

**Health Care Provider Advisory Committee
Meeting Minutes
Webex Conference Meeting
October 1, 2021
DRAFT**

Members Present: John Bartell, RN; Mary Jo Capodice, DO; Steven Peters (Chair); Jennifer Seidl, PT; Timothy Wakefield, DC; and Nicole Zavala.

Excused: David Bryce, MD; Andrew Floren, MD; Barb Janusiak, RN; David Kuester, MD; Kelly Von-Schilling Worth, DC; Theodore Gertel, MD; and Richard Goldberg, MD.

Staff Present: Joe Brockman, Cathy Lake, Kelly McCormick, Jim O'Malley, Laura Przybylo, Frank Salvi, MD, Jennifer Wakerhauser, and Lynn Weinberger.

1. **Call to Order/ Introductions:** Mr. Peters convened the Health Care Provider Advisory Committee (HCPAC) meeting at approximately 10:15 a. m., in accordance with Wisconsin's open meetings law, and called the roll. A quorum was not present.
2. **Wisconsin Open Meetings & Public Records Law:** Ms. Jennifer Wakerhauser, DWD Chief Legal Counsel, gave a PowerPoint presentation about the law related to open meetings and public records in Wisconsin.

Section 19.81, Wis. Stats., is the statute covering the Wisconsin Open Meetings Law, and provides in relevant part, "... the public is entitled to the fullest and most complete information regarding affairs of government ..."

The Wisconsin Open Meetings Law applies to governmental bodies. The Health Care Provider Advisory Committee (HCPAC) is a governmental body and its meetings must be preceded by public notice at least 24 hours in advance, except for emergencies, with never less than two (2) hours advance notice. Meetings must be held in a public place that is open and reasonably accessible to all members of the public.

A meeting occurs whenever members convene for purpose of conducting governmental business, and the number of members present is sufficient to determine the body's course of action. A "walking quorum" may occur when one-half of the members of the government body are present and then there is a burden to show it was not a meeting.

A "negative quorum" exists when there is not a majority of members present but enough members present to affect the outcome. The number of members needed for a negative quorum is a moving target and may lead to an unlawful meeting.

Meetings are presumed to be open to the public. Meetings are to begin in open session. At meetings in open session, citizens have the right to attend and observe. Recording, filming, and photographing a meeting in open session is allowed.

A meeting is permitted to go into closed session by a motion of the governmental body if authorized by statute. The HCPAC is not authorized by statute to have closed session meetings. Before going

into closed session the chairperson must announce the statutory exemption authorizing the closed session and the nature of the business to be considered.

Section 19.31, Wis. Stats., is the statute covering the Wisconsin Public Record Law. The public records law "shall be construed in every instance with a presumption of complete public access, consistent with the conduct of government business. The denial of public access generally is contrary to the public interest, and only in an exceptional case may access be denied."

The HCPAC is required to produce records upon request. "Record" is any material on which written, drawn, printed, spoken, visual or electromagnetic information or electronically generated or stored data is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. s.19.32 (2), Wis. Stats.

A "record" is not a draft, notes, preliminary documents, published material available for sale or at library, purely personal property, or material with limited access rights, such as copyrights or patents. E-mail messages, text messages and documents on private accounts may be records based on content, not the medium format or location. Personal materials on the same private accounts are not subject to disclosure.

Requests to obtain public records may be oral or written. No magic words are required. A request must be reasonably specific as to time and subject matter, and must reasonably describe the information or records requested.

Responses to open records requests must be as soon as practicable without delay by providing the records, full or partial denial of records, or a response that no records exist. The Department of Workforce Development (DWD) will assist with requests. Forward all requests for public records without delay to: OpenRecords@dwd.wisconsin.gov

3. **Acceptance of the August 6, 2021 meeting minutes:** Deferred to next meeting as quorum not present.
4. **Future meeting dates:** The HCPAC members agreed to schedule the next meeting on January 21, 2022 as a virtual meeting. Tentative meeting dates of May 6, 2022 and August 5, 2022 were also selected.
5. **Review of survey of practitioners to update minimum PPD ratings in s. DWD 80.32 of the Wisconsin Administrative Code:** Before the HCPAC's proposed changes to minimum PPD ratings in s. DWD 80.32 can be presented to the WCAC, the Department must prepare an analysis of the current rule and provide the rationale for the proposed changes. The Department is working on this analysis.
6. **Review of ch. DWD 81 of the Wisconsin Administrative Code.** Mr. O'Malley requested data from Department records for the last five (5) years comparing the number of upper extremity injuries to the number of lower extremity injuries, but this data is not yet available. Further discussion on Dr. Von-Schilling Worth's proposed guidelines covering the lower extremity was deferred until more members are present. A request was made to add an item to the agenda for the next meeting for a discussion about guidelines for infectious diseases.
7. **Adjournment:** The meeting was adjourned at approximately 11:25 a.m. The next meeting is scheduled for January 21, 2022.

[MINUTES HCPAC MEETING 10.1.21 DRAFT 1.11.22]