



Fields of Opportunities

STATE OF IOWA

TERRY BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

IOWA BOARD OF MEDICINE
MARK BOWDEN, M.P.A., EXECUTIVE DIRECTOR

**IOWA BOARD OF MEDICINE
REGULARLY SCHEDULED MEETING
FEBRUARY 16-17, 2017**

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

BOARD MEMBERS: Diane Clark, Chair; Ronald Cheney, D.O., Vice Chair; Kyle Ulveling, M.D., Secretary; Diane Cortese; Nicole Gilg Gachiani, M.D.; Ronald Kolegraff, M.D.; KellyAnn Light-McGroary, M.D.; Mary Jo Romano; Hamed Tewfik, M.D.; Charles Wadle, D.O.

THURSDAY, FEBRUARY 16, 2017

7:30 a.m. **EXECUTIVE COMMITTEE – Medical Conference Room B**
Chair Clark, Cheney, Cortese, Tewfik, Ulveling

8:00 a.m. **SCREENING COMMITTEE – Board Room**
Chair Wadle, Gilg Gachiani, Kolegraff, Light-McGroary, Romano

9:00 a.m. **MONITORING COMMITTEE – Board Room**
Chair Cheney, Cortese, Gilg Gachiani, Kolegraff, Wadle

LICENSURE COMMITTEE - Medical Conference Room B
Chair Tewfik, Clark, Light-McGroary, Romano, Ulveling

BOARD – OPEN SESSION - Board Room
Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, Tewfik, Ulveling, Wadle

- A. Chair will call the meeting to order, and ask the executive director for a roll call of Board members to establish a quorum . The chair will acknowledge the absence of any member.**
- B. Chair will call for a motion & second to meet in Closed Session pursuant to Iowa Code section 21.5(1) “a,” “d,” “f” and “I” for the purposes of reviewing investigative reports and other investigative material, discussing whether to initiate licensee disciplinary investigations or proceedings, and for personnel evaluation. Roll call vote required. Those in favor say “aye,” and those opposed say “no.” Two-thirds of the members present must approve the motion.**

BOARD – CLOSED SESSION - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, Tewfik, Ulveling, Wadle

A. Iowa Physician Health Committee’s Reports of Non-compliance

1. Notices of non-compliance

B. Committee Reports

- 1. Screening**
- 2. Monitoring**
- 3. Licensure**

C. Review of Closed Minutes

1. December 15-16, 2016

LUNCH BREAK

BOARD – CLOSED SESSION - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, Tewfik, Ulveling, Wadle

BOARD – OPEN SESSION - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, Tewfik, Ulveling, Wadle

A. Unlicensed Practice of Medicine Cases

B. Vote on Closed Session Cases

BOARD - ADJOURN

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, Tewfik, Ulveling, Wadle

A. BOARD MUST BE IN OPEN SESSION for the Chair to call for a motion & second to adjourn the meeting and to meet at 8 a.m. Friday, February 17, 2017. Voice vote required. Those in favor say “aye,” and those opposed say “no.” A simple majority approves the motion.

FRIDAY, FEBRUARY 17, 2017

8:00 a.m.

BOARD – OPEN SESSION - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, Tewfik, Ulveling, Wadle

A. Chair will call for a motion & second to meet in Closed Session pursuant to Iowa Code section 21.5(1) “a,” “d,” and “f” for the purposes of reviewing investigative reports and other investigative material and discussing whether to initiate licensee disciplinary investigations or proceedings. Roll call vote required. Those in favor say “aye,” and those opposed say “no.” Two-thirds of the members present must approve the motion.

BOARD – CLOSED SESSION – Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, Tewfik, Ulveling, Wadle

BOARD – OPEN SESSION - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, Tewfik, Ulveling, Wadle

A. Vote on closed session cases

9:00 a.m.

BOARD – OPEN SESSION – Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, Tewfik, Ulveling, Wadle

A. Chair will call the meeting to order, and ask the executive director for a roll call of Board members to establish a quorum. The chair will acknowledge the absence of any member.

B. Introductions of Public Present

C. Opportunity for Public Comments⁵
(Public can make comments now or when specific agenda items are addressed.)

D. Board Minutes for Consideration of Approval

- 1. December 15-16, 2016 - open and closed minutes**

E. Chair’s Report

F. Executive Director’s Report

G. Acupuncture

- 1. FYI: ARC2860C - Amendments to 653 Chapter 17, “Licensure of Acupuncturists.”** This rulemaking, with amendments incorporating comments received about the original notice, was adopted by the Board on January 19, 2017, and filed for publication in the Administrative Bulletin on February 15. The rule is scheduled to become effective March 22.
- 2. FYI: An appeal was filed with Iowa Supreme Court on dry needling declaratory order.** An appeal was filed by the Iowa Association of Oriental Medicine and Acupuncture on January 18, 2017 after District Court denied their petition for judicial review on October 8, 2016.
- 3. Dry Needling opinion – New Jersey Attorney General 2.9.17**

H. Report from subcommittee working with a similar subcommittee of the Board of Psychology to write joint rules to implement legislation authorizing certain psychologists to prescribe psychotropic medicines - Charles Wadle, D.O., chair

I. Physician assistant supervisory rule update

- 1. HF 189.** This legislation would repeal 2015 Iowa Acts, Chapter 137, Section 113 and require Board of Physician Assistants to submit copies of complaints and reports to the Board of Medicine.
- 2. ARC 2832C** - Update on the status of this rulemaking by the Board of Physician Assistants.
 - ARC 2832C - IBM comments to PA Board
 - ARC 2832C - IBM comments to ARRC - January 6, 2017
 - ARC 2832C - FTC letter on Iowa PA rules

J. Interstate Medical Licensure Compact

- Enactment in 18 states and active legislation in 5 states
- Status of expedited license process

K. 2017 legislation

- Updates on legislation
 - HF112 - alternative or complementary medicine
 - SF215 - end of life options
- Sleep studies

L. Judicial Review update - Julie Bussanmas, Assistant Attorney General

- Rabi v. BOM (Iowa Supreme Court) – Rabi filed a notice of appeal challenging the District Court decision affirming the Board’s disciplinary order. Rabi’s filed his brief on January 12, 2017. The Board’s brief will be due in March.
- Rabi v. BOM (Iowa Supreme Court) – On February 9, 2017, the Board filed a Motion to Enlarge Time with the Iowa Supreme Court, requesting an additional thirty days, which would give the Board until March 15, 2017 to file its proof brief.

M. Board Member Education:

N. Federation of State Medical Boards

- FSMB annual meeting April 20-22, 2017, Fort Worth
- FSMB 2016 Regulatory Report

O. Iowa Physician Health Committee/Program Update - Amy Van Maanen, Program Coordinator

- Year to date statistics

P. Correspondence, reports & articles

- Is Anesthesia Opt-Out Rule Delivering on Promise*, Outpatient Surgery Magazine, January 31, 2017.
- New Prescribing Information on FDA-Approved Opioid Medications*, January 12, 2017, Pain Medicine News.
- National Board of Osteopathic Medical Examiners* - December 2016 Newsletter.

4. *The Growth of Telehealth: 20 Things to Know* - By Jessica Kim Cohen, Becker's Hospital Review, December 22, 2016.
5. *Iowa Medical Malpractice Annual Report For Calendar Year 2015* - Published by the Iowa Insurance Division.
6. *Physician Support of Assisted Death Continues to Grow*, Medscape Medical News, December 29, 2016.
7. *NCCAOM Newsletter - December 2016*.
8. *Medical Certifier Newsletter - December 2016*.
9. *American Board of Medical Specialties Releases Updated Board Certification Report - January 24, 2017*
10. *Annual Report on Iowa Prescription Monitoring Program* - January 31, 2017, Iowa Board of Pharmacy

Q. Committee Reports

1. Licensure
2. Monitoring
3. Screening

BOARD – CLOSED SESSION - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

A. Chair will call for a motion & second to meet in Closed Session pursuant to Iowa Code section 21.5(1) “a,” “d,” and “f” for the purposes of reviewing investigative reports and other investigative material and discussing whether to initiate licensee disciplinary investigations or proceedings. Roll call vote required. Those in favor say “aye,” and those opposed say “no.” Two-thirds of the members present must approve the motion.

B. Chair will call for a motion & second to meet in open session. Voice vote required. Those in favor say “aye,” and those opposed say “no.” A simple majority approves the motion.

LUNCH BREAK

BOARD – CLOSED SESSION – Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

A. Chair will call for a motion & second to meet in Closed Session pursuant to Iowa Code section 21.5(1) “a,” “d,” and “f” for the purposes of reviewing investigative reports and other investigative material and discussing whether to initiate licensee disciplinary investigations or proceedings. Roll call vote required. Those in favor say “aye,” and those opposed say “no.” Two-thirds of the members present must approve the motion.

B. Chair will call for a motion & second to meet in open session. Voice vote required. Those in favor say “aye,” and those opposed say

“no.” A simple majority approves the motion.

BOARD – OPEN SESSION - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, Tewfik, Ulveling, Wadle

A. Vote on Closed Session Cases

BOARD ADJOURN

BOARD MUST BE IN OPEN SESSION for the Chair to call for a motion & second to adjourn the meeting of the Board of Medicine. Voice vote required. Those in favor say “aye,” and those opposed say “no.” A simple majority approves the motion.

(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: ibm@iowa.gov

(4) The Board 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:

- **April 13-14, 2017, Board Room**

The Board’s office closing for the remainder of 2017:

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| • Memorial Day | Monday, May 29 |
| • Independence Day | Tuesday, July 4 |
| • Labor Day | Monday, September 4 |
| • Veterans Day | Friday, November 10 |
| • Thanksgiving Day | Thursday, November 23 |
| • Friday after Thanksgiving | Friday, November 24 |
| • Christmas Day | Monday, December 25 |
| • New Year's Day 2018 | Monday, January 1, 2018 |

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.