



MEDICAL EXAMINING BOARD
Room 121A, 1400 East Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
September 21, 2016

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 (1-4)**
- B) Minutes of August 17, 2016 – Review and Approval (5-9)**
- C) Administrative Updates**
 - 1) Department and Staff Updates
 - 2) Board Members – Term Expiration Dates
 - a) Mary Jo Capodice – 07/01/2018
 - b) Michael Carton – 07/01/2020
 - c) Rodney Erickson – 07/01/2019
 - d) Bradley Kudick – 07/01/2020
 - e) Lee Ann Lau – 07/01/2020
 - f) Suresh Misra – 07/01/2015
 - g) Carolyn Ogland Vukich – 07/01/2017
 - h) Michael Phillips – 07/01/2017
 - i) David Roelke – 07/01/2017
 - j) Kenneth Simons – 07/01/2018
 - k) Timothy Westlake – 07/01/2020
 - l) Russel Yale – 07/01/2020
 - m) Robert Zondag – 07/01/2018
 - 3) Introductions, Announcements and Recognition
 - 4) Wis. Stat. § 15.085 (3)(b) – Affiliated Credentialing Boards’ Biannual Meeting with the Medical Examining Board to Consider Matters of Joint Interest
 - 5) Informational Items
- D) Appointments, Reappointments, Confirmations, and Committee, Panel and Liaison Appointments (10-11)**
 - 1) APPEARANCE – Kimberly Wood: Consideration of Council Appointment Methods
- E) CME Requirements and Approval of CME Courses – Discussion and Consideration (12)**
- F) Legislation and Rule Matters – Discussion and Consideration (13-15)**
 - 1) Review of Draft Language for Med 13 Relating to Continuing Medical Education for Prescribing Opioids
 - 2) Update on Med 1 and 14 Relating to General Update and Cleanup of Rules
 - 3) Update on Pending Legislation and Possible and Pending Rulemaking Projects
- G) Report From the Telemedicine Rule Committee**

- H) Prescription Drug Monitoring Program (PDMP) Requirements, Compliance and Communications to Prescriber Community (16)**
- I) Criteria for Approving Courses for Pharmacists Who Administer Drug Products and Devices – Discussion and Consideration (17)**
- J) Interstate Medical Licensure Compact Commission – Report from Wisconsin’s Commissioners**
- K) Federation of State Medical Boards (FSMB) Matters (18-30)**
 - 1) Nominations for Elected Offices (18-23)
 - 2) Responsibilities of FSMB BOD (24)
 - 3) Committee Responsibilities 2017-2018 (25-27)
- L) Speaking Engagement(s), Travel, or Public Relation Request(s), and Report(s)**
 - 1) Report from the Wisconsin Academy of Family Physicians (WAFP) Board Meeting on August 27, 2016 – Dr. Erickson
- M) Newsletter Matters**
- N) Screening Panel Report**
- O) Informational Items**
- P) Items Added After Preparation of Agenda**
 - 1) Introductions, Announcements and Recognition
 - 2) Administrative Updates
 - 3) Elections, Appointments, Reappointments, Confirmations, and Committee, Panel and Liaison Appointments
 - 4) Education and Examination Matters
 - 5) Credentialing Matters
 - 6) Practice Matters
 - 7) Future Agenda Items
 - 8) Legislation/Administrative Rule Matters
 - 9) Liaison Report(s)
 - 10) Newsletter Matters
 - 11) Annual Report Matters
 - 12) Informational Item(s)
 - 13) Disciplinary Matters
 - 14) Presentations of Petition(s) for Summary Suspension
 - 15) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
 - 16) Presentation of Proposed Decisions
 - 17) Presentation of Interim Order(s)
 - 18) Petitions for Re-Hearing
 - 19) Petitions for Assessments
 - 20) Petitions to Vacate Order(s)
 - 21) Petitions for Designation of Hearing Examiner
 - 22) Requests for Disciplinary Proceeding Presentations
 - 23) Motions
 - 24) Petitions
 - 25) Appearances from Requests Received or Renewed
 - 26) Speaking Engagement(s), Travel, or Public Relation Request(s), and Reports
- Q) Future Agenda Items**
- R) Public Comments**

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

S) Request for Waiver of 24 Month of ACGME/AOA Approved Post Graduate Training

- 1) Thaeer Sawa, M.D. **(31-68)**

T) Deliberation on Division of Legal Services and Compliance (DLSC) Matters

- 1) Monitoring
- 2) **Complaints**
 - a) 15 MED 177 – D.L.O. **(69-72)**
 - b) 15 MED 397 – F.D. **(73-76)**
 - c) 15 MED 397 – W.M. **(77-80)**
- 3) **Administrative Warnings**
 - a) 15 MED 177 – R.A.E. **(81-83)**
 - b) 15 MED 329 – R.Y.M. **(84-85)**
 - c) 16 MED 234 – J.L.H. **(86-87)**
- 4) **Proposed Stipulations, Final Decisions and Orders**
 - a) 14 MED 300 – Gail D. Vegter, P.A. **(88-93)**
 - b) 14 MED 557 – Daniel B. Jackson, P.A. **(94-99)**
 - c) 15 MED 117 – Craig D. Maskil, M.D. **(100-113)**
 - d) 15 MED 221 – Andrew R. Weber, M.D. **(114-120)**
 - e) 16 MED 140 – Cheryl B. Wingate, M.D. **(121-126)**
 - f) 16 MED 174 – Robert A. Bonzani, M.D. **(127-132)**
- 5) **Case Closings**
 - a) 14 MED 590 **(133-148)**
 - b) 14 MED 603 **(149-159)**
 - c) 15 MED 036 **(160-169)**
 - d) 15 MED 199 **(170-185)**
 - e) 15 MED 361 **(186-191)**
 - f) 16 MED 045 **(192-197)**

U) Orders Fixing Costs

- 1) Barry S. Barudin, M.D. **(198-202)**
- 2) Michel H. Malek, M.D. **(203-209)**

V) Open Cases

W) Consulting With Legal Counsel

X) Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) Disciplinary Matters
- 4) Monitoring Matters
- 5) Professional Assistance Procedure (PAP) Matters
- 6) Petition(s) for Summary Suspensions
- 7) Proposed Stipulations, Final Decisions and Orders
- 8) Administrative Warnings
- 9) Proposed Decisions
- 10) Matters Relating to Costs
- 11) Complaints
- 12) Case Closings
- 13) Case Status Report
- 14) Petition(s) for Extension of Time
- 15) Proposed Interim Orders
- 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

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

- Y) Open Session Items Noticed Above not Completed in the Initial Open Session
- Z) Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate
- AA) Delegation of Ratification of Examination Results and Ratification of Licenses and Certificates

ADJOURNMENT

ORAL EXAMINATION OF ONE (1) CANDIDATE FOR LICENSURE

ROOM 124D/E

10:15 A.M., OR IMMEDIATELY FOLLOWING THE FULL BOARD MEETING

CLOSED SESSION – Reviewing Applications and Conducting Oral Examinations of one (1) Candidate for Licensure – Dr. Capodice & Dr. Yale

NEXT MEETING DATE OCTOBER 19, 2016

**MEDICAL EXAMINING BOARD
MEETING MINUTES
August 17, 2016**

PRESENT: Mary Jo Capodice, D.O.; Michael Carton; Rodney Erickson, M.D.; Bradley Kudick; Lee Ann Lau, M.D.; Suresh Misra, M.D.; Carolyn Ogland Vukich, M.D. (*via GoToMeeting*;) Michael Phillips, M.D. (*via GoToMeeting*;) Kenneth Simons, M.D.; Timothy Westlake, M.D.; Robert Zondag

EXCUSED: David Roelke, M.D.; Russell Yale, M.D.

STAFF: Tom Ryan, Executive Director; Nifty Lynn Dio, Bureau Assistant; and other Department staff

CALL TO ORDER

Kenneth Simons, Chair, called the meeting to order at 8:00 a.m. A quorum of eleven (11) members was confirmed.

ADOPTION OF AGENDA

MOTION: Suresh Misra moved, seconded by Robert Zondag, to adopt the agenda as published. Motion carried unanimously.

MINUTES OF JULY 20, 2016 – REVIEW AND APPROVAL

Amendments to the Minutes:

- *Correct attendance of Dr. Simons*

MOTION: Robert Zondag moved, seconded by Lee Ann Lau, to approve the minutes of July 20, 2016 as amended. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

Med 13 Relating to Continuing Medical Education for Prescribing Opioids

Review of Draft Rule Language

MOTION: Lee Ann Lau moved, seconded by Mary Jo Capodice, to rewrite Med 13.03(3) to read that all licensees would be required to complete an approved two hour course in the Board's guidelines related to the best practices of prescribing opioids from course approval date through the calendar year of 2017 and again in 2019. Motion carried unanimously.

Review of Draft Rule Language for Med 1 and 14 Relating to General Update and Cleanup of Rules

MOTION: Suresh Misra moved, seconded by Lee Ann Lau, to approve the preliminary rule draft of chs. Med 1 and 14 relating to general update and cleanup of rules for posting for economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

CONTINUING EDUCATION AUDIT REPORT

MOTION: Timothy Westlake moved, seconded by Mary Jo Capodice, to refer all audited non-compliant license holders to DLSC for further review and action. Motion carried unanimously.

CLOSED SESSION

MOTION: Timothy Westlake moved, seconded by Suresh Misra, 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.). The Chair read the language of the motion aloud for the record. The vote of each member was ascertained by voice vote. Roll Call Vote: Mary Jo Capodice – yes; Michael Carton – yes; Rodney Erickson – yes; Bradley Kudick – yes; Lee Ann Lau – yes; Suresh Misra – yes; Carolyn Ogland Vukich – yes; Michael Phillips – yes; Kenneth Simons – yes; Timothy Westlake – yes; and Robert Zondag – yes. Motion carried unanimously.

The Board convened into Closed Session at 10:02 a.m.

RECONVENE TO OPEN SESSION

MOTION: Mary Jo Capodice moved, seconded by Suresh Misra, to reconvene in Open Session at 11:25 a.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Suresh Misra moved, seconded by Mary Jo Capodice, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

REQUEST FOR WAIVER OF 24 MONTH OF ACGME/AOA APPROVED POST GRADUATE TRAINING

Sakthivel Rajan Rajaram Manoharan

MOTION: Michael Phillips moved, seconded by Timothy Westlake, to grant a waiver of the 24 months of ACGME/AOA approved post graduate training to Sakthivel Rajan Rajaram Manoharan, per Wis. Stat. §448.05(2)(c). Motion carried unanimously.

MOTION: Rodney Erickson moved, seconded by Lee Ann Lau, to grant the license to practice medicine and surgery to Sakthivel Rajan Rajaram Manoharan, once all requirements are met. Motion carried unanimously.

Raphael Sacho

(Kenneth Simons recused himself and left the room for discussion and voting in the matter of Raphael Sacho.)

MOTION: Mary Jo Capodice moved, seconded by Suresh Misra, to grant a waiver of the 24 months of ACGME/AOA approved post graduate training to Raphael Sacho, per Wis. Stat. §448.05(2)(c). Motion carried unanimously.

MOTION: Lee Ann Lau moved, seconded by Rodney Erickson, to grant the license to practice medicine and surgery to Raphael Sacho, once all requirements are met. Motion carried unanimously.

VOLUNTARY SURRENDER REQUEST

Kendall Capecci, M.D.

MOTION: Timothy Westlake moved, seconded by Lee Ann Lau, to approve the request of Kendall Capecci, M.D., to surrender his license. Motion carried unanimously.

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

Complaints

15 MED 117

MOTION: Timothy Westlake moved, seconded by Michael Carton, to find probable cause to believe that Craig D. Maskil, M.D. DLSC Case No. 15 MED 117 has committed unprofessional conduct, and therefore to issue the Complaint and hold a hearing on such conduct pursuant to Wis. Stat § 448.02(3)(b). Motion carried unanimously.

(Mary Jo Capodice recused herself and left the room for deliberation and voting in the matter of disciplinary proceedings against Craig D. Maskil, DLSC Case No. 15 MED 117.)

15 MED 341

MOTION: Suresh Misra moved, seconded by Rodney Erickson, to find probable cause to believe that Paulina A. Kitcher, M.D. DLSC Case No. 15 MED 341 has committed unprofessional conduct, and therefore to issue the Complaint and hold a hearing on such conduct pursuant to Wis. Stat § 448.02(3)(b). Motion carried unanimously.

Administrative Warning

16 MED 088

MOTION: Robert Zondag moved, seconded by Timothy Westlake, to issue an Administrative Warning in the matter of DLSC Case No. 16 MED 088 against T.L.H. Motion carried unanimously.

Proposed Stipulations, Final Decisions and Orders

12 MED 289 – Levi Leong

MOTION: Michael Carton moved, seconded by Timothy Westlake, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Levi Leong, DLSC Case No. 12 MED 289. Motion carried unanimously.

15 MED 081 – Amy Bernards

MOTION: Robert Zondag moved, seconded by Mary Jo Capodice, to reject the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Amy Bernards, DLSC Case No. 15 MED 081. Motion carried unanimously.

MOTION: Robert Zondag moved, seconded by Michael Carton, to reject the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Jennifer Nale, DLSC Case No. 15 MED 081. Motion carried unanimously.

15 MED 385 – Michael Umland

MOTION: Suresh Misra moved, seconded by Mary Jo Capodice, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Michael Umland, DLSC Case No. 15 MED 385. Motion carried unanimously.

Case Closings

CASE CLOSING(S)

MOTION: Mary Jo Capodice moved, seconded by Suresh Misra, to close the following cases according to the recommendations by the Division of Legal Services and Compliance:

1. 14 MED 205 (A.J.) **Prosecutorial Discretion (P3)**
2. 15 MED 231 (P.A.N.) **No Violation**

Motion carried unanimously.

15 MED 069

MOTION: Rodney Erickson moved, seconded by Timothy Westlake, to close DLSC Case No. 15 MED 069 against G.M.H. for *Insufficient Evidence*. Motion carried unanimously.

15 MED 469

MOTION: Timothy Westlake moved, seconded by Lee Ann Lau, to close DLSC Case No. 15 MED 469 against R.G.D. for *No Violation*. Motion carried unanimously.

PROPOSED FINAL DECISIONS AND ORDERS

In the Matter of Disciplinary Proceedings Against Barry S. Barudin, M.D.

MOTION: Michael Carton moved, seconded by Timothy Westlake, to adopt the Proposed Final Decision and Order in the matter of disciplinary proceedings against Barry S. Barudin, M.D., Respondent, DHA Case No. SPS-16-0042/DLSC Case No. 15 MED 420. Motion carried unanimously.

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

MOTION: Mary Jo Capodice moved, seconded by Suresh Misra, to delegate ratification of examination results to DSPS staff and to ratify all licenses and certificates as issued. Motion carried unanimously.

ADJOURNMENT

MOTION: Lee Ann Lau moved, seconded by Michael Carton, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:25 a.m.

DRAFT

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Kimberly Wood, Program Assistant Supervisor-Adv		2) Date When Request Submitted: 8/25/16 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Medical Examining Board			
4) Meeting Date: 9/21/2016	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Consideration of Council Appointment Methods	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input checked="" type="checkbox"/> Yes - Kimberly Wood – Upon Request <input type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Discuss whether or not to utilize an application form for appointment purposes. If so, what data and criteria should be included for candidates. Consider what documents should be submitted by those individuals seeking Medical Examining Board appointment.			
11) Authorization			
<i>Kimberly Wood</i>		<i>8/25/2016</i>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

BOARD APPEARANCE REQUEST FORM

Appearance Information

Board Name: Medical Examining Board

Board Meeting Date: 8/25/2016

Person Submitting Agenda Request: Kimberly Wood

Person(s) requesting an appearance: Kimberly Wood

(NOTE: Contact information is not required for Department staff.)

Reason for Appearance: Discussion of Criteria and Methodology for Council Member Appointments

Appearance Contact Information

(NOTE: If the appearing party is represented by an attorney skip the "Appearance Contact Information" section and complete the "Attorney Contact Information" section.)

Mailing address:

Email address:

Telephone #:

Attorney Contact Information

Attorney Name:

Attorney's mailing address:

Attorney's e-mail address:

Attorney's telephone #:

**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: 9/9/16 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: 9/21/16	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? CME Requirement and Approval of CME Courses – Discussion and Consideration	
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: Dr. Erickson has requested discussion and consideration of the following: <ul style="list-style-type: none"> A separate e-mail (or mailing to those who don't have e-mail) on just this topic, alerting them to the changes. i.e. "IMPORTANT MEDICAL LICENSE INFORMATION" Listing on our web page those courses we've approved for the completion of the 2 hours of CME. Identifying credentialed CME providers within the State of Wisconsin and notifying them of the process to have a course approved. The need to move with relative diligence on our process to approve CME courses. 			
11) Authorization <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"><i>Dale Kleven</i></div> <div style="width: 45%; text-align: right;"><i>September 9, 2016</i></div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Signature of person making this request</div> <div style="width: 35%;">Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;">Supervisor (if required)</div> <div style="width: 35%;">Date</div> </div> <hr/> <div style="display: flex; justify-content: space-between;"> <div style="width: 65%;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)</div> <div style="width: 30%;">Date</div> </div>			
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.			

**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: 9/9/16 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: 9/21/16	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislation and Rule Matters – Discussion and Consideration 1. Review of Draft Language for Med 13 Relating to Continuing Medical Education for Prescribing Opioids 2. Update on Med 1 and 14 Relating to General Update and Cleanup of Rules 3. Update on Pending Legislation and Possible and Pending Rulemaking Projects	
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. The Board will review draft rule language with the revisions discussed at the August 17, 2016 meeting. Please note the revisions differ from what was discussed in one area. The Board decided to require the CME on the guidelines be completed in calendar year 2017 (or, for a course or program approved in 2016, from the date of course approval to the end of calendar year 2017) and calendar year 2019. However, as the provisions of s. 448.13, Stats., allow CME to be completed within a biennium, a more restrictive requirement may not be prescribed by rule.			
11) <i>Dale Kleven</i> Signature of person making this request		Authorization <i>September 9, 2016</i> Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

TEXT OF RULE

SECTION 1. Med 13.02 (1g) and (1r) are created to read:

Med 13.02 (1g) (a) Except as provided in par. (b), for the renewal dates of November 1, 2017 and March 1, 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 in par. (b), for the renewal dates of November 1, 2019 and March 1, 2020, 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.

SECTION 2. Med 13.03 (3) is created to read:

Med 13.03 (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 and shall include the title, general description and an outline of the course or program, the dates, the location, the name and qualifications of the instructor, and the sponsor of the course or program.

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 the course pertains to the guidelines issued by the board under s. 440.035 (2m), Stats.

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.

(END OF TEXT OF RULE)

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Dr. Erickson		2) Date When Request Submitted: 9/7/2016 Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> ▪ 10 work days before the meeting for Medical Board ▪ 14 work days before the meeting for all others 	
3) Name of Board, Committee, Council, Sections: Medical Examining Board			
4) Meeting Date: 9/21/2016	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Prescription Drug Monitoring Program (PDMP) Requirements, Compliance, and Communications to Prescriber Community	
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? If yes, who is appearing? No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: 1. One question I hear asked is “what exactly does checking the PDMP mean?” If directed to me, it is easy: two of my colleagues have become well versed so I simply refer to them or to the state website. But it does give some insight into how many physicians are unaware of what is coming down the pipeline. 2. The second thing I hear asked is: “So what is the MEB going to do about it if we don’t comply?” The answer is easier, “I can’t answer.” However, in the back of my mind, I really DON’T know how we plan to monitor or discipline. As a board we should discuss how we’ll manage those found out of compliance for use of the PDMP, especially after the launch.			
11) Authorization			
Signature of person making this request		Date	
Supervisor (if required)		Date	
Bureau Director signature (indicates approval to add post agenda deadline item to agenda)		Date	

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Sharon Henes Administrative Rules Coordinator		2) Date When Request Submitted: 9 September 2016 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: 21 September 2016	5) Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Criteria for Approving Courses for Pharmacists Who Administer Drug Products and Devices – Discussion and Consideration	
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 type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: The Pharmacy Examining Board is promulgating rules related to course of study and training in administration techniques. Section 450.035 states the course of study and training in administration technique shall be conducted by a course provider approved by the Accreditation Council for Pharmacy Education (ACPE) or the Pharmacy Board. The rules will cover criteria the Pharmacy Board will use for approving course providers not approved by the ACPE. Per section 450.02(2g)(a), the Pharmacy Board is required to consult with the Medical Examining Board and the Board of Nursing when promulgating rules that establish criteria for approving courses.			
11) Authorization			
<i>Sharon Henes</i>		<i>9 September 2016</i>	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

ELIGIBILITY REQUIREMENTS

Eligibility

Any person who is or will be a Fellow of the FSMB **at the time of the election on April 22, 2017** is eligible for nomination. The Bylaws of the FSMB define Fellows as: *An individual member who as a result of appointment holds full time membership on a Member Medical Board shall be a Fellow of the FSMB during the member's period of service on a Member Medical Board, and for a period of 36 months thereafter.*

Core Competencies of Candidates

A candidate for elected office must:

- Support the vision, mission and strategic goals of the FSMB;
- Possess a positive outlook on the role and function of state medical boards in the medical regulatory field;
- Bring a broad, national perspective to specific issues;
- Have adequate time and commitment necessary to fulfill the responsibilities of the office (*please see attached "Responsibilities of Elected Positions"*); and,
- Demonstrate professionalism, personal integrity, and the ability to work effectively with others.

Additional Qualifications for Chair-elect of the Board of Directors: Suggested but not mandatory: One or more years experience on the FSMB Board of Directors and, if applicable, a commitment of time that may require reduction by one-third or more of patient care duties in medical practice.

Additional Qualifications for Board of Directors: These are strongly suggested but not mandatory: One-and-a-half or more years on a State Medical Board; Committee or Task Force participation with the FSMB; and prior attendance of **at least one** FSMB Annual Meeting. Significant experience on a non-profit Board of Directors or Foundation may be considered an equivalent for one of the above.

DOCUMENTATION REQUIREMENTS (Electronic submission preferred method)

Letter of Nomination

The letter of nomination **must** come from the candidate's state medical or osteopathic board to the Nominating Committee and should specify: (1) the name of the candidate to be considered; (2) the office for which the candidate is being recommended; (3) a description of the candidate's ability to demonstrate the core competencies and/or additional position-specific qualifications stated above; (4) the candidate's agreement to the submission of his/her name for potential nomination; (5) the candidate's affirmation that he/she is aware of the time commitment required for the position to which he/she may be elected; and (6) the candidate's daytime telephone number and email address. **[Note: This letter will be posted on the Candidate's Website for public viewing.]**

Additional Materials

The following materials should accompany the letter of nomination:

1. **Candidate's Personal Statement (in WORD, if provided electronically) (sample attached) – (500 word limit).** The candidate should state why he/she wants to serve in the particular position for which he/she will be

- campaigning for election; how he/she fulfills the core competencies and/or additional position-specific qualifications of candidates, and what he/she will contribute to FSMB. The personal statement will be included in the Election Manual and placed on the Candidates Website.
2. **Candidate's General Information Questionnaire (separate attachment in WORD for typing).** In the interest of uniformity and fairness to all candidates, the Nominating Committee requests that the information contained on the Candidate's General Information Questionnaire be limited to the space provided, *except where otherwise stated*.
 3. **Candidate's Signatory Form (separate attachment in WORD for typing).** The candidate **must submit a signed** confirmation that the candidate: 1) will be a Fellow as defined by the FSMB Bylaws at the time of the election on Saturday, April 22, 2017; 2) is aware of the time commitment required for the position to which he/she may be elected; and 3) is disclosing any potential conflict(s) of interest.
 4. **Copy of the candidate's summary CV (maximum five (5) pages) and/or bio.** Please provide relevant information including important appointments, honors and awards received, etc. Please note that **these documents will be PUBLISHED** on the Candidates Website; therefore, social security numbers and all other private information **must be removed** prior to submitting with letter of nomination.
 5. **Candidate's photograph – color (jpg).** Copies of the photo will be included in the Nominating Committee meeting agenda book. If the candidate is selected, the photo will also be used in the Election Manual that is distributed at the Annual Meeting and placed on the Candidates Website. **Questions regarding photos should be directed to David Hooper, Sr. Director of Marketing, at 817-868-4070 or dhooper@fsmb.org.**

Deadline for Submission of Letters and Materials

The members of the Nominating Committee request that all nominations be submitted in writing by mail, fax or email (preferred method) to:

J. Daniel Gifford, MD, FACP, Chair
Nominating Committee
c/o Pat McCarty, Director of Leadership Services
Federation of State Medical Boards
400 Fuller Wisser Road, Suite 300
Euless, TX 76039-3855
Fax: (817) 868-4167
Email: pmccarty@fsmb.org

All letters of nomination and accompanying materials should be received at the Euless, TX office by end of business on **Friday, December 30, 2016. No nominations will be accepted after end of business December 30.**

A confirmation acknowledging receipt of nominations will be sent within two business days. If you do not receive confirmation, please contact Pat McCarty at (817) 868-4067 or at the email above.

RESPONSIBILITIES OF ELECTED POSITIONS

BOARD OF DIRECTORS

The FSMB Board of Directors is responsible for the control and administration of the FSMB and reports to the House of Delegates; the Board provides leadership in the development and implementation of the FSMB's Strategic Goals and the Board's Annual Action Plan; the Board is responsible for governing and conducting the business of the corporation, including supervising the President/CEO; and, under the leadership of the Chair and President/CEO, represents the FSMB to other organizations and promotes recognition of the FSMB as the premier organization concerned with medical licensure and discipline. The Board of Directors is the fiscal agent of the corporation.

GENERAL RESPONSIBILITIES

The Board of Directors is responsible for the following:

1. Setting goals, objectives and priorities necessary to achieve the FSMB Strategic Goals.
2. Setting goals, objectives and critical success factors for the President/CEO.
3. Ensuring effective management of the FSMB's financial resources.
4. Approving systems for assessing and addressing needs of Member Boards.
5. Implementing adopted Board of Directors professional development and self-assessment plans.
6. Promoting use of FSMB services among targeted customer groups.
7. Enhancing communication with and among Member Boards.
8. Enhancing support and education for Member Board executives and their staff.

TIME COMMITMENT

Board Meetings

The Board of Directors will meet five times during the FY 2018 fiscal year:

April 23, 2017 – Fort Worth, TX (immediately following the Annual Meeting)

July 12-16, 2017 (TENTATIVE) – Site TBD

October 25-29, 2017 (TENTATIVE) – Site TBD

February 6-10 or 13-17, 2018 (TENTATIVE) – Site TBD

April 24-29, 2018 – Charlotte, NC (in conjunction with the Annual Meeting)

New Directors Orientation

Newly-elected directors will be asked to participate in the **New Directors Orientation** scheduled **June 25-26, 2017** at the FSMB Eules, TX Office.

Board of Directors State Medical Board Liaison Program

A director's participation in the Board of Directors State Medical Board Liaison Program may involve telephone communications with Member Board leadership (dependent upon the leadership's availability) and/or travel to a Member Board location (i.e., "site visit") in partnership with FSMB staff to meet with the Member Board representatives. New Directors may be asked to participate in one or two site visits during their first year on the Board of Directors, schedule permitting.

Subcommittees of the Board of Directors

All directors will be appointed to one subcommittee of the Board of Directors, which include the Awards, Governance and Planning Committees. Additionally, two directors will be elected by the Board to participate on the Executive, Compensation and Investment Committees with the officers of the Board.

NOMINATING COMMITTEE

COMMITTEE CHARGE

The charge of the Nominating Committee as currently set forth in the FSMB Bylaws is to submit a slate of one or more nominees for each of the offices and positions to be filled by election at the Annual Meeting of the House of Delegates. The Committee will mail its slate of candidates to Member Boards not fewer than 60 days prior to the meeting of the House of Delegates.

Tasks of the Committee include:

1. Soliciting recommendations for candidates for elected positions from Member Board Executive Directors/Secretaries and Active Fellows of the FSMB.
2. Assertively recruiting individuals who have the core competencies set forth on page 2 and who represent diversified backgrounds, experiences and cultures.
3. Educating potential candidates on core competencies for FSMB leadership roles and the responsibilities associated with respective leadership positions.
4. Reviewing letters of recommendation and supporting material of each individual nominated or recruited as a candidate for election.
5. Verifying that candidates have the core competencies for FSMB leadership positions.
6. Verifying that queries of FSMB Board Action Data Bank have been completed on physician candidates and that no actions have been reported which could call into question an individual's fitness for FSMB leadership.
7. Affirming that all candidates for elected leadership have disclosed any potential conflicts of interest.
8. Considering the importance of public representation on the FSMB Board of Directors and assuring the slate of candidates provides for election of adequate/qualified public representation.
9. Selecting and narrowing the slate of candidates to those who best demonstrate the core competencies, have the necessary qualifications and eligibility for a position, and bring valuable talents and perspectives to the FSMB.
10. Preparing a report to the House of Delegates that includes a slate of nominees for positions to be filled by election at the annual business meeting of the House of Delegates.
11. Determining process for notifying candidates of the Nominating Committee's decisions as soon as possible following the Committee's winter meeting and providing the Nominating Committee report to the FSMB Board of Directors.

TIME COMMITMENT

Members of the Nominating Committee serve a single two-year term. The Committee will have a kick-off breakfast in Fort Worth, TX on the morning of Sunday, April 23, 2017 immediately following the FSMB's Annual Meeting. The Committee will meet again via teleconference in July 2017 and March 2018 (dates TBD) and one face-to-face meeting at the FSMB Euless, TX Office in January 2018. In preparation for the January meeting, the Committee members will each interview three to five nominees. Members of the Committee will also receive scholarships to attend the FSMB's 2018 Annual Meeting in Charlotte, NC so they can be onsite to solicit membership interest in elected and appointed positions.

SAMPLE PERSONAL STATEMENT [500 words or less]

Please provide this document in WORD format

NAME: _____

CANDIDATE FOR: [Chair-elect, Board of Directors or Nominating Committee]

[SAMPLE TEXT BELOW – please describe your own experiences using your own words]

I am a candidate for [elected office]. Since beginning my medical career in a small rural town over 20 years ago, I have been involved in professionalism and upholding the higher standards of being a physician. Currently, I am the Chairman of the Department of [specialty] at the School of Medicine in [city].

My experiences with medical licensure began in 2000 when I was appointed to the advisory committee for athletic trainers of the [state medical board]. Subsequently, I was appointed as a member of the [state medical board] in 2013. I was elected Vice President in 2014 and have been serving as President since 2015.

Since being appointed to the [state medical board], I have been serving the [state medical board] in a number of capacities, which have included [committee/workgroups, etc.].

Additionally, I have worked as [other professional experiences and associations].

It is with great anticipation that I am running for [elected office]. I have the energy, enthusiasm and experience to represent the FSMB. My qualifications are broad and strong, which will allow me to function well within a system that is focused on licensure, discipline and protection of the public.

RESPONSIBILITIES OF FSMB BOARD OF DIRECTORS

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FEDERATION OF STATE MEDICAL BOARDS
Responsibilities of Appointed Positions

Audit Committee

COMMITTEE CHARGE

The primary charge of the Audit Committee, as currently set forth in the FSMB Bylaws, Article VIII, Section B, is to review the audit of the FSMB.

Tasks of the Committee include:

1. Reviewing the auditor's report with particular attention to material deficiencies and recommendations.
2. Reporting any suggestions to the Board of directors on fiscal policy to ensure the continuing financial strength of the FSMB.

TIME COMMITMENT

Members of the Audit Committee serve one-year terms. Consistent with common practice of audit committees within the U.S., the Audit Committee expects to meet via teleconference one to two times during the year for 30-90 minutes for each conference call.

Bylaws Committee

COMMITTEE CHARGE

The charge of the Bylaws Committee, as currently set forth in the FSMB Bylaws, Article VIII, Section C, is to continually assess the Articles of Incorporation and the Bylaws and receive all proposals for amendments thereto. The Committee will, from time to time, make recommendations to the House of Delegates for changes, deletions, modifications and interpretations to the Bylaws.

Tasks of the Committee include:

1. Receiving requests for amendments or revisions from the Board of Directors or from Member Boards. Upon receiving requests, the Committee drafts Bylaws language that is appropriate in style and placement. The Bylaws Committee members may also propose amendments or revisions to the Bylaws, and draft language that is appropriate for inclusion.
2. Advising the House of Delegates with regard to each modification they have drafted, citing in their report to the House their choice to support, oppose or remain neutral regarding the language they have drafted. Members of the Committee may give testimony in support of their position before a Reference Committee.
3. Interpreting the Bylaws upon request of the Board of Directors, Member Boards or others.
4. Reviewing the Bylaws and Articles of Incorporation on a continual basis.

TIME COMMITMENT

Members of the Bylaws Committee serve one-year terms. The Committee will meet once by teleconference or as needed.

Editorial Committee

COMMITTEE CHARGE

The charge of the Editorial Committee, as currently set forth in the FSMB Bylaws, Article VIII, Section D, is to advise the Editor-in-Chief on editorial policy for the FSMB's official publication (*Journal of Medical Regulation*) and otherwise assist the Editor-in-Chief in the performance of duties as appropriate and necessary.

Tasks of the Committee include:

1. Reviewing articles submitted for publication in a timely manner.
2. Generating potential article topics and/or authors to write for the *Journal*.
3. Writing or working with the *Journal* Editor-in-Chief to create an editorial for the *Journal*.
4. Serve as ongoing ambassadors for the *Journal* during any appropriate business meetings or discussions with colleagues

TIME COMMITMENT

Members of the Editorial Committee serve three-year terms. The Committee will meet once each year at FSMB headquarters or other location and may meet via teleconference periodically during the year. Committee members will receive manuscript submissions throughout the year.

Education Committee

COMMITTEE CHARGE

The charge of the Education Committee as currently set forth in the FSMB Bylaws, Article VIII, Section E is to assist in the development of educational programs for the FSMB. This includes the Annual Meeting program as well as webinars, teleconferences and other educational offerings.

Tasks of the Committee include:

1. Providing consultation and recommendations in the development and review of the FSMB's annual education agenda.
2. Identifying and prioritizing educational topics in accordance with the mission, vision, core values and goals of the FSMB.
3. Evaluating education trends and opportunities to provide quality educational programming to FSMB membership.
4. Reviewing needs assessment data and stated knowledge gaps in order to identify appropriate speakers for chosen topics.
5. Ensuring balance, independence, objectivity and scientific rigor in the educational activity.
6. Responsible for compliance with ACCME guidelines for accreditation.

TIME COMMITMENT

Members of the Education Committee serve one-year terms. The Committee will meet several times per year either in person or via teleconference. The frequency of regular meetings will be determined by need, but will occur at least quarterly.

Ethics and Professionalism Committee

COMMITTEE CHARGE

The charge of the Ethics and Professionalism Committee as currently set forth in the FSMB Bylaws, Article VIII, Section F is to address ethical and professional issues pertinent to medical regulation.

Tasks of the Committee include:

1. Addressing ethical and/or professional concerns expressed by state medical boards.
2. Researching data pertinent to the issues and/or obtaining input from experts in the particular subject areas being considered.
3. Developing model policies for use by state medical boards to be submitted for approval by the FSMB House of Delegates.

TIME COMMITMENT

Members of the Ethics and Professionalism Committee serve one-year terms. The Committee will meet several times per year either in person or via teleconference. The frequency of regular meetings will be determined by need.

Finance Committee

COMMITTEE CHARGE

The charge of the Finance Committee as currently set forth in the FSMB Bylaws, Article VIII, Section G is to review the financial condition of the FSMB, review and evaluate the costs of the activities and/or programs to be undertaken in the forthcoming year, and recommend a budget to the Board of Directors for its recommendation to the House of Delegates at the Annual Meeting, and perform such other duties as are assigned to it by the Board of Directors.

Tasks of the Committee include:

1. Assessing prior financial performance in comparison to budget.
2. Reviewing the draft budget for alignment with organizational goals, programs and services.
3. Approving the budget for recommendation to the Board of Directors.

TIME COMMITMENT

Members of the Finance Committee serve one-year terms. The Committee will have one 60-90 minute teleconference in December and one in-person meeting at the Texas office in January. Other teleconference meetings will be determined by need, but no additional meetings have been required in the past 5 years.

Special Committees/Workgroups

Special Committees and workgroups are appointed by the Chair as necessary and are established for a specific purpose. Special Committees and workgroups usually meet approximately three times per year, in person and via teleconference, and continue their work for one or two years. Special Committees and/or workgroups for 2017-2018 are to be determined.

CANDIDATE'S GENERAL INFORMATION QUESTIONNAIRE

*PLEASE TYPE OR PRINT AND LIMIT YOUR INFORMATION TO THE SPACE PROVIDED
(except where otherwise stated)*

GENERAL

NAME: _____

CANDIDATE FOR: _____

DAYTIME TELEPHONE: _____

EMAIL : _____

EDUCATION

UNDERGRADUATE: _____

MEDICAL SCHOOL/GRADUATE SCHOOL: _____

POSTGRADUATE EDUCATION: _____

CURRENT PROFESSION: _____

AREA OF SPECIALIZATION: _____

FEDERATION ACTIVITIES

BOARD and/or COMMITTEES: _____

OTHER FSMB ACTIVITIES: _____

CANDIDATE SIGNATORY PAGE

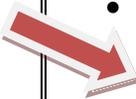
STATE MEDICAL BOARD ACTIVITIES

On which state medical board are you currently serving?

If not serving, when did you leave the board? Month _____ Day _____ Year _____

How long have you served (did you serve) on your state medical board?

- I will be a Fellow as defined by the FSMB Bylaws at the time of the election on Saturday, April 22, 2017 and understand that only an individual who is a Fellow at the time of the individual's election shall be eligible for election. The Bylaws of the FSMB defines Fellow as:
An individual member who as a result of appointment holds full time membership on a Member Medical Board shall be a Fellow of the FSMB during the member's period of service on a Member Medical Board, and for a period of 36 months thereafter.
- I am aware of the time commitment for the position I wish to be elected.
- I am disclosing any potential conflict(s) of interest.



SIGNATURE: _____

Potential Conflict(s) of Interest
