

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

**April 8-9, 2010**

**PUBLIC SESSION MINUTES OF THE BOARD MEETING**

**April 9, 2010**

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

**None**

**STAFF PRESENT:**

**Mark Bowden, Executive Director  
Julie Bussanmas, Assistant Attorney General  
Kent M. Nebel, Director of Legal Affairs  
John Olds, M.D., Medical Advisor  
Russell Bardin, Chief Investigator  
Ed Knapp, Investigator  
James Machamer, Investigator  
Cathy McCullough, Investigator  
Amy VanMaanen, Director of Licensure  
Sylvia Crook, License Specialist  
Deb Anglin, Coordinator of IPHP  
Teena Turnbaugh, Secretary**

**PUBLIC PRESENT:**

**Jeanine Freeman, Iowa Medical Society (IMS)  
Leah McWilliams, Iowa Osteopathic Medical Association (IOMA)  
Lorinda Inman, Iowa Board of Nursing (IBON)  
Jim Carney, Iowa Association of Nurse Anesthetists (IANA)  
Kevin Kruse, Iowa Society of Anesthesiologists (ISA)  
Kathy Weinberg, IBON  
Mark Odden, IANA  
Linda Goeldner, Iowa Nurses Association (INA)  
Tom Cope, Iowa Physician Assistant Association (IPAA)  
Mindy Miller, IANA  
Cheri Smith, Iowa Pharmacy Association (IPA)**

**Karen Merrill, IPA**  
**Heidi Goodman, IMS**

The public session of the meeting was held at the Iowa Board of Medicine, 400 SW 8<sup>th</sup> Street, Suite C, Des Moines, Iowa.

The Board was in closed session.

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

Dr. Shirazi called the public session to order at 8:35 a.m.

**A. Minutes**

**On a motion by Colleen Stockdale, M.D., and a second by Amber Mian, the Board approved the open and closed minutes of the March 4, 2010, teleconference.**

**B. Opportunity for Public Comment**

Jeanine Freeman, Iowa Medical Society, addressed the wrong site surgery rule.

James Carney, representative of the Iowa Association of Nurse Anesthetists (IANA), reported that IANA had submitted a request for a declaratory order from the Board regarding the interventional chronic pain management rule.

Cheri Smith, Iowa Pharmacy Association, spoke about proposed amendments to 657.833 (147, 55A), Supervision of Pharmacists Who Administer Adult Immunizations.

**C. Chair's Report**

Dr. Shirazi recognized Yasyn Lee, M.D., Dubuque, for her service, contribution and leadership to the Iowa Board of Medicine (IBM) and the Iowa Physician Health Committee (IPHC). Dr. Lee's Board term will expire on April 30.. Dr. Lee has been associated with the IBM since March 1997 when she became a member of the IPHC. She was chair of the IPHC from August 2000 through December 2003. In January 2004, she became a member of the IBM and was chair from June 2006 through April 2009.

**D. Executive Committee**

**1. Executive Director's Report**

Mark Bowden, Executive Director, provided an update on personnel and budget issues. He expressed concern about the Board's ability to investigate complaints due to the early retirement of four of the Board's seven investigators. After April 14, requests to fill the four investigator positions will be submitted. At full staff, the Board should have eight investigators. Dr. Shirazi noted to IOMA and IMS representatives present that their support would be needed, as there may be some slowdown in investigations and hearings due to the lack of investigators.

IBM received a \$10,000 federal grant to help fund the creation of a computer program for uniform licensure applications in the new database. State boards are adopting a uniform, core licensure application and creating an addendum to collect the parochial information applicable to each state. The database is scheduled to become live in September.

Dr. Shirazi, public member Paul Thurlow and Mr. Bowden received scholarships from the Federation of State Medical Boards (FSMB) to attend the annual FSMB meeting April 22 through April 25 in Chicago. Dr. Shirazi will be the voting delegate for Iowa at the meeting. Dr. Shirazi and Mr. Bowden will attend the Administrators in Medicine (AIM) meeting on April 21. All expenses for Dr. Shirazi, Mr. Thurlow and Mr. Bowden will be covered by the FSMB.

The 2009 Board Highlights will be posted on the website. The highlights include: new board members, board officers, board meetings, board actions, physician population, acupuncturists population, rule-making, board overview and accomplishments. Point of interest: The Board held six two-day meetings, seven teleconferences, and six contested-case hearings in 2009. Also included in the highlights are the compliance statistics for calendar year 2009.

Discussion has been held with the Governor's legal counsel regarding the approval of alternate board members. Out of the six contested-case hearings in 2009 alternate board members were involved in five.

IBM staff is completing the update of the Board's website. The new format should be engaged by the end of April.

## **2. Administrative Rules**

### **a. Chapters 8, 17 – Updates language in rule for licensure of acupuncturists and adds a fee for a criminal background check - Adopt and File**

**On a motion by Colleen Stockdale, M.D., and a second by Paul Thurlow, the Board voted to adopt and file the updated language and fee for criminal background checks of acupuncturists.**

### **b. Chapter 13 – Establishes standards of practice for interventional chronic pain management (ICPM) and defines ICPM as the practice of medicine – Update on Public Hearing held on March 30, 2010**

Dr. Shirazi acknowledged that comments were received at the public hearing on March 30 and written comments have been received about the rule. Kent Nebel, IBM legal director, said the purpose of the rule is to provide guidance to physicians who diagnose and treat patients with chronic pain. Mr. Nebel said the rule's statement that interventional chronic pain management (ICPM) is the practice of medicine does not say ICPM is the practice of medicine solely and exclusively by physicians (M.D.s and D.O.s). He said the Board of Medicine cannot regulate non-physician licensed practitioners. Mr. Nebel said the rule is on the agenda of the Administrative Rules and Review Committee's meeting on April 13. He said the rule would be on the Board's June 10-11 meeting agenda for adoption and filing.

**On a motion by Tom Drew, and a second by Colleen Stockdale, M.D., the Board voted to withdraw any proposed policy statements and/or proposed patient safety**

**advisories on interventional chronic pain management that the Board has considered since the Board began discussing the issue in December 2008.**

- c. Chapters 13, 23 -- Establishes standards of practice for medical spa directors and the delegation and supervision of medical aesthetic service; establishes grounds for discipline**

The deadline to adopt and file these rules regarding delegation and supervision of medical spas and grounds for discipline was allowed to lapse. New rules (item d) will be submitted.

- d. Chapters 13, 23 – Establishes standard of practice for medical spa directors and the delegation and supervision of medical aesthetic service and define medical aesthetic services as the practice of medicine; establishes grounds for discipline.**

These rules incorporate comments from the Board of Cosmetology Arts and Sciences staff. These rules will be submitted at the June meeting as a notice of intended action.

- e. Chapter 14 – Updates language in rule for Iowa Physician Health Committee – Notice of Intended Action**

Amendments update language to facilitate communication between the Committee and the Board.

**On a motion by Tom Drew, and a second by Colleen Stockdale, M.D., the Board voted to file the Notice of Intended Action. Yasyn Lee, M.D. abstained.**

### **3. Other Boards**

- a. Pharmacy proposed amendments to 657-8.33(147, 155A) Supervision of Pharmacists Who Administer Adult Immunizations**
  - 1. Report from ad-hoc committee**

Dr. John Olds, medical advisor to the Board, provided a report on the ad hoc committee that discussed the pharmacy board's potential amendments for the pharmacist's immunization rule. Carole Frier, D.O., a former IBM member, Dr. Olds, representatives of IMS and IOMA, and the executive officer of Iowa Board of Pharmacy were on the committee. The Board of Pharmacy has not seen the report. The IBM did not take any action.

### **4. Board procedures for re-hearings**

No discussion was held.

### **5. Tracking Tort Claims at University of Iowa Hospital and Clinics (UIHC)**

Insurance companies and physicians are required to report to the Board any malpractice and claims paid on behalf of a licensee. There is a gap in this reporting requirement involving physicians at University of Iowa Hospitals and Clinics. Allegations of malpractice and requests for monetary settlement involving physicians at the UIHC are initially filed as claims with the

Iowa Department of Management. If a claim is approved by the Iowa Attorney General's Office for payment, the Board may not be aware of the payment. To track claims involving UIHC physicians, the Board will routinely request copies of these claims from the Department of Management. These claims will be reviewed by compliance staff and the complaint review committee to determine if investigations are required.

## **6. Election of Officers**

Dr. Shirazi asked Dr. Lee to oversee the election of officers.

A nomination to re-elect Siroos Shirazi, M.D., as chair, was made by Rod Zeitler, M.D. No other nominations were made.

**On a motion by Rod Zeitler, M.D., and seconded by Janice Galli, D.O., the Board voted unanimously to elect Dr. Shirazi as chair, effective May 1, 2010 through April 30, 2011.**

A nomination to re-elect Rod Zeitler, M.D., as vice chair was made by Colleen Stockdale, M.D. No other nominations were made.

**On a motion by Colleen Stockdale, M.D., and a second by Janice Galli, D.O., the Board voted unanimously to elect Dr. Zeitler as vice chair, effective May 1, 2010 through April 30, 2011.**

A nomination to re-elect Janice Galli, D.O., as secretary was made by Rod Zeitler, M.D. No other nominations were made.

**On a motion by Rod Zeitler, M.D., and a second by Tom Drew, the Board voted unanimously to elect Dr. Galli as secretary, effective May 1, 2010 through April 30, 2011.**

## **7. 2011 Calendar**

The Board set the teleconference and meeting dates for the calendar year 2011. The schedule will be placed on the Board's website. The 2011 teleconference and meeting dates are:

Tele - January 13	Mtg - February 10-11
Tele - March 10	Mtg - April 7-8
Tele - May 5	Mtg - June 2-3
Tele - June 30	Mtg - July 28-29
Tele - August 25	Mtg - September 22-23
Tele - October 20	Mtg - November 17-18
Tele - December 15	

## **8. FYI/Articles**

- a. Physicians Workweek Declined by 4 Hours During Past Decade, by Nancy Fowler Larson, Medscape Medical News, February 23, 2010**
- b. National Practitioner Data Bank expanded, Amy Lynn Sorrell, American Medical News, posted online: March 4.**

- c. **E-Prescriptions Cut Medication Errors: Study, New York, Reuters Health) March 16, 2010**
- d. **Medical Student Substance Abuse Intervention: A case, Report and Literature Review, by Daniel M. Avery, M.D., Gabriel H. Hester, M.D., Rane McLaughlin, M.D., and Gregory E. Skipper, M.D., Journal of Medical Licensure and Discipline, Vol 95, Number 3 2009, Pages 27-35.**
- e. **Health overhaul likely to strain doctor shortage, by Lauran Neergaard, AP Medical Writer, Mon. March 29, 3:18 a.m. ET**

No discussion held regarding articles.

## **E. Legal Update**

### **1. Policy Statements memo**

A memo from the Attorney General's Office regarding policy statements and the rule making process was shared. It stated that if the Board intends to take action against physicians, a rule addressing the action should be in place. Policy statements are not favored at this time.

## **F. Iowa Physician Health Program**

At the March 26 IPHC meeting, Joyce Vista-Wayne, M.D., chair, was recognized for her service and dedication to the committee. She will be leaving the committee at the end of April to begin a term on the Board of Medicine, succeeding Dr. Lee on May 1. Kent Croskey, D.O., will replace Dr. Vista-Wayne as committee chair.

## **G. Licensure Committee Report**

### **1. Committee Report (Open Session) (3)**

Committee Chair Paul Thurlow stated the committee granted three permanent licenses, two temporary licenses, reviewed a progress report on proctoring for one licensee, and reviewed training history of one physician to determine eligibility. It was also shared that the committee discussed their review of the FSMB advisory group report on continued competence of licensed physicians, volunteer physician licensure status, possible changes, and impact of such changes on the Board, and reviewed the licensure by endorsement process and survey results.

Amy VanMaanen, director of licensure, provided information to the Board on the expedited endorsement survey. The purpose of the survey was to examine how the proposed expedited endorsement rules might affect the application process.

**On a motion by Rod Zeitler, M.D., and a second by Tom Drew, the Board voted to adjourn at 10:10 a.m.**

The minutes to the public session of the April 9, 2010, Board meeting are respectfully submitted by Teena Turnbaugh, secretary.