



RADIOGRAPHY EXAMINING BOARD
Room 121c, 1400 East Washington Avenue, Madison
Contact: Tom Ryan (608) 266-2112
April 21, 2015

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.

AGENDA

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A) Adoption of Agenda (1-3)**
- B) Welcome New Members
- C) Approval of Minutes of November 25, 2014 (4-5)**
- D) 9:00 A.M. – APPEARANCE – Assistant Deputy Secretary Eric Esser (6)**
- E) Administrative Updates**
 - 1) Department and Staff Updates
 - 2) Appointments/Reappointments/Confirmations
- F) Election of Officers (7)**
- G) Appointment of Liaisons and Delegated Authorities (7-9)**
- H) Legislative/Administrative Rule Matters:**
 - 1) Current and Future Rule Making and Legislative Initiatives
 - 2) Administrative Rules Report
- I) Students Practicing Radiography – Board Discussion (10-15)**
 - 1) **APPEARANCE** – Kristopher Ellis, Credentialing Paralegal
- J) Supreme Court Decision Involving NC Dentistry Board (16-17)**
- K) Education and Examination Matters
- L) Speaking Engagement(s), Travel, or Public Relation Request(s)
- M) 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) Disciplinary Matters
- 10) Presentations of Petition(s) for Summary Suspension
- 11) Presentation of Proposed Stipulation(s), Final Decision(s) and Order(s)
- 12) Presentation of Proposed Decisions
- 13) Presentation of Interim Order(s)
- 14) Petitions for Re-Hearing
- 15) Petitions for Assessments
- 16) Petitions to Vacate Order(s)
- 17) Petitions for Designation of Hearing Examiner
- 18) Requests for Disciplinary Proceeding Presentations
- 19) Motions
- 20) Petitions
- 21) Appearances from Requests Received or Renewed
- 22) Speaking Engagement(s), Travel, or Public Relation Request(s), and reports

N) 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.).

O) Credentialing Matters

- 1) Application Review
 - a) Alyssa R. Millis **(18-85)**

P) Case Closing(s)

- 1) 14 RAD 009 (D.B.S., E.C.A., J.M.H., and D.Z.) **(86-89)**

Q) Case Status Report (90)

R) 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

S) Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

T) Open Session Items Noticed Above not Completed in the Initial Open Session

U) Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

V) Ratification of Licenses and Certificates

ADJOURNMENT

**RADIOGRAPHY EXAMINING BOARD
MEETING MINUTES
November 25, 2014**

PRESENT: Gregg Bogost, Kelley Grant (*via teleconference*), James Lemerond (*via teleconference*), Tracy Marshall, Susan Sanson

EXCUSED:

STAFF: Tom Ryan, Executive Director; and Taylor Thompson, Bureau Assistant

CALL TO ORDER

Susan Sanson, Chair, called the meeting to order at 9:02 A.M. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

MOTION: Gregg Bogost moved, seconded by Tracy Marshall, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Gregg Bogost moved, seconded by James Lemerond, to approve the minutes of April 22, 2014 as published. Motion carried unanimously.

CLOSED SESSION

MOTION: Gregg Bogost moved, seconded by James Lemerond, 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 § 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.). 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: Gregg Bogost - yes; Kelley Grant - yes; James Lemerond - yes; Tracy Marshall - yes; Susan Sanson - yes. Motion carried unanimously.

The Board convened into Closed Session at 10:05 A.M.

RECONVENE TO OPEN SESSION

MOTION: James Lemerond moved, seconded by Kelley Grant, to reconvene in Open Session at 10:08 A.M. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

MOTION: Gregg Bogost moved, seconded by Kelley Grant, to affirm all Motions made and Votes taken in Closed Session. Motion carried unanimously.

CASE CLOSINGS

MOTION: Gregg Bogost moved, seconded by Tracy Marshall, to close case **14 RAD 006, against M.E.M., for no violation (NV)**. Motion carried unanimously.

ADJOURNMENT

MOTION: Gregg Bogost moved, seconded by James Lemerond, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:09 A.M.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Taylor Thompson, Bureau Assistant on behalf of Tom Ryan, Executive Director		2) Date When Request Submitted: 3/31/15 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: Radiography Examining Board			
4) Meeting Date: 4/21/15	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? APPEARANCE - Assistant Deputy Secretary Eric Esser	
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 checked="" 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:			
11) Authorization			
Taylor Thompson		3/31/15	
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.			

2014 OFFICERS	
Board Chair	Susan Sanson
Vice Chair	James Lemerond
Secretary	Kelley Grant

2014 LIAISON APPOINTMENTS	
Credentialing Liaison	Susan Sanson, Kelley Grant
Legislative Liaison	Gregg Bogost, Susan Sanson
Monitoring Liaison	Kelley Grant <i>Alternate: James Lemerond</i>
Education and Exams Liaison	James Lemerond <i>Alternate: Kelley Grant</i>
Professional Assistance Procedure Liaison	James Lemerond <i>Alternate: Kelley Grant</i>
Practice Question Liaison	Susan Sanson, Kelley Grant
Travel Liaison	Susan Sanson
Website Liaison	Kelley Grant
Rules Liaison	Susan Sanson <i>Alternate: James Lemerond</i>
Screening Panel	Kelley Grant, James Lemerond

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Ashley Horton Department Monitor Division of Legal Services and Compliance		2) Date When Request Submitted: January 13, 2015 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:			
4) Meeting Date:	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Delegation to Monitoring Liaison and Department Monitor	
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: Delegated Authority Motion: <i>“_____ moved, seconded by _____ to adopt/reject the Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor document as presented in today’s agenda packet.”</i>			
11) Authorization <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;">  Signature of person making this request </div> <div style="text-align: center;"> January 13, 2015 Date </div> </div> <hr/> <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;"> Supervisor (if required) </div> <div style="text-align: center;"> Date </div> </div> <hr/> <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;"> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </div> <div style="text-align: center;"> Date </div> </div>			
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Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors to enforce Board/Section orders as explained below.

Current Authorities Delegated to the Monitoring Liaison

The Liaison may take the following actions on behalf of the Board/Section:

1. Grant a temporary reduction in random drug screen frequency upon Respondent’s request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing education.
6. **Grant a maximum of one extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.**

Monitoring Liaison currently has the authority to grant an extension up to 90 days. This change will allow the Liaison to grant payment plans and longer extensions on a case-by-case basis, which will be particularly helpful for Board/Sections that do not meet every month.

7. **Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain the signature or written authorization from the Liaison.**

This addition was initiated and approved by the Medical Examining Board in October 2014. The Liaison may choose to defer a particular request to the full Board/Section for review if needed.

Current Authorities Delegated to the Department Monitor

The Monitor may take the following actions on behalf of the Board/Section, draft an order and sign:

1. Grant full reinstatement of licensure if CE is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
2. Suspend the license if Respondent has not completed Board/Section-ordered CE and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof completion and/or payment have been received.

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

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Taylor Thompson, Bureau Assistant on behalf of Tom Ryan, Executive Director		2) Date When Request Submitted: 2/23/15 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: Radiography Examining Board			
4) Meeting Date: 4/21/15	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Students Practicing Radiography - Board Discussion	
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:			
11) Authorization			
Taylor Thompson			
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			
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From: James Lemerond [REDACTED]
Sent: Monday, February 23, 2015 8:25 AM
To: Sanson, Susan
Subject: Fwd: FW: Students and Act 106

Hi Sue,

I think there is a need to re-visit this topic to clarify the student working as a "technologist".

Jim

----- Forwarded message -----

From: Borst, Donald A. [REDACTED]
Date: Mon, Feb 23, 2015 at 8:12 AM
Subject: FW: Students and Act 106
To: James Lemerond [REDACTED]

Hi Jim,

Here is one of the emails I received when I solicited advise from program directors about the situation with one of my clinic sites hiring the student as a student technologist.

Thanks
Don

-----Original Message-----

From: Kristi I Klein [REDACTED]
Sent: Friday, January 30, 2015 10:52 AM
To: Beaudry, Jamie; Troy Albrecht
Cc: Borst, Donald A.; Brian Joachim; cindy Bradley; Deb Kjelstad; Joe ipsen; Karen Tvedten; Linda Szolwinski; Mary Walker; Patricia Winters
Subject: RE: Students and Act 106

Hello All-

Thank you Don for starting this conversation. I did a little investigating before I replied because two of our clinical sites occasionally hire our second year students. One of the sites has a position titled "Tech Aide" in which the student assists the technologists but does not take exposures. The other site does hire "Student Technologists". At that site the students are allowed to take exposures under direct supervision of a technologist.

The reason why the site allows the student tech position is because they had attorney for the hospital review the law and it was their interpretation that students were allowed to take exposures as long as they were under direct supervision. Once the student graduates they are no longer employed as a student tech.

I believe our previous program director - Kay Parish may have more information on this but she is currently enjoying her retirement some place warm:) Once she returns if I find out anything further I will share with the group.

In the meantime I think I may include this topic on my agenda for our programs spring advisory committee meeting to make sure no one is in violation of the act.

Kristi

Kristi Klein, M.S
R.T(R)(M)(CT)

Radiography Program Director
School of Health Education

Madison College | 1705 Hoffman Street | Madison, WI 53704-2599 | [REDACTED]
[REDACTED]

From: Beaudry, Jamie [REDACTED]
Sent: Thursday, January 29, 2015 7:05 AM
To: Troy Albrecht
Cc: Borst, Donald A.; Brian Joachim; cindy Bradley; Deb Kjelstad; Joe ipsen; Karen Tvedten; Kristi I Klein; Linda Szolwinski; Mary Walker; Patricia Winters
Subject: Re: Students and Act 106

Kyle's response on behalf of Froedtert:

At Froedtert we had a position titled "Technical Intern" in which the individual would work outside of school hours in the department functioning as a technologist. This position was removed in 2009 as Act 106 rolled out in 2010.

At Froedtert we deemed it unnecessary to continue this position as we were unable to ensure the student would be directly supervised by a licensed individual. Instead, we expanded the number of Imaging Assistant who can assist the licensed technologist without actually making the exposure.

Don, as you stated "The student is going to be doing exams, taking back up call, and filling in for technologists..." it sounds as though this clinical setting will be using the individual when the department is understaffed leading me to believe they will not be directly supervising the student; the exact reason we removed this position and moved only to assisting positions.

Kyle Theine MBA RT(R) MR
Program Coordinator
Froedtert School of Radiologic Technology

[REDACTED]
Froedtert & The Medical College of Wisconsin
9200 W. Wisconsin Ave. [REDACTED] Milwaukee, WI 53226 [REDACTED]
[REDACTED]

Jamie Beaudry, B.S, R.T.R
Director of Imaging Services

[REDACTED]

Froedtert & The Medical College of Wisconsin
9200 W. Wisconsin Ave. [REDACTED] Milwaukee, WI 53226 [REDACTED]

[froedterthealth.org](http://www.froedterthealth.org)<<http://www.froedterthealth.org>> \ [froedtert.com](http://www.froedtert.com/home.aspx)<<http://www.froedtert.com/home.aspx>>

On Jan 28, 2015, at 4:45 PM, Troy Albrecht

[REDACTED]

Hi Don,

I agree as well. They would be employees and not students at that point so would need licensure if making exposures. No doubt about it.

Feel free to share my thoughts to employer and student as it could ruin their chance to sit for ARRT exam.

Troy

Troy Albrecht MS., R.T.(R)(CT)
Program Director, Theda Clark School of Radiologic Technology
130 Second St. [REDACTED] Neenah, WI 54957-2021 [REDACTED]

[REDACTED]

School website direct link:
<http://www.thedacare.org/en/Theda-Clark-School-of-Radiology.aspx>

Sent from my iPad

On Jan 28, 2015, at 2:13 PM, Borst, Donald A.

[REDACTED] wrote:

My fellow program directors,
I have a question for the group.
Can students be used as technologists outside of program hours?

I am asking this question because I have a clinic site that has hired a second year student to be a "tech

assistant" during the students non clinical hours. The student is going to be doing exams, taking back up call, and filling in for technologists when not attending program functions (ie. Class or clinical).

I thought these positions were eliminated when Act 106 was passed but as the law is written do they have ground to hire them? Or is there any way I can stop them?

The clinic site is citing this paragraph from chapter 462. of the Wisconsin State Legislative Code: "(2) Subsection (1) does not apply to any of the following:

(a) A physician.

(b) A person enrolled as a student in a radiography program approved by the board, if the person is directly supervised by a physician or a person licensed under s. 462.03 (2)."

(c) A chiropractor licensed under s. 446.02 or a person under the direct supervision of such a chiropractor, if the person has successfully completed a course of instruction comprising at least 48 hours of instruction approved by the chiropractic examining board related to X-ray examinations.

(d) A dentist licensed under s. 447.04 (1), a dental hygienist licensed under s. 447.04 (2), or a person under the direct supervision of a dentist.

(e) A physician assistant licensed under s. 448.04 (1) (f).

(f) A podiatrist licensed under s. 448.63 or a person under the direct supervision of such a podiatrist, if the person has successfully completed a course of instruction approved by the podiatrists affiliated credentialing board related to X-ray examinations under s. 448.695 (3).

The facility is arguing that they are meeting the requirements of the code as the person hired is a student in the radiography program and they are being supervised by other licensed technologists.

I have called the state department of Health and Human Services, talked to 3 different people and still have no answer. I have an email sent to the legal department for licensing and certification but have not heard back yet.

Have any of you had a situation like this or do you know where there is any concrete written information that states students cannot be radiographers outside of scheduled clinical hours?

Any help or input would be appreciated.

Thanks
Don

Don Borst
Radiography Program Director
Northeast Wisconsin Technical College
2730 West Mason Street
Green Bay, WI

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James Lemerond

Dean of Health and Human Services

Lakeshore Technical College

1290 North Ave

Cleveland, WI 53015



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James Lemerond
Dean of Health and Human Services
Lakeshore Technical College
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The DSPS is committed to service excellence. Visit our survey at https://www.surveymonkey.com/s/DPD_BOARDS to evaluate your experience with the DSPS.

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

AGENDA REQUEST FORM

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11) Authorization			
Taylor Thompson		3/30/15	
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			
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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.