



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
September 14-15, 2017**

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

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 Romano; Charles Wadle, D.O.; Brian Wilson, D.O.

THURSDAY, SEPTEMBER 14, 2017

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

BOARD – OPEN SESSION - **Board Room**

Chair Ulveling, Cortese, Gall, Garman, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, 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.**

BOARD – CLOSED SESSION - Board Room

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

A. Iowa Physician Health Committee

(Note: Notices of non-compliance are received in Closed Session.)

1. Notices of non-compliance - None

B. Committee Reports

(Note: these reports are received and reviewed in Closed Session, but must be approved/accepted in Open Session.)

1. Screening
2. Monitoring
3. Licensure

C. Review of Minutes of Board’s Closed Meetings

(Note: these minutes are received and reviewed in Closed Session, but must be approved/accepted in Open Session.)

1. July 20-21, 2017

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.

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. None

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 on Friday, September 15, 2017, at 8:00 a.m. VOICE VOTE REQUIRED. Those in favor say “aye,” and those opposed say “no.” A simple majority approves the motion.

FRIDAY, SEPTEMBER 15, 2017

8:00 a.m. -

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.**
- C. 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.**

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. Introduction of Public Present**
- B. Opportunity for Public Comments⁵**
(Public can make comments now or when specific agenda items are addressed.)
- C. Board Minutes for Consideration of Approval**
 - a. July 20-21, 2017, open and closed**
- D. Chair’s Report**
- E. Executive Director’s Report**
- F. Administrative Rules**
 - 1. Effective September 20, 2017 -ARC 3264C** - Amendments for 653 IAC Chapter 21, “Physician Supervision of a Physician Assistant,” establish that a physician is ineligible to supervise a physician assistant if the physician does not have a written supervisory agreement in place with each physician assistant supervised by the physician. The amendments were presented to the Administrative Rules Review Committee on September 12, 2017.
 - a.** Sample form for the physician-physician assistant agreement.
 - b.** FAQs, implementation & training schedule.
 - 2. Update on ARC 3258C** - Amendments for 653 IAC Chapter 8, “Fees,” comprise updates throughout the chapter and recognize fees associated with the Interstate Medical Licensure Compact. The

amendments were published in the Iowa Administrative Bulletin on August 16 and a public hearing was held on September 5. The amendments were presented to the Administrative Rules Review Committee on September 12, 2017. The Board can consider the amendments for adoption after September 20.

3. Update on Amendments for 653 IAC Chapter 9, “Permanent Physician Licensure.” These amendments comprise updates throughout the chapter as identified in the Board’s recent ongoing review of all of its administrative rules. The proposed amendments are under review by the Governor’s office.

4. For consideration of Notice of Intended Action

a. 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.

b. Amendments for 653 IAC Chapter 13, “Standards of Practice and Principles of Medical Ethics.” The rules implement HF577, which recognizes alternative treatments for patients with tick-borne diseases, including lyme.

c. Amendments for 653 IAC Chapter 13, “Standards of Practice and Principles of Medical Ethics.” The rules implement SF404, which allows terminally ill patients to access experimental treatments.

d. Amendments for 653 IAC Chapter 13, “Standards of Practice and Principles of Medical Ethics.” The rules implement HF524, which requires the Board of Medicine to write rules on qualifying illnesses and appropriate dosages for use of medical cannabidiol.

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., subcommittee chair.

G. 2018 Legislation

H. Annual Review of Board’s Fees - Shantel Billington, financial/office manager.

I. Interstate Medical Licensure Compact

1. Compact status
2. Interstate Commission’s annual meeting is November 17, 2017, at Phoenix, AZ.
3. Determining applicant eligibility for licensure through the Compact - Mohammed Iqbal, M.D.

J. Iowa Physician Health Program - Amy VanMaanen, Program Coordinator

1. Year-to-date program statistics and update

K. Judicial Review - Julie Bussanmas, Assistant Attorney General

1. **Rabi v. Board of Medicine** – Firas Rabi, M.D., filed a notice of appeal challenging the Iowa District Court decision affirming the Board’s disciplinary order in February 2015. Dr. Rabi’s filed his appeal brief on January 12, 2017. The Board filed its brief in March. Dr. Rabi has now filed his reply brief. The case was transferred from the Iowa Supreme Court to the Iowa Court of Appeals and submitted without oral argument.
2. **Fleming v. State of Iowa** – Richard M. Fleming, M.D., has filed a lawsuit with the U.S. Supreme Court alleging his constitutional rights were violated when the Board disciplined him in 2012 for his conviction of health care fraud and mail fraud.

L. Board education: Alternate Members

M. Federation of State Medical Boards

1. Board member Kenneth Simmons, M.D., Wisconsin, will visit the Iowa Board on October 26, 2018.
2. Proposed amendments to FSMB’s Bylaws due September 18, 2017.
3. FSMB is monitoring proposed federal rule that will allow physicians practicing in the VA system to practice telemedicine irrespective of the location of the provider or the beneficiary in any state.

N. Correspondence, reports & articles

1. *CPEP 2016 Annual Report*, August 4, 2017
2. *Mississippi panel led by governor to oversee licensing boards* - August 8, 2017
3. *New federal bill takes aim at burdensome, unnecessary occupational licensing laws*, July 28, 2017
4. *Specialty Boards Profiting From Physician MOC Fees*, Medscape, August 1, 2017
5. *Physicians take MOC trials to their state legislatures*, Physicians Practice, August 21, 2017

O. Committee Reports

(Note: These reports were reviewed by the Board in Closed Session and are presented in Open Session for acceptance/approval.)

1. Licensure
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.

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.

11:00 a.m.

CONTESTED CASE PROCEEDING (HEARING) – In the matter of the statement of charges against Lynette I. Iles, M.D., respondent, File No. 02-2017-211.

Pursuant to 653 IAC 25.18(12), the hearing shall be open to the public unless the licensee requests that the hearing be closed. At the request of either party, or on the Board’s own motion, the presiding officer may issue a protective order to protect documents which are privileged or confidential by law.

If the hearing is closed to the public, the Board may continue its meeting when the proceeding is over, including deliberations. If that is the case, the 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.

If the Board has additional reasons to meet in closed session, the 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.

When the Board is finished its closed session, the 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, Romanco, 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

(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:

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

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

- **Veterans Day** **Friday, November 10**
- **Thanksgiving** **Thursday, November 23**
- **Friday after Thanksgiving** **Friday, November 24**
- **Christmas** **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.