**STATE OF WISCONSIN**
Department of Safety and Professional Services
1400 E Washington Ave.
Madison WI 53703

**Governor Scott Walker** **Secretary Dave Ross**

Mail to:
PO Box 8935
Madison WI 53708-8935

Email: dsps@wisconsin.gov
Web: http://dsps.wi.gov

Voice: 608-266-2112 • FAX: 608-267-0644 • TTY: 608-267-2416

**OCCUPATIONAL THERAPISTS AFFILIATED CREDENTIALING BOARD MEETING**
**VIA LIVE MEETING**
**Room 121C, 1400 E. Washington Avenue, Madison**
**DRL Contact: Tom Ryan (608) 261-2378**
**April 11, 2012**

*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 summary of the actions and deliberations of the Board.*

**9:00 A.M.**

**OPEN SESSION**

1. **Call to Order – Roll Call**
2. **Declaration of Quorum**
3. **Adoption of the Agenda (insert) (1-4)**
4. **Approval of Minutes of November 1, 2011 (insert) (5-8)**
5. **Introduction of New Board Members**
6. **Secretary Matters**
7. **Executive Director Matters**
   a. Board Member Guide Book **(insert) (9-40)**
   b. Delegation Motion **(insert) (41-42)**
   c. Other
8. **Case Presentations**
9. **Election of Officers**
10. **Board Appointments**

11. **Items Received After Mailing of Agenda**

    a. Presentation of Proposed Stipulations and Final Decisions and Orders
    b. Presentation of Proposed Decisions
    c. Petitions for Re-hearing
    d. Petitions for Summary Suspension
    e. Petitions for Extension of Time in Cases
    f. Petitions to Vacate Orders
    g. Requests for Disciplinary Proceeding Presentations
    h. Motions
    i. Appearances from Requests Received or Renewed
    j. Speaking Engagement, Travel and Public Relation Requests
    k. Application Issues

l. Examination Issues
m. Continuing Education Issues
n. Practice Questions

**12. Items for Board Discussion**
**13. Informational Item(s)**
**14. Public Comment(s)**
**15. Other Business**

**CLOSED SESSION**

**CONVENE TO CLOSED SESSION to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g))**

**16. Conducting Oral Examinations for 6 candidates. 10:30 A.M. (43-44)**

**17. Case Closings (insert) (45-46)**
a. **11 OTB 010 (insert) (47-50)**

**Deliberation of Items Received in the Bureau after Preparation of Agenda**
a. Proposed Stipulations
b. Proposed Decisions and Orders
c. Objections and Responses to Objections
d. Complaints
e. Petitions for Summary Suspension
f. Remedial Education Cases
g. Petitions for Extension of Time
h. Petitions to Vacate Orders
i. Motions
j. Administrative Warnings
k. Matters Relating to Costs
l. Appearances from Requests Received or Renewed
m. Examination Issues
n. Application Issues
o. Monitoring Cases
p. Impaired Professional Procedure Cases

**18. Monitoring**

Consulting with Legal Counsel

Division of Enforcement – Case Status Reports and Case Closings

Ratifying Licenses and Certificates

**<u>RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION</u>**

Voting on Items Considered or Deliberated on in Closed Session if Voting is Appropriate

Other Business

**ADJOURNMENT**

Page intentionally left blank

# OCCUPATIONAL THERAPISTS AFFILIATED CREDENTIALING BOARD
# VIA LIVE MEETING
# MINUTES
# NOVEMBER 1, 2011

**PRESENT:** Mylinda Barisas-Matula (Live Meeting), Brian Holmquist, Deborah McKernan-Ace, Dorothy Olson, Corliss Rice (Live Meeting), Gail Slaughter (Live Meeting)

**EXCUSED:** David Cooper

**STAFF:** Tom Ryan, Executive Director; Sandy Nowack, Legal Counsel; Karen Rude-Evans, Bureau Assistant

**GUESTS:** Teri Black, WOTA

## CALL TO ORDER

Brian Holmquist, Chair, called the meeting to order at 9:12 a.m. A quorum of 6 (six) members was confirmed.

## APPROVAL OF AGENDA

**Amendments:**

- Under Item 4 (open session) – Approval of Minutes – delete pages 5-8 and insert Minutes of March 8, 2011
- Case Status Report (closed session) – insert at the end of the agenda

**MOTION:** Deborah McKernan-Ace moved, seconded by Dorothy Olson, to approve the agenda as amended. Motion carried unanimously.

## APPROVAL OF MINUTES OF MARCH 8, 2011

**Correction:**

- On page 2, under ELECTION OF OFFICERS, in the fourth line delete "David Cooper" and insert "Brian Holmquist."

**MOTION:** Brian Holmquist moved, seconded by Deborah McKernan-Ace, to approve the minutes of March 8, 2011 as amended. Motion carried unanimously.

## ELECTION OF OFFICERS AND BOARD APPOINTMENTS

The election of officers and board appointments was postponed to the first meeting in 2012.

**MOTION:** Mylinda Barisas-Matula moved, seconded by Dorothy Olson to delegate authority to the highest ranking Board officer or, in the event no officer is available, the most senior professional member of the Board to appoint liaisons to the Department where knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

## ITEMS FOR BOARD DISCUSSION

### 2010 AOTO Conference Report – Dorothy Olson

Dorothy Olson reported on the 2010 AOTA Conference.

### Review of the Board's Practice Act and Rules

The Board discussed updating their Practice Act and rules. Deborah McKernan-Ace and Mylinda Barisas-Matula will work with Sandy Nowack on this project. Terri Black, WOTA President, stated WOTA supports updating the rules.

### 2011 WOTA Meeting Report - Mylinda Barisas-Matula and Deborah McKernan-Ace

Mylinda Barisas-Matula reported that she and Deborah McKernan-Ace did not present at the 2011 WOTA meeting.

**MOTION:** Gail Slaughter moved, seconded by Brian Holmquist, to authorize Mylinda Barisas-Matula to submit a call for papers at the WOTA Conference in the fall of 2012. Motion carried unanimously.

## ADMINISTRATIVE MATTERS

**Introduction of New Legal Counsel**

Tom Ryan introduced new Legal Counsel Sandy Nowack. Ms. Nowack gave a brief history of her background.

**2012 Meeting Dates**

Tom Ryan reviewed the 2012 meeting dates with the Board.

## INFORMATIONAL ITEMS

No items to review.

## PUBLIC COMMENTS

Terri Black restated that WOTA fully supports updating the rules.

## OTHER BUSINESS

There was no other business.

## CLOSED SESSION

**MOTION:** Mylinda Barisas-Matula moved, seconded by Brian Holmquist, to convene to closed session to deliberate on cases following hearing (Wis. Stat. 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. 19.85 (1) (b), and Wis. Stat. 440.205); consider individual histories or disciplinary data (Wis. Stat. 19.85 (1) (f)) and to confer with legal counsel (Wis. Stat. 19.85 (1) (g)). Roll Call Vote: Mylinda Barisas-Matula-yes; Brian Holmquist-yes; Deborah McKernan-Ace-yes; Dorothy Olson-yes; Corliss Rice-yes; Gail Slaughter-yes. Motion carried unanimously.

The Board convened into closed session at 9:43 a.m.

## VOTING ON ITEMS CONSIDERED IN CLOSED SESSION IF VOTING IS APPROPRIATE

## VERIFICATION OF EXAMINATION SCORES

**MOTION:** Deborah McKernan-Ace moved, seconded by Dorothy Olson, to verify the oral examination scores. Motion carried unanimously.

## MONITORING

There were no monitoring cases.

## CASE CLOSINGS

There were no case closings.

## OTHER BUSINESS

There was no additional business.

## ADJOURNMENT

**MOTION:** Brian Holmquist moved, seconded by Deborah McKernan-Ace, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:06 p.m.

# Department of Safety and Professional Services

# Division of Board Services Board Member Guidebook

# Division of Board Services Board Member Guidebook

## Table of Contents


- Department Information
- Division of Board Services
- Powers and Responsibilities
- Agenda and Meetings
- Expenses and Travel
- Forms and Memos

# Department Information

# The Department of Safety and Professional Services

**History:**

The 2011-13 biennial budget, 2011 Wisconsin Act 32 created the Department of Safety and Professional Services (DSPS) by combining the Department of Regulation and Licensing (DRL) and the Divisions of Safety and Buildings and Environmental and Regulatory Services from the Department of Commerce.

Chapter 75, Laws of 1967, created DRL and attached to it 14 separate examining boards that had been independent agencies. The 1967 reorganization also transferred to the department some direct licensing and registration functions not handled by boards, including those for private detectives and detective agencies, charitable organizations, and professional fund-raisers and solicitors.

DRL's responsibilities changed significantly since its creation. Initially, it performed routine housekeeping functions for the examining boards, which continued to function as independent agencies. Subsequently, a series of laws required the department to assume various substantive administrative functions previously performed by the boards and to provide direct regulation of several professions.

The DSPS Division of Safety and Buildings traces its roots to 1911 when the Legislature created the Industrial Commission in Chapter 485 to set standards for a safe place of employment. This "safe place" statute was extended in Chapter 588, Laws of 1913, to include public buildings, defined as "any structure used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public, or by three or more tenants." The commission adopted its first building code in 1914. Programs added over the years include plumbing, heating, ventilation, air conditioning, energy conservation, private on-site waste treatment systems, accessibility for people with disabilities, and electrical inspection and certification. These responsibilities and the job of administering various other laws relating to the promotion of safety in public and private buildings, including enforcing building codes, and the licensure of occupations such as electricians and plumbers, were ultimately assumed by the Department of Commerce.

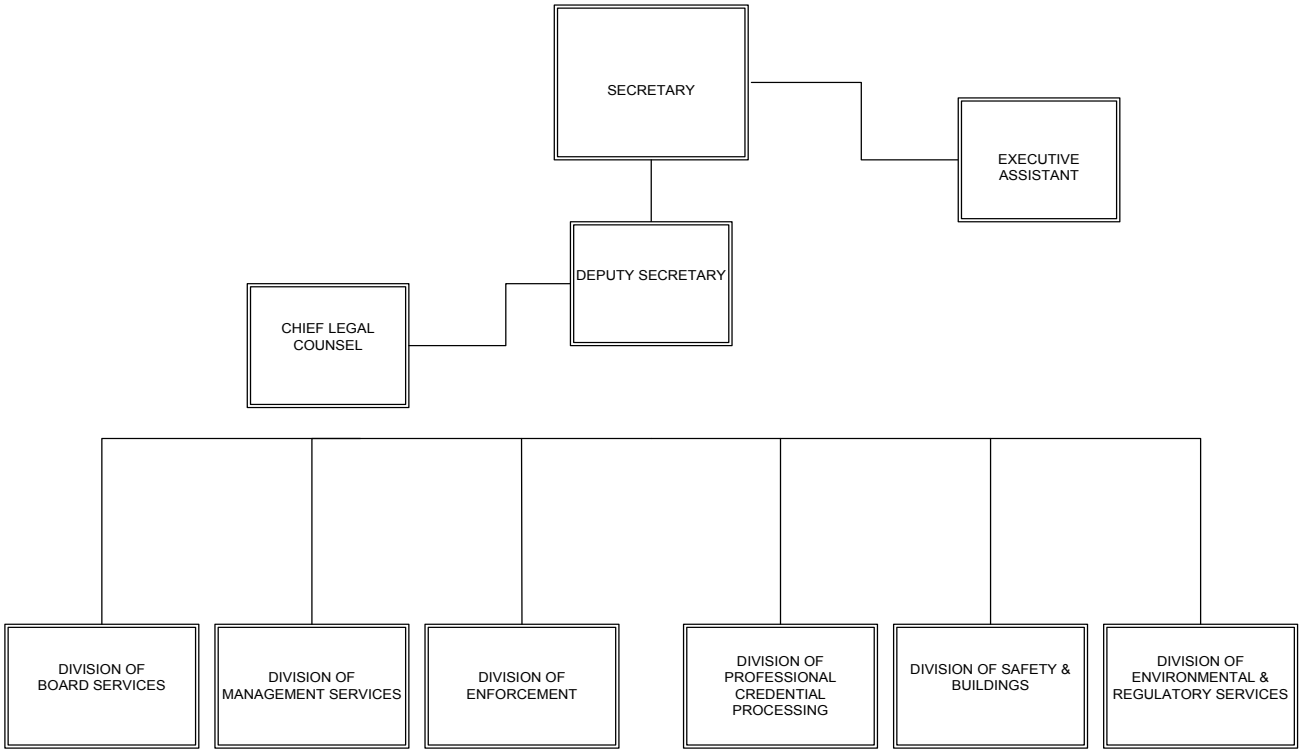
The DSPS Division of Environmental and Regulatory Services was created by 1995 Wisconsin Act 27 which transferred the PECFA program and the safety and buildings functions from the Department of Industry, Labor and Human Relations to the Department of Commerce.

# The Department of Safety and Professional Services
# Quick Facts

- Responsible for ensuring the safe and competent practice of licensed professionals in Wisconsin. The department also administers and enforces laws to assure safe and sanitary conditions in public and private buildings and regulates petroleum products and petroleum storage tank systems.
- Provides policy coordination and centralized administrative services for more than 70 boards, sections, councils, advisory committees, and direct licensing professions.
- Oversees the regulation of 200 types of credentials and specialty permits in more than 60 professional fields.
- Issues over 27,500 new credentials and renews more than 430,000 credential holders each biennium.
- Organized into six divisions and two offices:
    - Office of the Secretary
    - Division of Board Services
    - Division of Enforcement
    - Division of Environmental and Regulatory Services
    - Division of Management Services
    - Division of Professional Credential Processing
        - Office of Education and Examinations
    - Division of Safety and Buildings

- 379.6 full-time employees.
- Receives more than 2,500 consumer complaints per year.
- Verifies about 7,000 Wisconsin licenses per year to other states.

# The Department of Safety and Professional Services Organizational Structure



# Division of Board Services

**Mission of DSPS and the Boards**

To protect the health, safety and well-being of the citizens of Wisconsin by ensuring the safe and competent practice of licensed professionals at the least cost to the state.
To ensure the availability of safe and competent professional services by:

- fairly administering education, experience and examination requirements;
- establishing professional practice standards;
- ensuring compliance by enforcing occupational licensing laws.

**Division of Board Services-Board Staff**

17 staff in Board Services
1 Division Administrator
1 Program Assistant Supervisor
4 Executive Directors
4 Legal Counsel
4 Bureau Assistants
1 Adv-Paralegals
2 Paralegal

- There are approximately 300 board, council and committee members.
- A Bureau Director, Legal Counsel, and Bureau Assistant are assigned to each profession.
- The Division averages approximately 15 board, council and committee meetings each month.
- There are about 185 meetings scheduled each year.
- Provide the coordination and facilitation of a number of professional and administrative services to all of the regulatory boards, councils and committees.
- Provide administrative support.
- Coordinate and manage the business of each board, council or committee.
- Assist in facilitating the meetings.
- Provide professional services (analysis, evaluation and research).
- Coordinate drafting and implementation of laws, rules and policies.
- Coordinate board member travel and reimbursement processing.

**STATE OF WISCONSIN**
Department of Safety and Professional Services

**Governor Scott Walker** **Secretary Dave Ross**

1400 E Washington Ave
PO Box 8935
Madison WI 53708-8935

Email: dsps@wisconsin.gov
Web: www.dsps.wi.gov

Voice: 608-266-2112 • FAX: 608-267-3816 • TTY: 608-267-2416

# DIVISION OF BOARD SERVICES
# BOARD ASSIGNMENTS

| **Tom Ryan,** Executive Director<br>**Sandy Nowack,** Legal Counsel<br>**Karen Rude-Evans,** Bureau Asst<br>**Shawn Leatherwood,** Adv Paralegal | **Denise Aviles,** Executive Director<br>**Yolanda McGowan,** Legal Counsel<br>**Michelle Solem,** Bureau Asst<br>**Kris Anderson,** Paralegal | **Dan Williams,** Executive Director<br>**Colleen Baird,** Legal Counsel<br>**Kimberly Wood,** Bureau Asst<br>**Sharon Henes,** Paralegal | **Berni Mattsson*,** Executive Director<br>**Lydia Thompson,** Legal Counsel<br>**David Carlson, Bureau Asst.**<br>**Kris Anderson/Sharon Henes,** Paralegal |
|---|---|---|---|
| ▪ Medical Examining Board<br>▫ Athletic Trainers Affiliated Credentialing Board<br>▫ Council on Physician Assistants<br>▫ Dietitians Affiliated Credentialing Board<br>▫ Occupational Therapists Affiliated Credentialing Board<br>▫ Perfusionists Examining Council<br>▫ Podiatrists Affiliated Credentialing Board<br>▫ Respiratory Care Practitioners Examining Council<br>▫ Massage Therapy & Bodywork Therapy Affiliated Credentialing Board<br>▪ Nursing Home Ad. Ex Bd<br>(Colleen Baird – Legal Counsel)<br>▪ Physical Therapy Ex. Bd<br>▪ Radiography Ex. Bd<br>▪ Veterinary Ex. Bd<br>**Direct Licensing:**<br>▪ Boxing<br>▪ Home Inspectors<br>▪ Interior Designers<br>▪ Peddlers<br>▪ Charitable Organizations<br>▪ Professional Fund Raisers | ▪ Accounting Examining Bd<br>▪ Architects, Landscape Architects, Professional Engineers, Designers & Land Surveyors Examining Board<br>▫ Architects Section<br>▫ Designers Section<br>▫ Engineers Section<br>▫ Landscape Architects Section<br>▫ Land Surveyors Section<br>▪ Barbering & Cosmetology Examining Board<br>▪ Chiropractic Examining Bd<br>▪ Crematory Authority Council<br>▪ Funeral Directors Ex. Bd<br>▪ Real Estate Board<br>▫ RE Contractual Forms Advisory Committee<br>▫ RE Curriculum & Examination Council<br>**Direct Licensing:**<br>▪ Athletic Agents Adv. Com.<br>▪ Private Detectives<br>▪ Private Security Persons<br>▫ Firearms Permits<br>▫ Firearms Certifiers | ▪ Controlled Substances Board<br>(Lydia Thompson – Legal Counsel)<br>▪ Geologists, Hydrologists & Soil Scientists Examining Bd.<br>▫ Geologists Section<br>▫ Hydrologists Section<br>▫ Soil Scientists Section<br>▪ Marriage & Family Therapy, Professional Counseling, and Social Work Examining Bd.<br>▫ Marriage & Family Therapist Section<br>▫ Professional Counselor Section<br>▫ Social Worker Section<br>▪ Nursing, Board of<br>▫ Examining Council on Licensed Practical Nurses<br>▫ Examining Council on Registered Nurses<br>▪ Pharmacy Examining Board<br>(Lydia Thompson – Legal Counsel)<br>▪ Psychology Examining Board<br>**Direct Licensing:**<br>▪ Behavioral Analysts<br>▪ Sanitarians<br>▪ Substance Abuse Counselors | ▪ Auctioneer Board<br>▪ Cemetery Board<br>▪ Dentistry Examining Board<br>▪ Hearing & Speech Examining Board<br>▫ Council on Speech-Language Pathology & Audiology<br>(Colleen Baird – Legal Counsel)<br>▪ Optometry Ex. Board<br>▪ Real Estate Appr. Board*<br>▫ REA App Adv Com<br>▪ Sign Language Interp. Council<br>**Direct Licensing:**<br>▪ Acupuncture<br>▪ Licensed Midwives Advisory Committee<br>▪ Music, Art & Dance Therapy<br>▪ Professional Employer Organizations<br>**Where indicated by the following, the Bureau Assistants differ from the staff listing:**<br>• Lydia – Green<br>• Sandy - Purple<br>• Colleen - Orange<br>• Karen – Red<br>• Michelle - Yellow<br>• Kim – Blue<br>*Berni Mattsson also provides support to the Boards and Councils associated with the Division of Safety & Buildings. |

# Powers and Responsibilities

## Powers of Regulatory Bodies

- **Examining Boards**

  **Authority:**
  - Set standards of professional competence and conduct for the professions.
  - Prepare, conduct and administer examinations.
  - Grant and deny credentials (licenses).
  - Impose discipline.

  **Appointed By:** Governor with Senate confirmation.
  **Reimbursement:** Per Diem: $25
  Expenses: Actual and necessary expenses incurred in the performance of Examining Board duties.

- **Affiliated Credentialing Boards**

  Bodies that are attached to an Examining Board to regulate professions that do not practice independently of the profession regulated by the Examining Board or that practice in collaboration with the profession regulated by the Examining Board.

  **Authority:** With the advice of the examining board to which it is attached, sets standards of professional competence and conduct for the profession under the Affiliated Credentialing Board's supervision, reviews the qualifications of prospective new practitioners, grants credentials, and takes disciplinary action against credential holders.
  **Appointed By:** Governor with Senate confirmation.
  **Reimbursement:** Per Diem: $25
  Expenses: Actual and necessary expenses incurred in the performance of Board duties.

- **Examining Councils and Councils**

  **Authority:** Serve an Examining Board in an advisory capacity to:
  - Formulate rules to be promulgated by the Examining Board or department for the regulation of the specific profession.

  **Appointed By:** Some Councils have members appointed by the Governor and others have members appointed by an Examining Board. Senate confirmation is not required. The Governor has the authority to appoint all public members.
  **Reimbursement:** Per Diem: No compensation
  Expenses: Actual and necessary expenses incurred in the performance of Council duties.

- **Auctioneer and Real Estate Appraisers Boards**

  **Authority:** Advisory in all matters, except:
  - Screening complaints.
  - Imposing discipline.

  **Appointed By:** Governor with Senate confirmation.
  **Reimbursement:** Per Diem: $25
  Expenses: Actual and necessary expenses incurred in the performance of Examining Board duties.

- **Direct Licensing Advisory Committees and Screening Panel;**

    - No examining board.
    - The Secretary of the Department directly regulates the profession or occupation.
    - The Secretary has authority to appoint committee and panel members.
    - Committee and panel members serve at the discretion and pleasure of the Secretary.
    - The Committee or panel members make recommendations and advise the Secretary on issues relating to the specific profession

      **Appointed By:** Department Secretary
      **Reimbursement:** Per Diem: No compensation
      Expenses: Actual and necessary expenses incurred in the

## Responsibilities of a Board Member

- You are a public official who is dedicated to public service. You are willing to sacrifice your time and tolerate inconvenience, frustration, and scheduling conflicts to be available for board service.

- You have major responsibilities to the public and credential holders.

- You ARE NOT an advocate for private interest or professional groups.

- You must represent the highest standards of ethical and professional conduct.

- You must strive to avoid any relationship, activity or position that may influence, directly or indirectly, the performance of your official duties as a board member.

- You cannot serve as spokesperson for the board unless properly designated by the board.

- You must make public (and recuse yourself from) any conflict of interest that exists to ensure the integrity of the board and all of its decisions.

- You must comply with the rules of confidentiality, at all times, in dealings outside the board meeting.

## Importance of Public Members

- You are the voice of the public.

- You expand the range of perspectives available for higher quality and more creative board action.

- You balance decisions that might otherwise favor one faction of the regulated group over another.

- You make the governing board more responsive to the public it affects.

- You reduce the potential for board decisions to be professionally biased.

- You lend credibility to board accessibility and decisions.

- Public Member Concerns:
    - Being intimidated by professional members' experience in the field.
    - May impede board activity if technical issues are not understood.
    - Afraid to ask questions for fear of slowing down the meeting.
    - Professional members not treating public members as Board peers.

## Responsibilities of the Board Chair

- Recognize board members are entitled to speak or propose motions.
- Restate the motion after it has been seconded, then open for discussion.
- Close discussion and put motions to a vote. Restate the motion exactly as it was made or amended before calling for the question.
- Announce the result of the vote immediately. A tie vote defeats a motion requiring a majority of those voting. The chair may vote to make or break a tie.
- Avoid entering into any controversy or interfering with legitimate motions.
- Maintain order and proper procedure by making necessary rulings promptly and clearly.
- Expedite board business in every way compatible with the rights of the board members. You can allow brief remarks on motions, advise board members how to take action (proper motion or form of motion), or order proposed routing action without a formal vote ("If there is no objection, the minutes will stand approved as read. Hearing no objection, so ordered").
- Protect the board from frivolous motions whose purpose is to obstruct the board's business. You can refuse to entertain such motions. Never adopt such a course, however, merely to expedite business.
- Guard the board's time by having board members vote to adopt an agenda at the beginning of the meeting. Follow the agenda faithfully. Do not permit unauthorized interruptions by spectators.

## What Makes A Successful Board Member?

- Recognition that the goal of the board is the protection of the public.
- Embracing role as a public servant.
- Common sense and a willingness to ask questions.
- Commitment to attendance.
- Willingness to devote time and effort to the work of the board.
- Open .
- Team player.
- Fairness.
- An orderly approach to decision making.
- Ability to set aside personal/business interests.

**Board Members Should Avoid:**

- Obsession with a single issue.
- Self-serving by bringing own agenda to the table.
- Always taking the "contrarian" view—just for show.
- Expounding on strongly held opinions that are rarely backed by fact or research.
- Unpredictable participation or attendance.

**Disappointments Experienced As Board Members:**

- Personal goals for improvement of the profession have not been realized.
- The public has not been served fairly.
- Lack of effort and dedication on the part of other board members.
- The "wheels" of government do not move fast enough.

## Dealing With The Volatile World Of Meetings

Some of the ideas are best undertaken by the Chair; however, you should feel free to help any meeting to progress. After all, why should you allow your time to be wasted?

- If a participant strays from the agenda item, call him/her back: "We should deal with that separately, but what do you feel about the issue X?"
- If there is confusion, you might ask: "Do I understand correctly that …?"
- If you do not understand, say so: "I don't understand that, would you explain it a little more; or, do you mean X or Y?"
- If a point is too vague ask for greater clarity: "What exactly do you have in mind?"
- If the speaker begins to ramble, wait until an inhalation of breath and jump in: "Yes, I understand that such and such, does anyone disagree?"
- If someone interrupts (someone other than the rambler), you should suggest that: "We can hear your contribution after Phoebe is finished."
- If people chat, you might either simply state your difficulty in hearing/concentrating on the real speaker or ask them a direct question: "What do you think about that point?"
- If someone gestures disagreement with the speaker (e.g., by a grimace), then make sure they are brought into the discussion next: "What do you think Phoebe?"
- If there is an error, look for a good point first: "I see how that would work if X Y Z, but what would happen if A B C?"
- If you disagree, be *very* specific: "I disagree because ……."

## Ethics For Board Members

Public officials must not engage in unethical or the appearance of unethical behavior. Board members should be cognizant of how their actions may be perceived by the public.

If you have questions about certain activities, you are encouraged to consult with the attorney from the Division of Board Services assigned to your Board.

**General Standards of Conduct For Board Members**

- Board members must not act in an arbitrary or capricious manner in discharging any of their public duties. All Board member decisions whether the individual or collective ones must be based upon a reasoned consideration of facts applied to the correct law.

**Primary Duties of All Board Members**

- Be knowledgeable about the statutes and rules governing the Board.
- Review and make decisions on all issues presented to the Board in compliance with the law and with the ultimate goal of protecting the public.
- Be aware that Board members are viewed as representatives of the Board when they appear at public meetings and professional gatherings. Board members should not speak for the Board unless specifically authorized to do so.
- Refer public inquiries about Board issues directly to the bureau director for your Board.
- Do not participate in discussion or vote on any matter in which the Board member has a personal or professional conflict of interest.
- Prepare for Board meetings by careful review of materials. Board members shall come to the meetings with preliminary opinions of the issues to be discussed and questions for clarification.
- As a professional member of the Board, remain current in standards of practice through reviewing professional literature and attending educational programming and through actual practice or relationships with colleagues in practice.
- As a public member of the Board, become educated regarding the practice of the profession.
- Maintain absolute confidentiality regarding disciplinary matters, examinations, examination scores and other closed-session issues. The failure to maintain confidentiality could result in loss of immunity Board members enjoy for purposes of their actions as Board members.

**Discipline**

- The objectives of professional discipline include the following: (1) to promote the rehabilitation of the licensee; (2) to protect the public; and (3) to deter others from engaging in similar conduct.
- Punishment of the licensee is not an appropriate consideration.
- The statutory framework which creates the Board's authority will provide the options available for discipline.
- The goal of a regulatory board is to protect the public.

**Standards of Ethical Conduct**

- **The Five Commandments**
  - Do not act in an official capacity in a matter in which you have a private interest.
  - Do not use your public position for a private benefit.
  - Do not solicit or accept rewards or items or services likely to influence you.
  - Do not use confidential information.
  - Do not use your public position to obtain unlawful benefits.

- **Bias/ Conflict – Watch for:**
  - Financial Interests (employer/ employee/ competitor)
  - Professional business Interests (have you worked with them in the past)
  - Other – friends, non-friends
  - Personal knowledge of facts which may not be in the record

# Agendas and Meetings

## Agendas and Meetings

- New Technologies – Share Point & Live Meeting.

- Agenda packets are mailed, emailed, and/or posted on Share Point about 7 calendar days prior to meeting.

- Agendas include:
  - Approval of the Agenda and Minutes
  - Open Session Items
    - Administrative Report
    - Legislation and Administrative Rules Issues
    - Public Hearings
    - Education and Exam Issues
    - Practice Questions
    - Current Issues Affecting the Profession
  - Closed Session items
    - Stipulations
    - Administrative Warnings
    - Deliberations on Proposed Disciplinary Actions
    - Case Closings
    - Monitoring Issues
    - Credentialing Issues
    - Exam Issues

- Agendas are published for public notice every Wednesday prior to the meeting on the Department's web site

- Meetings must comply with the Open Meetings Law.

- "To-Do" lists are distributed to staff within three (3) days after a meeting.

- Minutes are prepared within five (5) days after the board meeting.
  - Once the board approves the minutes, they are published on the Department's web site.

# Expenses and Travel

## General Expense Reimbursement Guidelines

- State statutes and Code of Ethics strictly prohibit any board member, his or her family, or co-workers from benefiting personally from free flight plans, lodging, meals, or other promotions which result from travel incurred in connection with board official business and paid from state or federal funds.

- All travel-related expenses are reimbursable within the limitations established by the Department of Employment Relations and the Department of Administration.

- Any board member whose appointment has been confirmed by the Senate or who has been nominated to fill a vacant board position is eligible to receive a per diem. Council and Committee members are not eligible for a per diem.

- Any board, council or committee member whose appointment has been confirmed by the Senate or who has been nominated to fill a vacant position is eligible to receive travel expenses for each day on which he or she has actually and necessarily engaged in the performance of board duties. If you are employed by the State of Wisconsin these requirements do not apply.

- All per diem and travel expense reimbursement vouchers must be submitted to the Department **within a month of the activity** in which payment is being requested.

- Any board member who wishes to attend out-of-state regional or national meetings or conventions must have prior approval by the Board and the Department, if he or she wishes to receive reimbursement for expenses by the Department.

- Employees in travel status are expected to use good judgment when incurring travel costs. Only expenses incurred while conducting official State business will be reimbursed. Reimbursement claims must represent actual, reasonable and necessary expenses.

- Reimbursement for air travel is limited to the lowest appropriate airfare which is defined as coach fare, which provides for not more than a 2-hour window from the traveler's preferred departure or arrival time and may require one plane transfer.

- Benefits from any airline promotion program, such as frequent flier points or credit vouchers, belong to the State and should be turned over to the Department.

## Lodging Accommodations

- Hotel arrangements for board meetings are scheduled by the department for all board meetings at the beginning of each year.

- Lodging the night before a board meeting will be reimbursed provided the board member would have to leave home before 6:00 a.m. in order to be at the meeting site by the set meeting time.

- Maximum reimbursement rate for in-state lodging is $70, except in Milwaukee, Waukesha and Racine counties where the rate is $80.

- Maximum reimbursement rates for out-of-state lodging are determined by the Office of State Employment Relations. In cases where a board member stays at the conference site, the conference room rate is allowable.

## Per Diem Guidelines

**$25 per day**
*(Only one per diem may be claimed per calendar day.)*

Examples:

- Attend board meeting or participate in a board meeting by telephone.
- Attend a Screening Panel Session when held on a day other than a board meeting date, in person or by telephone.
- Senate confirmation hearing.
- Exam administration or test development
- Attend a legislative or other public hearing as an authorized representative of the board on matters directly related to the work of the board. Prior approval from the secretary is required for per diem payments for more than one board-authorized representative at a public hearing.
- Represents the board at a meeting of a governmental body or other organization where attendance is necessary to the performance of the board's official duties.

**5-Hour Rule**

- $25 for performing a cumulative minimum of 5 hours engaged in:
  - Duties as a disciplinary case screener or board advisor including reviewing cases, consulting with investigators, etc. (NOTE: You will need to document the exact times performing these duties on your per diem form.
  - Preparation of board correspondence or articles
- Hours can only be claimed in the month the duties were performed. Hours cannot carry over to other months.

**Insufficient Basis For Approval of a Per Diem**

- Travel days to or from board meetings, conferences, and other events when there is no event business conducted.
- Reading board agendas, meeting packets, minutes or transcripts.
- Attendance at professional association meetings, conferences, seminars, exam administrator or test development if there has not been prior board authorization and approval of the Secretary's office.

## Travel and Meal Guidelines

- **Mileage rate --** 48.5 cents per mile
- **Private Airplane--** 48.5 cents per mile
- **Meals** *(Maximum amounts)*

| | In-State Travel | Out-of-State Travel |
|---|---|---|
| Breakfast | $8 | $10 |
| You must leave home before 6:00 a.m. | | |
| Lunch | $9 | $10 |
| You must depart before 10:30 a.m. & return after 2:30 p.m. | | |
| Dinner | $17 | $20 |
| You must return home after 7:00 p.m. | | |

*NOTE: Alcoholic beverages may not be claimed for any meal.*

- **Telephone:** One personal call home is reimbursable up to $5 for each night in travel status.
- **Hotel Gratuities:** Gratuities to hotel employees are reimbursable up to $2 on dates of departure and arrival, and up to $2 per night for a stay at a hotel/motel.
- **Porterage:** Porterage costs at airports or bus terminals will be reimbursed. The claim should not exceed $1 per piece of luggage.
- **Taxi/Shuttle:** Receipts are required for one-way fares exceeding $25.

## Examples of Non-reimbursable Items

This list is not all-inclusive

- Traffic citations, parking tickets and other fines
- Mileage charges incurred for personal reasons, e.g., sightseeing, side trips, etc.
- Additional charges for late checkout
- Taxi fares to and from restaurants
- Meals included in the cost of registration fees or airfare
- Flight insurance
- Cancellation charges (unless fully justified)
- Alcoholic beverages
- Spouse or family members' travel costs
- Lost/stolen cash or personal property
- Personal items, e.g., toiletries, luggage, clothing, etc.
- Repairs, towing service, etc., for personal vehicle
- Pay-for-view movies in hotel room; personal entertainment
- Child care costs and kennel costs

# Forms and Memos

# Department of Regulation & Licensing

**PER DIEM REPORT**

Month___*January*__ Year ____*2011*___

**INSTRUCTIONS:** Send original (white) and first copy (yellow) to Bureau Director authorized to approve. Approving Bureau Director forwards original and first copy to Deputy Secretary, Department of Regulation and Licensing. Second copy (green) to be retained by claimant. Attach travel voucher if applicable.

| NAME OF EXAMINING BOARD OR COUNCIL<br>Board | | | | BOARD OR COUNCIL MEMBER'S NAME<br>John Doe | | | |
|---|---|---|---|---|---|---|---|
| Day | Specify Number of Hours | Purpose Code | Where Performed | Day | Specify Number of Hours | Purpose Code | Where Performed |
| 1 | | | | 17 | | | |
| 2 | | | | 18 | | | |
| 3 | | | | 19 | | | |
| 4 | | | | 20 | | | |
| 5 | *7* | *A* | *DRL- Madison* | 21 | | | |
| 6 | | | | 22 | | | |
| 7 | | | | 23 | *2* | *G* | *Home* |
| 8 | | | | 24 | | | |
| 9 | | | | 25 | | | |
| 10 | | | | 26 | | | |
| 11 | *3* | *B* | *Teleconference – Home* | 27 | | | |
| 12 | | | | 28 | | | |
| 13 | | | | 29 | | | |
| 14 | | | | 30 | | | |
| 15 | | | | 31 | | | |
| 16 | | | | | | | |

TOTAL DAYS CLAIMED ____*2*____ *@ $ 25.00 = $50.00*

| **CLAIMANT'S CERTIFICATION**<br>The undersigned certifies, in accordance with Sec. 16.53, Wis. Stats., that this account for per diem, amounting to $25.00, is just and correct; and that this claim is for service necessarily incurred in the performance of duties required by the State, as authorized by law. | APPROVED:<br><br>Bureau Director Date |
|---|---|
| Claimant's Signature Date | Secretary, Department of Regulation & Licensing |
| Social Security Number | Date |

## Purpose Codes:

A. Attend **Board meetings** in person or via teleconference call.
B. Attend **Screening Panel** meetings on days other than board meeting days (teleconference calls)
C. Attend **Hearings**, i.e., legislative, disciplinary or informal settlement conference hearings, on days other than board meeting days.
D. Attend **Examinations**
E. Attend **Test Development Sessions**, i.e., test review or analysis sessions, national testing sessions, tour of test facilities, etc.)
F. Attend Senate Confirmation Hearings
G. Review DOE cases
H. Review credentialing applications other than at board meeting.
G. Other (describe in detail)

#11 (Rev. 01/07)

State of Wisconsin

**Travel Voucher DOA-6107 (R01/96)**

**Staple Receipts Face Up On Backside**

**DOCUMENT NUMBER TL**

For Agency Use Only

| | | | |
|---|---|---|---|
| **Regulation & Licensing** | | **SSN** Z | Collective Bargaining Unit |
| **Department/ Division** | DRL - DBS | **Address** | **Permanent** **Project** **LTE** |
| **State Officer/Employee Name** | | **City** **State** WI **Zip-Code** | — — — |
| **Mo/Yr** | **From/To:** | | Headquarters or Home Station |

| FY | FUND | AGENCY | ORG CODE | SUB ORG | APPROPRIATION | | ACTIVITY | OBJECT | SUB-OBJ | BALANCE SHEET ACCT | REPORTING CATEGORY | PROJECT NUMBER | AMOUNT DEBIT | AMOUNT CREDIT |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 2011 | 100 | 165 | | | 1301 | | | 2165 | 02 | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | **TOTALS** | | |

| Date | Official Business Purpose of Trip | Travel Points From | Travel Points To | HDQS-TIME Depart | HDQS-TIME Return | Personal Vehicle Miles | Lodging | Meals, including tips Morning | Meals, including tips Noon | Meals, including tips Evening | Other Allowable Expenses Item | Other Allowable Expenses Amount | Total Allowable Expenses Taxable | Total Allowable Expenses Non-Taxable |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | **Sub-Totals** | | | | | | | | | | |

*Item billed directly to the state agency

| | | | | |
|---|---|---|---|---|
| | **Miles at** | **0.32 cents/mile** | **Mileage Costs** | |
| | **Miles at** | **0.485 cents/mile** | **Totals** | |
| | **Miles at additional 1 cent per mile** | | **Total Expenditure** | |
| | | | **Less Travel Advance** | |
| | | | **Net Amount Due** | |

**Claimant's Statement's. 16.53 Wisconsin Statutes**

I declare, under penalties, that all claimed travel expenses are true and correct and are in conformity with Wisconsin statute 16.53 and related agreements. This claim represents reasonable and actual expenses necessarily incurred by me personally in the performance of official duties and no portion was previously reimbursed to me by the State or any other source.

**Date** _____ **Claimant's Signature** _____

**I certify that this travel claim is reasonable, proper, and in conformity with applicable statutes, travel schedule amounts, and/or collective bargaining agreements.**

**Date** _____ **Supervisor's Signature** _____

I certify that all expenses on this voucher conform to statutory, departmental or applicable collective bargaining provisio necessary in the official performance of duties required by the State Expenditures are determined to be reasonable and p sufficient funds are available to pay this claim.

_____

**Agency Head or Authorized Representative**

**Audited in accordance with S. 16.53 Wisconsin Statutes and allowed by the provisions of chapter 20.** ____

## Department Policy
## Deadline For Submitting Travel Vouchers and Per Diems

Effective: Immediately

**Board Members will only be reimbursed for travel upon a motion made by the Board, Council, or Committee designating them as a representative and upon prior approval of the department.**

**Policy for Submitting Board Meeting Travel Reimbursement**
All travel vouchers and per diems must be submitted to the Department after each meeting and no later than the month following the Board meeting.

**Policy for Submitting Out-of-State Travel Reimbursement**
All travel vouchers and per diem vouchers must be submitted no later than the month following the month in which the out-of-state travel occurred.

**Forms Submitted after the Deadline**
Due to the Department's budget being an annual appropriation, those vouchers that are not submitted in a timely manner become at risk of not being reimbursed.

**Annual Appropriation:**
The Department receives authority from the legislature to spend a set amount of money each fiscal year. None of the authorized set amount can be carried forward to the next fiscal year.

## Division of Board Services

### HOTEL RESERVATIONS POLICY & PROCEDURE

Effective January 1, 2010, the Department has selected the Fairfield Inn & Suites for all future hotel reservations.

**Fairfield Inn**
**2702 Crossroads Dr**
**Madison, WI 53718**
**608-661-2700**

- If the board member is not going to use the reserved hotel room, it is the responsibility of the board member to cancel the room by calling the hotel themselves.
- If the hotel room is not cancelled, the board member may be responsible to pay the bill.
- If a meeting is cancelled due to a lack of quorum or no business, it is the responsibility of the Department to cancel any room reservations.

### QUORUM CONFIRMATION POLICY

- It is every board member's responsibility to ensure there is a quorum to conduct business at all board meetings.
- It is the responsibility of each board member to inform the executive director of any meeting dates in which they will not be able to attend.
- If Division staff does not hear from a board member, they will assume that the board member will be attending the scheduled meeting.
- A quorum check will not be conducted prior to each scheduled board meeting.
- The only time Division staff will conduct a quorum check will be if two or more board members contact the Division indicating they will not be able to attend an upcoming scheduled meeting.
- Every board member will receive a list of all approved meeting dates at the first board meeting of the New Year. Please use this as a reference to assist in planning for the year ahead.

### INCLEMENT WEATHER POLICY & PROCEDURE

**Quorum Note:** For open session you need one more than half of the total board membership. If there is formal discipline you will need 2/3 of the total board membership.

- Teleconference and Live Meeting options should be offered in order to continue with the scheduled meeting.
- Hotel rooms for the night before should be provided for any Board member traveling more than 50 miles from Madison and the meeting starts before 10:00 a.m.
- If a Board member who has a hotel reservation already in place will not attend and/or the meeting is cancelled, the hotel room should be cancelled immediately.

## Division of Board Services
## Board Member Guidebook

This Board Member Guidebook has been prepared for your information and understanding of the policies, expectations, and practices of the Department of Safety & Professional Services and the Division of Board Services. Please read it carefully. Upon completion of your review of this guidebook, sign the statement below, and return it to the Executive Director of your Board, Committee, or Council by the due date. A copy of this acknowledgment appears at the back of the guidebook for your records.

I, _____, have received and read a copy of the Division of Board Services Board Member Guidebook which outlines the policies, expectations, and practices of the Department of Safety & Professional Services and the Division of Board Services, as well as my responsibilities as a member of an attached Board, Council, or Committee.

I have familiarized myself with the contents of this guidebook. By my signature below, I acknowledge, understand, accept and agree to comply with the information contained in the Board Member Guidebook provided to me by the Division of Board Services. I understand this guidebook is not intended to cover every situation which may arise during my term, but is simply a general guide to the goals, policies, practices, and expectations of the Department of Safety & Professional Services.

_____
(Member signature)

Please return by: _____
(put date here)

## Division of Board Services
## Board Member Guidebook

This Board Member Guidebook has been prepared for your information and understanding of the policies, expectations, and practices of the Department of Safety & Professional Services and the Division of Board Services. Please read it carefully. Upon completion of your review of this guidebook, sign the statement below, and return it to the Executive Director of your Board, Committee, or Council by the due date. A copy of this acknowledgment appears at the back of the guidebook for your records.

I, _____, have received and read a copy of the Division of Board Services Board Member Guidebook which outlines the policies, expectations, and practices of the Department of Safety & Professional Services and the Division of Board Services, as well as my responsibilities as a member of an attached Board, Council, or Committee.

I have familiarized myself with the contents of this guidebook. By my signature below, I acknowledge, understand, accept and agree to comply with the information contained in the Board Member Guidebook provided to me by the Division of Board Services. I understand this guidebook is not intended to cover every situation which may arise during my term, but is simply a general guide to the goals, policies, practices, and expectations of the Department of Safety & Professional Services.

_____
(Member signature)

Please return by: _____
(put date here)

Page intentionally left blank

# State of Wisconsin
# Department of Safety & Professional Services

## AGENDA REQUEST FORM

| 1) Name and Title of Person Submitting the Request: | 2) Date When Request Submitted:<br><br>Items will be considered late if submitted after 4:30 p.m. and less than:<br>▪ 10 work days before the meeting for Medical Board<br>▪ 14 work days before the meeting for all others |
|---|---|

3) Name of Board, Committee, Council, Sections:
Occupational Therapists Affiliated Credentialing Board

| 4) Meeting Date: | 5) Attachments: | 6) How should the item be titled on the agenda page? |
|---|---|---|
| April 11, 2012 | x Yes<br>☐ No | Delegation Motion |

| 7) Place Item in: | 8) Is an appearance before the Board being scheduled? If yes, who is appearing? (name) | 9) Name of Case Advisor(s), if required: |
|---|---|---|
| x Open Session<br>☐ Closed Session<br>☐ Both | ☐ No | |

10) Describe the issue and action that should be addressed:

In order to facilitate the completion of assignments between meetings without having to convene the Board, the Board will consider the following motion:

To delegate authority to the Chair of the Board, highest ranking officer, or highest ranking member on the Board, to appoint liaisons to the Department where knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law.

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

Page intentionally left blank