



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
FEBRUARY 15-16, 2018**

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.; Nicole Gilg Gachiani, M.D.; Ronald Kolegraff, M.D.; Mary Jo Romanco; Charles Wadle, D.O.; Brian Wilson, D.O.

THURSDAY, FEBRUARY 15, 2018

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, 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, Romanco, Ulveling, Wilson

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

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

A. Iowa Physician Health Committee (IPHC)
(Note: Notices of non-compliance are received in closed session.)
1. No notices for the February 15-16, 2018, meeting

B. Committee Reports
(Note: These reports are received and reviewed in closed session, but must be approved 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 in open session.)

1. December 15-16, 2017, meeting minutes

LUNCH BREAK

BOARD – CLOSED SESSION - Board Room

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

BOARD – OPEN SESSION - Board Room

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

A. Unlicensed Practice of Medicine Cases

1. No cases for the February 15-16, 2018, meeting

B. Vote on Closed Session Cases

BOARD – ADJOURN – Board Room

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

FRIDAY, FEBRUARY 16, 2018

8:00 a.m.

BOARD – OPEN SESSION – Board Room

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

BOARD – CLOSED SESSION - Board Room

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

BOARD – OPEN SESSION - Board Room

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

A. Vote on Closed Session Cases

9:00 a.m.

BOARD – PUBLIC SESSION - Board Room

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

1. December 15-16, 2017 (open & closed)
2. January 11, 2018 (open)

D. Chair's Report

E. Executive Director’s Report

F. Administrative Rules

1. 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.” These rules implement 2017 Iowa Acts, House File 524, which requires the Board of Medicine to write rules regarding the Public Health Department’s Cannabidiol Advisory Board’s recommendations on qualifying illnesses and appropriate dosages for use of medical cannabidiol.

2. Update: ARC 3588C: Standards of practice – experimental treatments for patients with a terminal illness, 653 IAC 13.13. This rule becomes effective February 21, 2018.

3. Update: ARC 3589C: Standards of practice – tick-borne disease diagnosis and treatment, 653 IAC 13.14. This rule becomes effective February 21, 2018.

4. Update: ARC 3587C: Permanent and administrative medicine physician licensure, amendments to 653 IAC Chapter 9. These amendments become effective February 21, 2018.

5. Update: Prescriptive Authority for Psychologists – 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.

6. Update: Supervision of Physician Assistants – Report on ARC 3264C (Board of Medicine’s supervisory agreements for physicians who supervise physician assistants) and ARC 3455C (Board of Physician Assistants’ rules for consulting with and sharing information with the Board of Medicine).

a. Waiver requests for 653 IAC 21.4(6), Remote medical site

b. Joint Report to the Governor and 2018 General Assembly

10:00 a.m.

G. Medical Cannabidiol Advisory Board – Recommendations on quantity and form of medical cannabidiol authorized under 2017 Iowa Acts, Senate File 471, and 641 IAC 154.1. Randy Mayer, M.S., M.P.H., Iowa Department of Public Health, and Ken Cheyne, M.D., Medical Cannabidiol Advisory Board.

H. Physician-Pharmacist Collaborative Drug Therapy Management

1. Waiver request from a pharmacist who wants to participate in a collaborative practice agreement but is not a Pharm.D. Pursuant to

Board of Pharmacy's administrative rule, 657-8.34, an authorized pharmacist is defined as a pharmacist who meets the drug therapy management criteria, which includes a Pharm.D. degree. The Board of Medicine's administrative rule, 653-13.4(1), defines an authorized pharmacist in the same way.

2. Iowa Pharmacy Association supports review and revision of rules relating to collaborative practice agreements.

I. 2018 Legislation Update

J. Interstate Medical Licensure Compact

1. Tharwat Stewart Fouad Boulis, M.D., License No. MD-41817.

Review staff recommendation on Dr. Boulis' application for a letter of qualification for expedited licensure through the Compact.

2. Compact update

K. Iowa Physician Health Program – Amy VanMaanen, coordinator

1. Year-to-date program statistics and update.

L. Judicial Review – Jordan Esbrook, Assistant Attorney General

1. Association of Oriental Medicine and Acupuncture v. Iowa Board of Physical and Occupational Therapy and the Iowa Physical Therapy Association. Iowa Court of Appeals on January 10, 2018, affirmed Iowa Board of Physical and Occupational Therapy's declaratory order issued in January 2016 that "dry needling" falls within the definition of physical therapy.
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.
3. **Irland v. Board of Medicine** – Mark B. Irland, M.D., seeks judicial review of a confidential letter of warning issued by the Board, contending it is an illegal and unconstitutional agency action. Hearing held February 12, 2018, in Polk County District Court.

M. Board education – John Olds, M.D., Medical Advisor

1. 2017 Peer Review

N. Federation of State Medical Boards

1. 2018 annual meeting is April 25-28, 2018, at Charlotte, N.C.
2. 2018 Report of the Nominating Committee

O. Articles, correspondence and reports

1. *2017 annual report on Iowa Prescription Drug Monitoring Program*, Iowa Board of Pharmacy, January 2018.
2. *Iowa Patient Safety Study*, Heartland Health Research Institute, December 2017.
3. *Texting of Patient Information among Healthcare Providers*, Centers for Medicare and Medicaid Services, December 28, 2017
4. *Opinion: Make it Easier to Work Without a License*, Wall Street Journal, January 2018.
5. *Transforming continuing medical education together, 2017 highlights*, ACGME, February 2018.

P. Committee Reports

(Note: These reports were reviewed by the Board in closed session and are presented in open session for acceptance and or approval.)

- 1. Licensure
 - a. **WAIVER** - Request for waiver of licensure requirement 653-9.3(1)c(2)(3) for Mahmoud Alameddine, M.D.
- 2. Monitoring
- 3. Screening

BOARD – CLOSED SESSION - Board Room

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

LUNCH BREAK

BOARD – CLOSED SESSION - Board Room

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

BOARD – OPEN SESSION - Board Room

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

A. Vote on Closed Session Cases

BOARD ADJOURN

(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 2017 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 2017 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 2017.

(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.

Board’s meeting schedule for the remainder of 2018

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|----------------------------------|------------------------------------|
| March 8 (teleconference) | September 13-14 |
| April 5-6 | October 25-26 |
| May 10 (teleconference) | November 8 (teleconference) |
| June 7-8 | December 13-14 |
| August 9 (teleconference) | |

Board’s office closings for the remainder of 2018

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|-------------------------|----------------------------|
| Memorial Day | Monday, May 28 |
| Independence Day | Wednesday, July 4 |
| Labor Day | Monday, September 3 |
| Veterans Day | Monday, November 12 |

Thanksgiving Day
Friday after Thanksgiving
Christmas Day

Thursday, November 22
Friday, November 23
Tuesday, December 25

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.