

**VIRTUAL/TELECONFERENCE  
DENTISTRY EXAMINING BOARD  
MEETING MINUTES  
JANUARY 5, 2022**

**PRESENT:** Troy Alton, DDS; Lisa Bahr, RDH; Matthew Bistan, DDS; Shaheda Govani, DDS; Herbert Kaske, DDS; Christine Kenyon; Debra Kolste; Wendy Pietz, DDS; Katherine Schrubbe, RDH; Peter Sheild, DDS; Diana Whalen, RDH

**STAFF:** Adam Barr, Executive Director; Jameson Whitney, Legal Counsel; Nilajah Hardin, Administrative Rules Coordinator; Megan Glaeser, Bureau Assistant; and other Department staff

**CALL TO ORDER**

Matthew Bistan, Chairperson, called the meeting to order at 9:00 a.m. A quorum was confirmed with eleven (11) members present.

**ADOPTION OF AGENDA**

**MOTION:** Peter Sheild moved, seconded by Debra Kolste, to adopt the Agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF NOVEMBER 3, 2021**

**MOTION:** Debra Kolste moved, seconded by Herbert Kaske, to approve the Minutes of November 3, 2021 as published. Motion carried unanimously.

**PUBLIC HEARING: CLEARINGHOUSE RULE 21-086 (DE 11), RELATING TO  
PERMITS TO ADMINISTER ANESTHESIA**

**Review Public Hearing Comments and Respond to Clearinghouse Report**

**MOTION:** Wendy Pietz moved, seconded by Troy Alton, to accept all Clearinghouse comments for Clearinghouse Rule 21-086 on DE 11, relating to permits to administer anesthesia. Motion carried unanimously.

**MOTION:** Shaheda Govani moved, seconded by Herbert Kaske, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule 21-086 on DE 11, relating to permits to administer anesthesia. Motion carried unanimously.

## ADMINISTRATIVE MATTERS

Election of Officers*Slate of Officers*

**NOMINATION:** Herbert Kaske nominated the 2021 slate of officers to continue in 2022.

Adam Barr, Executive Director, called for nominations three (3) times.

The Slate of Officers were elected by unanimous voice vote.

| ELECTION RESULTS        |                |
|-------------------------|----------------|
| <b>Chairperson</b>      | Matthew Bistan |
| <b>Vice Chairperson</b> | Shaheda Govani |
| <b>Secretary</b>        | Herbert Kaske  |

Appointment of Liaisons and Alternates

| LIAISON APPOINTMENTS                                   |  |
|--|--|
| <b>Credentialing Liaisons</b>                          | Lisa Bahr ( <i>Dental Hygiene</i> ),<br>Shaheda Govani ( <i>Dentistry</i> )<br><i>Alternate:</i> Wendy Pietz, Troy Alton |
| <b>Education and Examination Liaison</b>               | Herbert Kaske, Katherine Schrubbe<br><i>Alternate:</i> Diana Whalen  |
| <b>Monitoring Liaison</b>                              | Peter Sheild<br><i>Alternate:</i> Debra Kolste   |
| <b>Professional Assistance Procedure (PAP) Liaison</b> | Peter Sheild<br><i>Alternate:</i> Debra Kolste   |
| <b>Legislative Liaison</b>                             | Matthew Bistan (Chairperson)<br><i>Alternate:</i> Shaheda Govani (Vice Chairperson)                                      |
| <b>Travel Authorization Liaison</b>                    | Matthew Bistan<br><i>Alternate:</i> Katherine Schrubbe   |
| <b>Website Liaison</b>                                 | Matthew Bistan<br><i>Alternate:</i> Lisa Bahr  |
| <b>PDMP Liaison/</b>                                   | Troy Alton<br><i>Alternate:</i> Herbert Kaske  |

|  |  |
|--|--|
| <b>Appointed to Controlled Substances Board as per Wis. Stats. §15.405(5g)</b> |  |
| <b>Screening Panel Members</b>   | Peter Sheild, Debra Kolste, and Katherine Schrubbe<br><i>Alternate:</i> Christine Kenyon |
| <b>Licensure Forms Committee</b>   | Lisa Bahr, Shaheda Govani, Diana Whalen<br><i>Alternate:</i> Matthew Bistan              |

### **Delegation of Authorities**

#### ***Document Signature Delegations***

**MOTION:** Wendy Pietz moved, seconded by Lisa Bahr, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

**MOTION:** Christine Kenyon moved, seconded by Matthew Bistan, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a Board member as necessary. Motion carried unanimously.

#### ***Delegated Authority for Urgent Matters***

**MOTION:** Debra Kolste moved, seconded by Shaheda Govani, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving Board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

#### ***Delegation to Chief Legal Counsel Due to Loss of Quorum***

**MOTION:** Wendy Pietz moved, seconded by Troy Alton, to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

*Monitoring Delegations*

**Delegation of Authorities for Monitoring**

**MOTION:** Lisa Bahr moved, seconded by Katherine Schrubbe, to adopt the “Roles and Authorities Delegated for Monitoring” document as presented in the January 5, 2022 agenda materials on pages 25-26. Motion carried unanimously.

**Delegation of Authorities for Legal Counsel to Sign Monitoring Orders**

**MOTION:** Wendy Pietz moved, seconded by Matthew Bistan, to delegate to Legal Counsel the authority to sign Monitoring orders that result from Board meetings on behalf of the Board Chairperson. Motion carried unanimously.

*Credentialing Authority Delegations*

**Delegation of Authority to Credentialing Liaison**

**MOTION:** Wendy Pietz moved, seconded by Lisa Bahr, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications. Motion carried unanimously.

**Delegation of Authority to DSPS When Credentialing Criteria is Met**

**MOTION:** Lisa Bahr moved, seconded by Matthew Bistan, to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

**Delegation of Authority for Predetermination Reviews**

**MOTION:** Matthew Bistan moved, seconded by Christine Kenyon, to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

**Delegated Authority for Application Denial Reviews**

**MOTION:** Shaheda Govani moved, seconded by Matthew Bistan, to delegate authority to the Department’s Attorney Supervisors to serve as the Board’s designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

***Voluntary Surrenders***

**MOTION:** Troy Alton moved, seconded by Debra Kolste, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

***Education and Examination Liaison(s) Delegation***

**MOTION:** Lisa Bahr moved, seconded by Katherine Schrubbe, to delegate authority to the Education and Examination Liaison(s) to address all issues related to education and examinations. Motion carried unanimously.

***Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies***

**MOTION:** Matthew Bistan moved, seconded by Christine Kenyon, to authorize the Department staff to provide national regulatory related bodies with all board member contact information that the Department retains on file. Motion carried unanimously.

***Optional Renewal Notice Insert Delegation***

**MOTION:** Matthew Bistan moved, seconded by Peter Sheild, to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

***Legislative Liaison Delegation***

**MOTION:** Debra Kolste moved, seconded by Matthew Bistan, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

***Travel Authorization Liaison Delegation***

**MOTION:** Matthew Bistan moved, seconded by Lisa Bahr, to delegate authority to the Travel Authorization Liaison to approve any board member travel to and/or participation in events germane to the Board, and to designate representatives from the Board to speak and/or act on the Board's behalf at such events. Motion carried unanimously.

***Website Liaison(s) Delegation***

**MOTION:** Matthew Bistan moved, seconded by Wendy Pietz, to authorize to the Website Liaison(s) to act on behalf of the Board in working with Department staff to identify and execute website updates. Motion carried unanimously.

***Licensure Forms Committee Delegation***

**MOTION:** Herbert Kaske moved, seconded by Lisa Bahr, that in order to facilitate the completion of its duties between meetings, the Board delegates authority to the Chairperson to appoint members to the Licensure Forms Committee between meetings as necessary. Motion carried unanimously.

**ADMINISTRATIVE RULE MATTERS**

**Scope Statement – DE 11, Relating to Precertification Sedation Education**

**MOTION:** Troy Alton moved, seconded by Herbert Kaske, to designate the Chairperson to approve the Scope Statement revising DE 11, relating to precertification sedation education, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Board authorizes the Chairperson to approve the Scope Statement for implementation no less than 10 days after publication. If the Board is directed to hold a preliminary public hearing on the Scope Statement, the Chairperson is authorized to approve the required notice of hearing. Motion carried unanimously.

**Pending or Possible Rulemaking Projects**

***Possible Scope Statement Extending Continuing Education Requirements for Controlled Substances Prescribing (DE 13)***

**MOTION:** Wendy Pietz moved, seconded by Troy Alton, to request DSPS staff draft a Scope Statement revising DE 13, relating to Controlled Substances Prescribing Continuing Education Requirements. Motion carried unanimously.

**CLOSED SESSION**

**MOTION:** Katherine Schrubbe moved, seconded by Peter Sheild, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Matthew Bistan, Chairperson, read

the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Troy Alton-yes; Lisa Bahr-yes; Matthew Bistan-yes; Shaheda Govani-yes; Herbert Kaske-yes; Christine Kenyon-yes; Debra Kolste-yes; Wendy Pietz-yes; Katherine Schrubbe-yes; Peter Sheild-yes; and Diana Whalen-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:26 a.m.

## **DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS**

### **Stipulations, Final Decisions and Orders**

**MOTION:** Peter Sheild moved, seconded by Matthew Bistan, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings of the following cases:

1. 20 DEN 065 – Michael Kowalski, DDS
2. 20 DEN 083 – Ajit V. Pillai, DDS
3. 20 DEN 114 – Dean L. Wahl, DDS
4. 21 DEN 010 – William J. Baxa, DDS
5. 21 DEN 096 – David J. Crewe, DDS

Motion carried unanimously.

### **Administrative Warnings**

#### ***20 DEN 054 – L.J.F.***

**MOTION:** Christine Kenyon moved, seconded by Matthew Bistan, to issue an Administrative Warning in the matter of L.J.F., DLSC Case Number 20 DEN 054. Motion carried unanimously.

### **Case Closings**

**MOTION:** Peter Sheild moved, seconded by Debra Kolste, to close the following DLSC Cases for the reasons outlined below:

1. 21 DEN 076 – S.S.R. – No Violation
2. 21 DEN 087 – H.K. – No Violation

Motion carried unanimously.

## **RECONVENE TO OPEN SESSION**

**MOTION:** Lisa Bahr moved, seconded by Matthew Bistan, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 11:42 a.m.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

**MOTION:** Matthew Bistan moved, seconded by Herbert Kaske, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

*(Be advised that any recusals or abstentions reflected in the Closed Session motions stand for the purposes of the affirmation vote.)*

**ADJOURNMENT**

**MOTION:** Peter Sheild, seconded by Herbert Kaske, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:43 a.m.