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**PERFUSIONISTS EXAMINING COUNCIL**  
**Room 121C, 1400 East Washington Avenue, Madison**  
**Contact: Tom Ryan (608) 266-2112**  
**April 7, 2015**

*The following agenda describes the issues that the Council 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 Council.*

**AGENDA**

**1:00 P.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

- A) Adoption of Agenda (1-2)**
- B) Welcome New Members**
- C) Approval of Minutes of April 8, 2014 (3-5)**
- D) Appointments/Reappointments/Confirmations**
- E) Administrative Updates**
  - 1) Department and Staff Updates
- F) Election of Officers (6)**
- G) Appointment of Liaisons and Delegated Authorities (6)**
- H) Review of Position Statements (7-9)**
- I) Supreme Court Decision involving NC Dentistry Board (10-11)**
- J) Items Added After Preparation of Agenda:**
  - 1) Introductions, Announcements and Recognition
  - 2) Administrative Updates
  - 3) Education and Examination Matters
  - 4) Credentialing Matters
  - 5) Practice Matters
  - 6) Legislation/Administrative Rule Matters
  - 7) Liaison Report(s)
  - 8) Informational Item(s)
  - 9) Appearances from Requests Received or Renewed
  - 10) Speaking Engagement(s), Travel, or Public Relation Request(s), and Reports
- K) 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 § 440.205, Stats.); to consider individual histories or disciplinary data (§ 19.85 (1) (f), Stats.); and to confer with legal counsel (§ 19.85 (1) (g), Stats.).**

- L) Deliberation of Items Added After Preparation of the Agenda
  - 1) Education and Examination Matters
  - 2) Appearances from Requests Received or Renewed

- M) Consulting with Legal Counsel

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

- N) Open Session Items Noticed Above not Completed in the Initial Open Session
- O) Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

**ADJOURNMENT**

**PERFUSIONISTS EXAMINING COUNCIL  
VIRTUAL MEETING MINUTES  
April 8, 2014**

**PRESENT VIA GOTOMEETING:** David Cobb; Jeffery Edwards; Shawn Mergen; Gary Tsarovsky

**STAFF:** Tom Ryan, Executive Director; Daniel Agne, Bureau Assistant

**CALL TO ORDER**

Shawn Mergen, Chair, called the meeting to order at 1:01 P.M. A quorum of four (4) members was confirmed.

**ADOPTION OF AGENDA**

**MOTION:** Shawn Mergen moved, seconded by David Cobb, to adopt the agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES**

**MOTION:** Shawn Mergen moved, seconded by Jeffery Edwards, to approve the minutes of April 11, 2013 as published. Motion carried unanimously.

**ADMINISTRATIVE MATTERS**

**ELECTION OF OFFICERS**

**MOTION:** David Cobb moved, seconded by Gary Tsarovsky, to nominate and elect the 2013 slate of Officers for 2014. Motion carried unanimously.

*The Council voted unanimously in an election to retain the current slate of Officers.*

| <b>2014 ELECTION RESULTS</b> |                 |
|------------------------------|-----------------|
| <b>Council Chair</b>         | Shawn Mergen    |
| <b>Vice Chair</b>            | Jeffery Edwards |
| <b>Secretary</b>             | Gary Tsarovsky  |

**APPOINTMENT OF LIAISONS, ALTERNATES, AND DELEGATES**

**MOTION:** Shawn Mergen moved, seconded by David Cobb, to retain the current slate of Liaisons for 2014, as noted below:

- 1) **Credentialing Liaison:** Gary Tsarovsky  
(Jeffery Edwards as the Alternate)
- 2) **Education & Exams Liaison:** Shawn Mergen

Motion carried unanimously.

## DELEGATED AUTHORITY MOTIONS

**MOTION:** Gary Tsarovsky moved, seconded by Jeffery Edwards, that the Council delegates authority to the Chair (or order of succession) to sign documents on behalf of the Council. In order to carry out duties of the Council, the Chair has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair delegates the authority to a Department representative to sign the name of the Chair (or order of succession), or any and all Council members, on documents as necessary. Motion carried unanimously.

**MOTION:** Gary Tsarovsky moved, seconded by Jeffery Edwards, that, in order to facilitate the completion of assignments between meetings, the Council delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Council, to appoint liaisons to the Department to act in urgent matters and to act when knowledge or experience in the profession is required to carry out the duties of the Council in accordance with the law. Motion carried unanimously.

## REVIEW OF POSITION STATEMENTS

**MOTION:** Jeffery Edwards moved, seconded by Shawn Mergen, to **remove** the Position Statement titled **“WHAT IS THE LENGTH OF TIME THAT A PHYSICIAN IN WISCONSIN MUST RETAIN PATIENT MEDICAL RECORDS?”**. Motion carried unanimously.

**MOTION:** Jeffery Edwards moved, seconded by Shawn Mergen, to **remove** the Position Statement titled **“HAS THE WISCONSIN MEDICAL EXAMINING BOARD ADOPTED SPECIFIC GUIDELINES FOR PHYSICIANS WHO ARE TREATING CHRONIC PAIN OR PRESCRIBING CONTROLLED SUBSTANCES FOR THE TREATMENT OF PAIN?”**. Motion carried unanimously.

**MOTION:** Shawn Mergen moved, seconded by Gary Tsarovsky, to **remove** the Position Statement titled **“ARE THERE SIMILAR RESTRICTIONS ON A RESPIRATORY CARE PRACTITIONER PRACTICING UNDER A LLC OR LLP?”**. Motion carried unanimously.

**MOTION:** Gary Tsarovsky moved, seconded by Shawn Mergen, to **adopt as amended** the Position Statement titled **“IS SUPERVISION REQUIRED FOR PATIENT CARE SERVICES PROVIDED BY A PERFUSIONIST?** According to Wis. Stats. 448.03(2)(e), patient services provided by a perfusionist must be directed, supervised, and inspected by a physician who has the power to direct, decide, and oversee the implementation of the patient services rendered.” Motion carried unanimously.

## ADJOURNMENT

**MOTION:** David Cobb moved, seconded by Shawn Mergen, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:30 P.M.

DRAFT

| <b>2014 OFFICERS</b> |                 |
|----------------------|-----------------|
| <b>Council Chair</b> | Shawn Mergen    |
| <b>Vice Chair</b>    | Jeffery Edwards |
| <b>Secretary</b>     | Gary Tsarovsky  |

| <b>2014 LIAISON APPOINTMENTS</b>   |   |
|------------------------------------|---|
| <b>Credentialing Liaison</b>       | Gary Tsarovsky<br><i>Alternate:</i> Jeffery Edwards |
| <b>Education and Exams Liaison</b> | Shawn Mergen  |

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

**AGENDA REQUEST FORM**

|   |   |  |  |
|---|---|--|--|
| 1) Name and Title of Person Submitting the Request:<br><br><b>Daniel Agne, Bureau Assistant<br/>on behalf of<br/>Tom Ryan, Executive Director</b>   |   | 2) Date When Request Submitted:<br><br><b>5/14/14</b><br><br>Items will be considered late if submitted after 4:30 p.m. on the deadline date:<br>§ 8 business days before the meeting for paperless boards<br>§ 14 business days before the meeting for all others |  |
| 3) Name of Board, Committee, Council, Sections:<br><br><b>Perfusionists Examining Council</b>   |   |  |  |
| 4) Meeting Date:<br><br><b>Next Meeting<br/>TBD, 2015??</b>   | 5) Attachments:<br><input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No   | 6) How should the item be titled on the agenda page?<br><br><b>Review of Position Statements</b>   |  |
| 7) Place Item in:<br><input checked="" type="checkbox"/> Open Session<br><input type="checkbox"/> Closed Session<br><input type="checkbox"/> Both   | 8) Is an appearance before the Board being scheduled?<br><br><input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> )<br><input checked="" type="checkbox"/> No | 9) Name of Case Advisor(s), if required:   |  |
| 10) Describe the issue and action that should be addressed:<br><br><b>Council to review the Position Statements on the following pages, and discuss whether to post to the Council website.</b><br><br><p style="text-align: center;">Note that one question was removed by the Department due to an obsolete citation. The Council will be asked to consider revising or permanently removing this question.</p> |   |  |  |
| 11) <b>Authorization</b>  |   |  |  |
| <b>Daniel Agne</b><br>_____<br>Signature of person making this request  |   | _____<br>Date  |  |
| _____<br>Supervisor (if required)   |   | _____<br>Date  |  |
| _____<br>Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date   |   |  |  |
| Directions for including supporting documents:<br>1. This form should be attached to any documents submitted to the agenda.<br>2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.<br>3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.                        |   |  |  |

**The question below was removed from the Position Statements due to an obsolete code citation.**

**Current Q and A:**

**WHAT ARE THE REQUIREMENTS FOR A PHYSICIAN ADVERTISING AS “BOARD CERTIFIED”?**

**Chapter MED 10.02(w)** requires that use of the term “board certified” (or a similar phrase of like meaning) in advertising must include disclosure of the complete name of the specialty board which conferred the certification. Advertising in such a manner is prohibited if the physician is not in fact certified. Failure to make the required disclosure or advertising in an untruthful or inaccurate manner constitutes unprofessional conduct.

**Current rules and citations:**

- 10.03 1. (i) Representing or claiming as true the appearance that a physician possesses a medical specialty certification by a board recognized certifying organization, such as the American Board of Medical Specialties, or the American Osteopathic Association, if it is not true.
- (k) Engaging in false, misleading, or deceptive advertising.



## STATE OF WISCONSIN

Department of Safety and Professional Services  
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Madison WI 53703

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**Governor Scott Walker      Secretary Dave Ross**

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### **Positions Statements Related to Perfusionists Issued by the Perfusionists Examining Council**

#### **WHAT IS THE PRACTICE OF PERFUSION?**

Perfusion is defined in [Wis Stats. 448.015\(1m\)](#) as the branch or system of treating the sick that is limited to the operation and management of extracorporeal circulation to support, temporarily replace, measure, treat, or supplement the cardiopulmonary and circulatory system of a patient, including, when necessary to and part of the management and operation of extracorporeal circulation, the use of blood testing and advanced life support techniques and technologies, autotransfusion, and the administration of blood, blood products, and anesthetic and pharmacological agents.

#### **WHAT IS WITHIN THE SCOPE OF PRACTICE OF A PERFUSIONIST?**

The scope of practice of perfusion is outlined in [Ch Med 22.09](#), Wis. Admin Code. As per [Wis. Stats. 448.04\(1\)\(d\)](#), no perfusionist may practice without the orders and supervision of a licensed physician.

#### **IS SUPERVISION REQUIRED FOR PATIENT CARE SERVICES PROVIDED BY A PERFUSIONIST?**

According to [Wis. Stats 448.03\(2\)\(e\)](#), patient services provided by a perfusionist must be directed, supervised, and inspected by a physician who has the power to direct, decide, and oversee the implementation of the patient services rendered.

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

**AGENDA REQUEST FORM**

|  |   |   |  |
|--|---|---|--|
| 1) Name and Title of Person Submitting the Request:<br><br>Taylor Thompson, Bureau Assistant<br>on behalf of<br>Tom Ryan, Executive Director   |   | 2) Date When Request Submitted:<br><br>3/30/15<br>Items will be considered late if submitted after 12:00 p.m. on the deadline date:<br>▪ 8 business days before the meeting |  |
| 3) Name of Board, Committee, Council, Sections:<br><br>Perfusionists Examining Council   |   |   |  |
| 4) Meeting Date:<br><br>4/7/15   | 5) Attachments:<br><input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No   | 6) How should the item be titled on the agenda page?<br><br>Supreme Court Decision Involving NC Dentistry Board   |  |
| 7) Place Item in:<br><input checked="" type="checkbox"/> Open Session<br><input type="checkbox"/> Closed Session<br><input type="checkbox"/> Both  | 8) Is an appearance before the Board being scheduled?<br><br><input type="checkbox"/> Yes ( <a href="#">Fill out Board Appearance Request</a> )<br><input checked="" type="checkbox"/> No | 9) Name of Case Advisor(s), if required:  |  |
| 10) Describe the issue and action that should be addressed:  |   |   |  |
| 11) Authorization  |   |   |  |
| <b>Taylor Thompson</b>   |   | <b>3/30/15</b>  |  |
| 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:<br>1. This form should be attached to any documents submitted to the agenda.<br>2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.<br>3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. |   |   |  |

1. The Department is aware that on February 25, 2015, the U.S. Supreme Court issued a decision in North Carolina State Board of Dental Examiners v. Federal Trade Commission.
2. The Department, while continuing to analyze this decision, has developed preliminary opinions and guidance to regulatory boards.
  - a. This decision should not affect regulatory boards who are acting within their regulatory authority. For example, when a regulatory board disciplines a credential holder for unprofessional conduct, such board action is within the acceptable parameters of the board's authority and should not trigger anti-trust issues.
  - b. The investigation and discipline of unlicensed practice should be left to the Department. This has been the Department's long-standing position and should not trigger anti-trust issues.
  - c. The Department is, and has been, aware of potential anti-trust issues concerning regulatory boards. As such, this decision is not a surprise.
  - d. The Department has consistently advised regulatory boards to act within their powers set out in the statutes. This advice remains the same following this decision.
  - e. The Department will continue to analyze the decision and to monitor discussions about the decision especially in areas with potential anti-trust implications such as unlicensed practice, scope of practice and advertising. The Department will update the boards on any important developments.