



Fields of Opportunities

STATE OF IOWA

KIM REYNOLDS, GOVERNOR  
ADAM GREGG, LT. GOVERNOR

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

**IOWA BOARD OF MEDICINE  
REGULARLY SCHEDULED MEETING  
July 20-21, 2017**

**A G E N D A<sup>1, 2, 3, 4, 5</sup>**

**BOARD MEMBERS:** Kyle Ulveling, M.D., Chair; KellyAnn Light-McGroary, M.D., Vice Chair; Diane Cortese, Secretary; Warren Gall, M.D.; Teresa Garman; Nicole Gilg Gachiani, M.D.; Ronald Kolegraff, M.D.; Mary Jo Romanco; Charles Wadle, D.O.; Brian Wilson, D.O.

**THURSDAY, JULY 20, 2017**

7:30 a.m.                    **EXECUTIVE COMMITTEE** – Medical Conference Room B  
Chair Ulveling, Cortese, Light-McGroary, Romanco, Wadle

8:00 a.m.                    **SCREENING COMMITTEE** – Board Room  
Chair Gilg Gachiani, Gall, Garman, Kolegraff, Wilson

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

9:00 a.m.                    **LICENSURE COMMITTEE** - Medical Conference Room B  
Chair Light-McGroary, Garman, Romanco, Ulveling, Wilson

**BOARD – OPEN SESSION** – Board Room  
Chair Ulveling, Cortese, Gall, Garman, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Wadle, Wilson

- 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,” and “f” to review investigative reports and other investigative material, and to discuss 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.**

**FULL BOARD – CLOSED SESSION - Board Room**

Chair Ulveling, Cortese, Gall, Garman, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Wadle, Wilson

**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. June 1-2, 2017 Board meeting
2. June 30, 2017 teleconference

**LUNCH BREAK**

**BOARD – CLOSED SESSION - Board Room**

Chair Ulveling, Cortese, Gall, Garman, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Wadle, Wilson

**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.**

**BREAK**

**FULL BOARD – OPEN SESSION - Board Room**

Chair Ulveling, Cortese, Gall, Garman, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Wadle, Wilson

**A. Unlicensed Practice of Medicine Cases**

1. Dennis R. Meador

**B. Vote on Closed Session Cases**

**BOARD - ADJOURN**

Chair Ulveling, Cortese, Gall, Garman, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Wadle, Wilson

**A. BOARD MUST BE IN OPEN SESSION for the Chair to call for a motion & second to adjourn the meeting and to meet Friday, July 21, 2017. VOICE VOTE REQUIRED. Those in favor say “aye,” and those opposed say “no.” A simple majority approves the motion.**

8:30 a.m. -

**BOARD – OPEN SESSION/PUBLIC ENGAGEMENT** – Board Room

Chair Ulveling, Cortese, Gall, Garman, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Wadle, Wilson

**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. Introduction of Public Present**

**C. Opportunity for Public Comments<sup>5</sup>**  
*(Public can make comments now or when specific agenda items are addressed.)*

**D. Board Minutes for Consideration of Approval**

1. June 1-2, 2017 meeting - Open and Closed
2. June 30, 2017, teleconference – Open and Closed

**E. Chair’s Report**

**F. Executive Director’s Report**

**G. Iowa Physician Health Program**

1. Program update and overview by Ray Harre, M.D., co-chair of the Iowa Physician Health Committee, and Amy VanMaanen, program coordinator.
2. Year-to-date statistics.

**H. Administrative Rules**

1. **ARC 3069C** - amendments for 653 IAC Chapter 21, “Physician Supervision of a Physician Assistant. These amendments establish a written supervisory agreement. The notice of intended action was published in the Iowa Administrative Bulletin on May 24, 2017. A public hearing was held on June 13, 2017, and the rulemaking was reviewed by the Administrative Rules Review Committee on June 13, 2017.
2. **For consideration of Notice of Intended Action** - Amendments for 653 IAC Chapter 8, “Fees.” These amendments update Chapter 8 to recognize an existing online service fee and existing service fees associated with licensure through the Interstate Medical Licensure Compact’s license process. The amendments also update the descriptions of data lists.
3. **For consideration of Notice of Intended Action** - Amendments for 653 IAC Chapter 9, “Permanent Physician Licensure.” These amendments update Chapter 9 to add the Interstate Medical Licensure Compact’s license process and to retire the Board’s rule on expedited licensure. The amendments also update language throughout the chapter.
4. **For consideration of Notice of Intended Action** - Amendments for 653 IAC Chapter 13, “Standards of Practice and Principles of Medical

Ethics.” These rules implement 2017 Iowa Acts, Senate File 471, concerning limitations on and prerequisites for an abortion.

5. **Update on SF2188** - Report on Medicine-Psychology subcommittees’ work on joint rules to implement 2016 Iowa Acts, Senate File 2188, authorizing certain psychologists to prescribe psychotropic medicines. Charles Wadle, D.O., chair of Board’s subcommittee.
6. **Update on HF524** - Status of rulemaking by Department of Public Health and Board of Medicine on medical cannabidiol.
7. **For review and approval** - Summary of 5-year review of the Board’s administrative rules, July 1, 2012, through June 30, 2017.
8. **For review and approval** - FY2018 regulatory plan.
9. **For review** - Rules waiver report, January 1-June 30, 2017.

#### **I. Interstate Medical Licensure Compact**

1. Compact status
2. Role of a physician’s designated state of principal license
3. Review staff recommendations on applicants for letters of qualification for expedited licensure through the Compact:
  - a. Stephen M. Ellestad, D.O.
  - b. Mark C. Menadue, D.O.
  - c. Hang Thanh Vu, M.D.

#### **J. Judicial Review update - Julie Bussanmas, Assistant Attorney General**

1. **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 filed its brief in March. Dr. Rabi has now filed his reply brief. The case was transferred to the court of appeals and submitted without oral argument. Awaiting decision.
2. **Cronin v. BOM** – monitoring suit filed against various current and former employees of the board. The suit has not yet been served. The Court dismissed the case for failure to timely serve defendants.
3. **Fleming v. State of Iowa** – monitoring suit filed with US Supreme Court alleging the Governor and US Ambassador violated his constitutional rights when the Board disciplined him. Still monitoring the case.

#### **K. Federation of State Medical Boards**

1. **Duty to Report** - FSMB summit meeting on addressing the reporting and information-sharing and gap in health care regarding the responsibility of physicians, hospitals and health organizations, insurers and the public to provide reports to state medical boards of information related to patient safety, physician impairment and professional misconduct.
2. **AMA meeting summary** - FSMB’s report on the June 10-14, 2017, annual meeting of the American Medical Association.

#### **L. Correspondence, reports & articles**

1. *AMA - 2016 physician benchmark survey*
2. *Chronic Lyme Disease Treatments Linked to Serious Infections, Medscape, June 22, 2017*

3. *Opioid epidemic is swamping hospitals, Washington Post, June 20, 2017*
4. *Opioid prescriptions dropped for the first time in the modern drug crisis, Washington Post, July 6, 2017*
5. *NPDB Reporting Requirements Shift for Employed Physicians, June 12, 2017*
6. *Physician depression, suicide slowly coming out of the shadows, Chicago Tribune, June 6, 2017*
7. *Probe by state medical licensing boards may keep physicians from seeking mental health treatment, June 15, 2017*
8. *Georgia medical board ends sex abuse study without revamping rules, Atlanta Journal-Constitution, June 26, 2017*
9. *Acupuncture and complex connections between body and mind, JAMA, June 27, 2017*
10. *Effect of Acupuncture and Clomiphene in Chinese Women With Polycystic Ovary Syndrome, JAMA, June 27, 2017*
11. *Effect of Electroacupuncture on Urinary Leakage, JAMA, June 27, 2017*
12. *Top 10 most in demand physicians, Merritt Hawkins 2017 data*

## **P. Committee Reports**

1. Licensure
  - a. WAIVER - Reconsideration request for waiver of licensure requirement 653-9.3(1)c(2), Tamer Abdelrhman, M.D.
  - b. WAIVER - Request for waiver of licensure requirement 653-9.3(1)c(2), Shahid Hussain, M.D.
  - c. WAIVER - Request for waiver of licensure requirement 653-9.3(1)c(2), Anupama Wadhwa, M.D.
2. Monitoring
3. Screening

**After all committee reports are presented, Chair will call for a motion and a second to approve the reports as presented. VOICE VOTE REQUIRED. Those in favor say “aye,” and those opposed say “no.” A simple majority approves the motion.**

**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.**

## **LUNCH BREAK**

### **BOARD – CLOSED SESSION – Board Room**

Chair Ulveling, Cortese, Gall, Garman, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Wadle, Wilson

**A. 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 Ulveling, Cortese, Gall, Garman, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, Wadle, Wilson

### **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](mailto: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 Board’s scheduled meetings for the remainder of 2017:**

- **August 10 (teleconference)**
- **September 14-15 (in person)**
- **October 26-27 (in person)**
- **November 9 (teleconference)**
- **December 14-15 (in person)**

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

- |                                    |                                |
|------------------------------------|--------------------------------|
| • <b>Labor Day</b>                 | <b>Monday, September 4</b>     |
| • <b>Veterans Day</b>              | <b>Friday, November 10</b>     |
| • <b>Thanksgiving Day</b>          | <b>Thursday, November 23</b>   |
| • <b>Friday after Thanksgiving</b> | <b>Friday, November 24</b>     |
| • <b>Christmas Day</b>             | <b>Monday, December 25</b>     |
| • <b>New Year's Day 2018</b>       | <b>Monday, January 1, 2018</b> |

*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.*