for Monitoring

MOTION: Blas Berumen moved, seconded by Rachael Julson, to adopt the “Roles and Authorities Delegated for Monitoring” document as presented in the March 8, 2023 agenda materials on pages 17-19, except that item number 11 under duties of the monitoring liaison shall not be removed. 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: Paul Grebe 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, except that potential denial decisions shall be referred to the full Board for final determination. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Rachael Julson moved, seconded by Blas Berumen, 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 Paul Grebe, 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 Blas Berumen, 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 Discipline History Has Been Previously Reviewed

MOTION: Paul Grebe moved, seconded by Rachael Julson, to delegate authority to Department staff to approve applications where Applicant’s prior discipline has been approved for a previous credential and there is no new discipline. Motion carried unanimously.

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

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

Delegated Authority for Application Denial Reviews

MOTION: Rachael Julson moved, seconded by Timothy Szczykutowicz, 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.

Delegation of Authority for Military Reciprocity Reviews

MOTION: Rachael Julson moved, seconded by Paul Grebe, to delegate authority to the Department Attorneys to review and approve military reciprocity applications in which the individual meets the requirements of Wis. Stat. § 440.09. Motion carried unanimously.

Pre-Screening Delegation to Open Cases

MOTION: Paul Grebe moved, seconded by Donald Borst, 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: Rachael Julson moved, seconded by Paul Grebe, 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: Donald Borst moved, seconded by Timothy Szczykutowicz, 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.

MOTION: Rachael Julson moved, seconded by Timothy Szczykutowicz, to delegate authority to the Department to accept the voluntary surrender of a credential when there is no pending complaint or disciplinary matter with the Department pursuant to Wis. Stat. § 440.19. Motion carried unanimously.

Education and Examination Liaison(s) Delegation

MOTION: Paul Grebe moved, seconded by Donald Borst, 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: Rachael Julson moved, seconded by Blas Berumen, 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 Timothy Szczykutowicz, 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: Paul Grebe moved, seconded by Timothy Szczykutowicz, 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 Donald Borst, 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: Donald Borst moved, seconded by Paul Grebe, 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 Blas Berumen, 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.

CLOSED SESSION

MOTION: Paul Grebe moved, seconded by Rachael Julson, 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: Blas Berumen-yes; Donald Borst-yes; Paul Grebe-yes; Rachael Julson-yes; and Timothy Szczykutowicz -yes. Motion carried unanimously.

The Board convened into Closed Session at 10:39 a.m.

DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE MATTERS

Case Closings

21 RAD 005 – S.R.K., T.D.L.

MOTION: Paul Grebe moved, seconded by Blas Berumen, to close DLSC Case Number 21 RAD 005, against S.R.K., T.D.L., for No Violation. Motion carried. Abstained: Rachael Julson

Proposed Stipulation and Final Decision and Orders

MOTION: Donald Borst moved, seconded by Blas Berumen, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings of the following cases:

1. 22 RAD 004 – Joshua J. Von Ruden, RTR
2. 22 RAD 005 – Heather J. Freimark, RTR

Motion carried unanimously.

DELIBERATION ON PROPOSED FINAL DECISION AND ORDERS

Luana S. Hammer, RTR, Respondent – DHA Case Number SPS-22-0066/DLSC Case Number 22 RAD 001

MOTION: Timothy Szczykutowicz moved, seconded by Paul Grebe, to delegate to DSPS Chief Legal Counsel the Board's authority to preside over and resolve the matter of disciplinary proceedings against Luana S. Hammer, RTR, Respondent – DHA Case Number SPS-22-0066/DLSC Case Number 22 RAD 001. Motion carried unanimously.

(Rachael Julson recused herself and left the room for deliberation and voting in the matter concerning Luana S. Hammer, RTR, Respondent – DHA Case Number SPS-22-0066/DLSC Case Number 22 RAD 001.)

RECONVENE TO OPEN SESSION

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

The Board reconvened in Open Session at 10:54 a.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Timothy Szczykutowicz moved, seconded by Blas Berumen, 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 10:57 a.m.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Dana Denny, Administrative Rules Coordinator		2) Date when request submitted: 7/3/2023 <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: Radiography Examining Board			
4) Meeting Date: 7/6/23	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 or Possible Rulemaking Projects a. Rulemaking Infographic Presentation	
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 type="checkbox"/> Yes <Appearance Name(s)> <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if applicable: N/A	
10) Describe the issue and action that should be addressed: Attachments: 1. Rulemaking Infographic <small>(Board Rule projects can be Viewed Here if Needed: https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx)</small>			
11) Authorization <div style="text-align: center;">  </div> <div style="text-align: right; margin-top: 10px;"> 7/3/23 </div>			
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
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.			

DSPS RULEMAKING PROCESS

The need for a rule change is identified and a new rule project begins:

- * By Board or Department (Dept.) initiative
- * After legislation is signed into law

Scope Statements give a general overview of what the Board or DSPS wants to modify within the Administrative Code.

The Rulemaking process begins with a SCOPE Statement

SCOPE APPROVALS

Draft Scope Statement is submitted to the Board or Dept. for approval.

Board or Dept. approved Draft Scope Statement is submitted to the Governor for approval.

Governor approved Scope Statement is submitted for publication in Administrative Register and implementation. Scope number assigned.

Following Governor approval of the Scope, the project begins a 30-month period from the date the Scope was published in the Administrative Register, to becoming effective.

PRELIMINARY RULE DRAFTING

Before the 30-month period ends, a final rule draft must be submitted to the Legislature. If this is not done, the project will need to restart from the beginning.

The preliminary rule draft is based on what the Board or DSPS want or need to change in the Administrative Code.

The public, and all potentially affected parties have an opportunity to comment on the rule project as these comments may affect the rule draft. We do this by posting Economic Impact Analysis comment periods in the DSPS website, and we hold Public Hearings. Clearinghouse rule number assigned.

FINAL DRAFT and LEGISLATIVE REVIEW

Once the final Rule draft is with the Legislature, we wait for them to complete their review. They could object or not take any action. If they object, that objection is reviewed, and the project is modified accordingly. If they do not take any action, the rule can be adopted.

Rules are usually set to become effective on the first day of the month after publication in the Administrative Register.