



Fields of Opportunities

STATE OF IOWA

TERRY BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

IOWA BOARD OF MEDICINE
MARK BOWDEN, EXECUTIVE DIRECTOR

IOWA BOARD OF MEDICINE REGULARLY SCHEDULED MEETING: December 10-11, 2015

CORALVILLE MARRIOTT HOTEL & CONFERENCE CENTER
300 EAST 9TH STREET
CORALVILLE, IA 52241
PHONE: (319) 688-4000

A G E N D A^{1, 2, 3, 4, 5}

BOARD MEMBERS: Hamed Tewfik, M.D., Chairperson; Allison Schoenfelder, M.D., Vice Chairperson; Ronald Cheney, D.O., Secretary; Julie Carmody, M.D.; Diane Clark; Diane Cortese; Mary Jo Romanco; Kyle Ulveling, M.D.; Charles Wadle, D.O.

THURSDAY, DECEMBER 10, 2015

7:30 a.m. **EXECUTIVE COMMITTEE – Duke Slater Room (Meeting B)**
Chair Tewfik, Cheney, Clark, Schoenfelder

8:00 a.m. **SCREENING COMMITTEE – Wallace Room (Meeting A)**
Chair Carmody, Cortese, Romanco, Ulveling, Wadle

9:00 a.m. **MONITORING COMMITTEE – Wallace Room (Meeting A)**
Chair Schoenfelder, Cheney, Ulveling, Wadle

9:00 a.m. **LICENSURE COMMITTEE – Duke Slater Room (Meeting B)**
Chair Clark, Carmody, Cortese, Romanco, Tewfik

OPEN SESSION - Wallace Room (Meeting A)
Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder,
Ulveling, Wadle

CLOSED SESSION¹ - Wallace Room (Meeting A)

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

A. Iowa Physician Health Committee

1. Notices of non-compliance

B. Committee Reports

1. Screening
2. Monitoring
3. Licensure

C. Review of closed minutes

1. October 15-16, 2015 meeting
2. November 12, 2015 teleconference

LUNCH BREAK

CLOSED SESSION¹ - Wallace Room (Meeting A)

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

3:00 p.m.

OPEN SESSION/PUBLIC MEETING^{3,5} - Wallace Room (Meeting A)

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

A. Roll-call to Establish Quorum; Acknowledge Absent Board Members

B. Opportunity for Public Comments⁵

(Public can make comments now or when specific agenda items are addressed.)

C. Board Minutes for Consideration of Approval

1. October 15-16, 2015, meeting (open & closed)
2. October 22, 2015, teleconference (open)
3. November 12, 2015, teleconference (open & closed)

D. Chair's Report

E. Executive Director's Report

F. Administrative Rules

1. **Proposed for Adoption - Relinquishment of license, ARC 2203C.** This is an amendment to 653 IAC Chapter 9, "Permanent Physician Licensure," to implement 2015 Iowa Acts, Senate File 276, which declares that a person's permanent license to practice medicine or administrative medicine shall be deemed relinquished if the person fails to apply for renewal or reinstatement of the license within five years after its expiration. The amendment was reviewed on November 10, 2015, by the Administrative Rules Review Committee and at a public hearing at the Board office.

2. **Proposed for Notice of Intended Action - Administrative Medicine License.** This is an amendment to 653 IAC Chapters 9 and 11, to implement 2015 Iowa Acts, Senate File 276, which creates a license for the administrative, non-clinical practice of medicine.
3. **Proposed for Notice of Intended Action – Language clean up.** This is an amendment to 653 IAC Chapter 9 as a part of the Board’s continuing review of its administrative rules.
4. **For Information Only - Epinephrine Prescribing Standards, ARC 2249C.** This is an amendment to 653 IAC Chapter 13, “Standards of Practice and Principles of Medical Ethics,” to implement 2015 Iowa Acts, Senate File 462, which allows physicians to write prescriptions for authorized facilities to stock an epinephrine auto-injector supply for administration by trained non-health care personnel to individuals at risk of anaphylaxis. The notice of intended action was published in the Administrative Bulletin on November 25, 2015, and a public hearing will be held at 11 a.m. December 15, 2015, at the Board’s office.
5. **Proposed notice of termination - Licensure of acupuncturists, ARC 2298C.** This is a series of amendments to 653 IAC Chapter 17, “Licensure of Acupuncturists,” to update the rule throughout and provide more definitions on the practice. A notice of intended action was published in the Administrative Bulletin on December 9, 2015. The notice of termination would end the rulemaking at this time to allow the Board more time for the review of these amendments and the statutory language (Iowa Code Chapter 148E) concerning the practice of acupuncture.

G. Report on subcommittees of the Boards of Medicine and Physician Assistants.

1. **For consideration of a Notice of Intended Action - Amendment for 653 IAC Chapter 21, “Physician Supervision of a Physician Assistant.”** Final report of joint rules to establish specific minimum standards or a definition of appropriate supervision of physician assistants, as required in 2015 Iowa Actions, Senate File 505, Division XXXI Section 113, which mandates that the Boards of Medicine and Physician Assistants jointly adopt rules to establish specific minimum standards or a definition of supervision for appropriate supervision of physician assistants by physicians.

H. Interstate Medical Licensure Compact

1. Commission’s inaugural meetings October 27-28, 2015, in Chicago.
2. December 18, 2015, meeting in Salt Lake City
3. Status of compact legislation in Midwest

I. 2016 Legislation

1. Proposed legislation would require Board of Pharmacy to implement technological improvements to facilitate secure

access to Iowa's prescription drug monitoring program through electronic health information and electronic pharmacy information systems.

J. Breast Density and the Written Report to the Patient

1. E-mail and information from Robert Schreck, M.D., and Bridget Pargulski

K. Board & Staff Reports

1. Citizen Advocacy Center annual training for public members of regulatory boards, November 12-13. (Mary Jo Romano)
2. FSMB Board Attorney Workshop, November 12-13. (Julie Bussanmas, Jordan Esbrook)

L. Judicial Review/Legal Update

1. **Smoker v. BOM, No. 14-1259.** Appeals Court affirms Board's motion to dismiss claims for drug-screening expenses. Smoker filed an application for further review with the Supreme Court on 7/14. Filed a resistance on behalf of the Board on 7/24. Awaiting ruling.
2. **Butt v. BOM , No. 15-1201.** District Court upholds Board's decision to suspend physician's license. Appealed to Supreme Court. Briefing completed. Awaiting decision or oral argument date.
3. **Butt v. BOM No. 14-1764.** Oral argument held and decision issued. Appeals Court affirmed the discipline. Court struck a paragraph of language concluding it was a new factual finding and ordered an NPDB change. Case is now concluded.
4. **Rabi v. BOM (challenging contested case decision)** – Brief has been filed on board's behalf asking the court to affirm the Board's decision. Awaiting decision.
5. **Rabi v. BOM (challenging decision not to redact witness names)** -- District Court on 12/01 dismissed Rabi's petition challenging board's denial of his request to redact the names of his witnesses in the 02/19 board order.
6. **Risk v. BOM – (challenging Board's denial of his request for rehearing)** Answer filed. Risk filed his brief on November 24. Board's brief was due December 9.
7. **Fleming v. BOM No. 14-0975** -- Appendix filed. Final briefs filed. Awaiting decision.
8. **FTC v. North Carolina Board of Dental Examiners**

M. Iowa Physician Health Committee/Program

1. **Committee Appointments** - Lester Yen, M.D., West Des Moines, and Kim Brangoccio, Booneville
2. **Program Update**

N. Federation of State Medical Boards

1. Annual meeting
2. Call for resolutions, bylaws, etc.

O. Reports & Articles

1. **After 3 years of decline, hospital injury rates plateau, report finds.** Rau, J. (2015, December 1) *Kaiser Health News*.
2. **Medical school enrollment climbs to unprecedented high in 2015.** Greenberg, R. (2015, November) *American Association of Medical Colleges Reporter*.
3. **Physicians and PDMPs: Improving the use of prescription drug monitoring programs.** (2015, November) *Issue Brief. The Network for Excellence in Health Innovation*.

P. Committee Reports

1. Monitoring
2. Licensure
3. Screening

CLOSED SESSION¹ - Wallace Room (Meeting A)

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

OPEN SESSION - Wallace Room (Meeting A)

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

A. Unlicensed Practice of Medicine Cases

B. Vote on Closed Session Cases

FRIDAY, DECEMBER 11, 2015

8:00 a.m.

OPEN SESSION - Wallace Room (Meeting A)

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

CLOSED SESSION¹ – Wallace Room (Meeting A)

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

LUNCH BREAK

CLOSED SESSION¹ – Wallace Room (Meeting A)

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

OPEN SESSION - Wallace Room (Meeting A)

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

A. Vote on Closed Session Cases

ADJOURN

If there is no further business to conduct, the chairperson will declare the meeting adjourned.

(1) The confidential matters listed on the agenda may concern medical records on the condition, diagnosis, care or treatment of a patient or investigation reports and other investigative information which are privileged and confidential under the provisions of Sections 22.7(2) and 272C.6(4), of the 2015 Code of Iowa. These matters constitute a sufficient basis for the Board to consider a closed session under the provisions of Section 21.5(1)(a), (c), (d), (f) and (g) of the 2015 Code of Iowa. These sections provide that a governmental body may hold a closed session only by affirmative public vote of either two-thirds

of the members of the body if all present, or all of the members present if not all members are present at the meeting to review or discuss records which are required or authorized by state or federal law to be kept confidential, to discuss whether to initiate licensee disciplinary investigations or proceedings and to discuss the decision to be rendered in a contested case conducted according to the provisions of Chapter 17A.

(2) Hearings may be closed at the discretion of the licensee, according to Section 272C.6(1) of the Code of Iowa 2015.

(3) Public agenda materials are available via e-mail. Contact mark.bowden@iowa.gov

(4) The Iowa Board of Medicine may address agenda items out of sequence to accommodate persons appearing before the Board or to aid in the efficiency or effectiveness of the meeting.

(5) At this time, members of the audience may address the Board for a period not to exceed 5 minutes. The Board reserves the right to reduce this time based on the number wishing to speak. If a member of the public wishes to address the Board with the intention of getting a Board decision at the meeting, the individual should request permission to be on the Board agenda. Written requests are due in the Board office at least 14 days in advance of the meeting.

The next scheduled Board meeting is Thursday and Friday, February 4-5, 2016, at 400 SW Eighth Street, Suite C, Des Moines, Iowa 50309.

If you require the assistance of auxiliary aids or services to participate in/or attend the meeting because of a disability, please call our ADA Coordinator at (515) 281-5604. If you are hearing impaired, call Relay IA TTY at 1-800-735-2942.