

**IOWA BOARD OF MEDICINE  
400 SW 8th St. Suite C  
Des Moines IA 50309**

**BOARD MEETING  
October 21-22, 2010**

**PUBLIC SESSION MINUTES FOR OCTOBER 22, 2010**

**MEMBERS PRESENT:**

**Siroos Shirazi, M.D., Chair  
Janice Galli, D.O., Secretary  
Tom Drew  
Analisa Haberman, D.O.  
Amber Mian  
Jeff Snyder, M.D.  
Colleen Stockdale, M.D.  
Paul Thurlow  
Joyce Vista-Wayne, M.D.  
Rod Zeitler, M.D., Vice-Chair**

**MEMBERS ABSENT:**

**None**

**STAFF PRESENT:**

**Mark Bowden, Executive Director  
Theresa Weeg, Assistant Attorney General  
Julie Bussanmas, Assistant Attorney General  
Kent M. Nebel, Director of Legal Affairs  
John Olds, M.D., Medical Advisor  
Russell Bardin, Chief Investigator  
Teena Turnbaugh, Secretary  
Crystal Tice, Secretary**

**GUESTS:**

**Charles W. Burke, Public Citizen  
Joan E. Burke, Public Citizen  
N. Tre Critelli, Critelli Law, PC  
Stephen Tatz, Iowa for L.I.F.E.  
Mike Falkstrom, Planned Parenthood of the Heartland  
Rod Boshart, Cedar Rapids Gazette  
Richard Lee, WHO Radio  
Jenifer Bowen, Iowa Right to Life  
Bill Petroski, Des Moines Register  
Jim Brown  
Tom Chapman, Iowa Catholic Conference  
Judy Law, Iowa Right to Life  
Rhonda Phillips, Iowa Right to Life  
Jessica Curcio, Iowa Naturopathic Physician Association  
Michelle Clark, Iowa Naturopathic Physician Association  
Joe Benjamin  
Joe Vorwald**

**Cheryl Sullenger, Operation Rescue**  
**Sue Dentlinger, Stand by Me, Life Advocate**  
**Carol Remer**  
**Sherill Glassmaker, Mary's Choice**  
**Leah McWilliams, Iowa Osteopathic**  
**Jeanine Freeman, Iowa Medical Society**  
**Roger Rowland, Iowa Right to Life**  
**Maggie DeWitte, Iowans for Life**  
**Lorinda Inman, Iowa Board of Nursing**  
**Rita Perea, Public Citizen**  
**Ernest Perea, Public Citizen**  
**Quint DeWitte**  
**Jennifer Minney, Silent No More Awareness**  
**Daniel McConchie, Americans United for Life**  
**Matt Eide, Iowa Physical Therapy Association**  
**Tom Quiner**  
**Roxie Richard, Silent No More Awareness Campaign**  
**Jeane Bishop, St. Theresa's ProLife Committee**  
**Matthew Luke**  
**Dan Holman, Missionaries**  
**Donna Holman, Missionaries**  
**Joseph Orwald**  
**Brian Dowd**  
**Jennifer Chaplin, Iowans for L.I.F.E.**

The public session of the meeting was held at the Quality Inns and Suites Convention Center, 929 Third Street, Des Moines, Iowa.

The Board was in closed session.

**On a motion by Rod Zeitler, M.D., and a second by Paul Thurlow, the Board voted to go into open session.**

Dr. Shirazi called the public session to order at 8:30 a.m.

**A. Approval of Agenda and Acknowledgement of absent Board members**

Dr. Shirazi acknowledged that all Board members were present, and the Board approved the agenda.

**B. Minutes**

On a motion by Colleen Stockdale, M.D., and a second by Janice Galli, D.O., the Board voted to approve the February 4-5, 2010, Board meeting open voting minutes and closed minutes (The public session minutes were approved on March 4, 2010). Also approved were the September 9, 2010, teleconference open and closed minutes.

**C. Opportunity for Public Comment (4)**

The following persons addressed the Board:

Jessica Curcio, Iowa Naturopathic Physicians Association, licensure of naturopathic physicians

Michelle Clark, Iowa Naturopathic Physicians Association, licensure of naturopathic physicians  
Charles Burke, telemed abortion  
Tre Critelli, telemed abortion  
Steven Tatz, Iowans for Life, telemed abortion  
Jenifer Bowen, Iowa Right to Life, telemed abortion  
Cheryl Sullenger, Operation Rescue, telemed abortion  
Sue Dentlinger, Stand by Me Life Advocate, telemed abortion  
Maggie Dewitte, Iowans for Life, telemed abortion  
Jennifer Minney, Silent No More Awareness, telemed abortion  
Daniel McConchie, Americans United for Life, telemed abortion  
Roxie Richard, Silent No More Awareness Campaign, telemed abortion  
Dan Holman, telemed abortion  
Donna Holman, Stop Planned Parenthood of the Heartland, telemed abortion  
Joseph Orwald, telemed abortion

**D. Chair's Report**

No information was shared.

**E. Executive Director's Report**

*(Director Bowden's written report is posted on the Board's website, [www.medicalboard.iowa.gov](http://www.medicalboard.iowa.gov))*

**Enforcement** – The Board has received approval to fill three investigators position. Interviews are being held and new staff will be on board on December 3, 2010. Director Bowden commended the enforcement staff for keeping up with the workload.

**Licensure** – The new database is expected to go live in January.

**Training** – Legal Director Kent Nebel and Assistant Attorney General Julie Bussanmas will attend a Federation of State and Medical Boards workshop on November 4-5, in San Francisco; Amber Mian, public Board Member, will attend the Citizens Advisory Committee meeting in Washington, D.C., on November 11-12; Director Bowden attended the Administrators in Medicine meeting in Spokane, Washington, on October 14-15.

**IPHC** – Kent Croskey, D.O., a Des Moines anesthesiologist, will be leaving the Iowa Physician Health Committee at the end of this year. He served on the committee for nine years; as chair for the past six years. The committee will elect a new chair on November 10.

**Office closings** –The Board office will be closed for three holidays in November – Veteran's Day (November 11), and Thanksgiving (November 25-26).

**F. Administrative Rules**

1. ARC 9089B, 653 IAC 2.13, confidential records. Report on public hearing held October 12, 2010. These amendments will be revised to reflect some suggestions made at the hearing and in a follow-up meeting with stakeholders. The amendments will be presented to the Board for adoption on December 17.
2. ARC 9088B, 653 IAC 13.8 and 23.1, medical directors at medical spas; discipline. Report on rules that become effective October 27, 2010. Kent Nebel, legal director, emphasized that the new rules have no "grandfather clause" and that they are applicable to existing spas and physicians who are already serving as medical directors.
3. 641 IAC 88, volunteer health care provider program. Report on proposed amendments. – Amendment being proposed by the Department of Public Health. The IDPH has a volunteer provider health care program that allows physicians who are qualified can sign up and provide free or reduced services at clinics around the state and the state indemnifies the physician from any liability that is associated with

those services. In the past, those services were limited to general practice type procedures but this amendment would expand procedures allowed. The Board supports these amendments.

## **G. Telemedicine**

1. Report on ad hoc committee meeting September 30, 2010

Kent Nebel, legal director, briefed the Board on the committee's meeting. The Board recommended that the staff and the ad hoc committee continue to review national standards and other states' administrative rules and laws on this topic, and to see what comes out of the Federation of State Medical Boards' special meeting in March 2011 to discuss telemedicine issues and regulations.

## **H. Licensure**

No discussion held.

## **I. Enforcement**

1. Review of staff guidance for evaluating claims, lawsuits

- a) Point system for analyzing personal liability claims  
It is time for the annual review of the point system for complaints and losses. The Executive Committee recommended no changes.

On a motion by Paul Thurlow and a second by Janice Galli, D.O., the Board voted to **approve** no changes to the point system for analyzing personal liability claims.

2. Update on tracking claims for state-employed physicians. IBM receives a report every six months regarding claims involving state-employed physicians, such as physicians who work for the University of Iowa Hospitals and Clinics. Chief Investigator Russell Bardin reported that should a claim lead to an investigation, the cases are handled the same way as cases involving physicians working in the private sector.

## **J. Iowa Physician Health Committee & Program**

Director Bowden drew the Board's attention to the latest statistical report on participants in the program. He said the report is also available on the Board's website, [www.medicalboard.iowa.gov](http://www.medicalboard.iowa.gov). There are 84 participants in the program. No action necessary.

## **K. Legal Update**

1. Procedure for appeals of proposed decision. Theresa Weeg, an assistant Iowa Attorney general who prosecutes cases before the Board, provided a handout outlining the appeal process. Also presented to the Board was a staff proposal for scheduling hearings. The proposal includes designated dates for hearings. When a physician is charged by the Board, all parties will be encouraged to look at the proposed schedule for a hearing date. By establishing a hearing schedule, the Board members can work these dates into their personal schedules. The Board accepted the proposal. The calendar for 2011 will be submitted at the December meeting and adjustment will be made as necessary.

## **L. Board Fees**

1. Review, recommendation for CY 2011 and FY 2012

Various services regarding coding, fees, and various services are to be reviewed annually. There will be no changes for CY 2011 and FY 2012.

**M. 2011 Legislature**

1. Licensure of naturopathic physicians – The Iowa Naturopathic Physicians Association will be seeking legislation during the CY 2011 session. The Board has not taken a position on this proposal, but will review the legislation when it is filed.
2. Reauthorization and potential changes to Prescription Monitoring Program – The Board supports the program and its utilization by physicians. The Board wants to review the legislation when it is filed.

**O. Licensure Committee Report**

The Licensure Committee granted five permanent licenses and two temporary licenses, and denied two requests for refunds. The committee finalized the summary guide, “What Can Medical Students Do?” In August, the committee reviewed the staff-produced guide.

**The meeting adjourned at 10:15 a.m.**

**These minutes are respectfully submitted by Teena Turnbaugh, Secretary.**