



The public session of the meeting was held at the Wallace State Office Building Auditorium, 502 East Ninth Street, Des Moines, Iowa.

**Dr. Shirazi called the public session to order at 8:33 a.m.**

Dr. Shirazi stated that following items were removed from the agenda:

**D.3.c** -- Chapter 14, Iowa Physician Health Committee, Notice of Intended Action

**D.3.f** -- Proposed policy statement on surgical "time out"

**A. Minutes**

**On a motion by Rod Zeitler, M.D., and a second by Analisa Haberman, D.O., the Board approved the public session minutes of the September 3, 2009, October 22, 2009, Board meetings, and the open and closed minutes of the December 7, 2009, and January 14, 2010, teleconferences.**

**B. Opportunity for Public Comment**

No public comments were made at this time.

**C. Chair's Report**

Yasyn Lee, M.D., was appointed to the National Board of Medical Examiners. Dr. Lee was thanked for being a member of the national board and a good representative for Iowa.

**D. Executive Committee**

**1. Executive Director's Report**

Measures before the Legislature that are of interest to the Board:

- a. Interventional chronic pain management – Bills have been introduced to the Senate and House.
- b. Fluoroscopy – A joint resolution has been offered in the House to nullify an administrative rule regarding the supervision of fluoroscopy.
- c. A bill has been introduced that further defines the authority of regulatory boards.

James Machamer has been hired as an investigator. The Board now has 7 full and part-time investigators.

Board staff met with Iowa Department of Inspections and Appeals staff regarding Medicaid fraud and how the Board handles such complaints. Both agencies pledge to collaborate on these investigations.

The state has not authorized payment yet of the Board's dues (\$2,000) for the Federation of State Medical Boards. If the dues were paid, then the Board would be eligible for scholarships (approximately \$4,000) for the Board chair and executive director to attend the annual FSMB meeting held in April. FSMB is a source of national information on licensure and compliance. Also, the state has not authorized payment of the Board's dues (\$400) for the Federation of State Physician Health Programs. This organization is a source of national information for the Iowa Physician Health Program. Janice Galli, D.O., represented the Board at the American Association of Osteopathic Examiners meeting in San Antonio in January. She said other state boards are addressing the same issues the Iowa Board is confronting, i.e., licensure maintenance certification, scope of practice and

interventional chronic pain issues.

Bowden drew attention to two articles distributed to the Board: “The 20% Factor,” by Dr. Olds, was published in the “Iowa Medicine” magazine, November-December 2009 issue, and the “Iowa Medical Malpractice Annual Report for Calendar Year 2008,” published in December by the Iowa Insurance Division.

## **2. Ad Hoc Committee on Interventional Chronic Pain Management**

### **a. Final Summary Report Presented by Dr. Olds**

Dr. Shirazi thanked Dr. Olds for heading up the committee and Board member Tom Drew for participating in the subcommittee meetings and the final meeting.

At the September 3, 2009, the Board established the committee and tasked it to assist the Board in writing an administrative rule that would define interventional chronic pain management (ICPM), the associated medical procedures, and which of these procedures could be safely performed by non-physicians. Dr. Olds broke the committee into two subcommittees, one for participants associated with the nursing aspect of the issue and one for those associated with the physician/anesthesiologist aspect. Each subcommittee held separate meetings and then both subcommittees came together for a meeting of the whole committee. Twenty-nine health care professionals and representatives of various associations and regulatory boards participated in the subcommittee and committee meetings last fall. Dr. Olds stressed that the report he prepared and presented at the December 17, 2009, Board meeting was a draft version, and the final version incorporated comments and suggestions from committee participants.

He said the committee was unable to complete its Board-directed task. He said the final report was posted on the Board’s website on February 1.

Dr. Shirazi said the Board is interested in an administrative rule on ICPM because of patient safety concerns.

**On a motion by Rod Zeitler, M.D., and a second by Janice Galli, D.O., the Board voted to accept the Dr. Olds’ report and to dissolve the ad hoc committee.**

## **3. Proposed Administrative Rules, Statutes, Policy Statements**

### **a. Chapter 13, Standards of Practice - Interventional Chronic Pain Management, Notice of Intended Action (NIA)**

Dr. Shirazi said that ICPM is a significant health care issue. He said that since late 2008, when the Board began exploring ways to address patient safety concerns regarding ICPM, the Board has attempted to be very transparent in the review and discussion of this issue. He cited many examples of the Board’s interest to include the public in the Board’s discussions of administrative rules and/or policy statements on ICPM. He said the Board discussed the ICPM issues at the last seven Board meetings and the public had the opportunity to speak at each meeting. The Board posted ICPM materials on its website and distributed materials to interested parties. The Board encouraged the submission of written comments. The Board established an ad hoc committee to receive input from interested parties. The Board provided information to legislators through the Administrative Rule Review Committee. Board staff met with other regulatory boards, including nursing and physician assistants, and with health associations representing nurses, physicians, hospitals, physician assistants, and acupuncturists. The Board provided hundreds of public record documents to individuals and associations.

The Board stressed that the ICPM should consist of public safety, education, training, and a comprehensive approach to medicine by a physician.

Dr. Shirazi reiterated that all Board members receive the same materials at the same time, but the materials cannot be discussed as a quorum of the Board unless it is during a public session.

**On a motion by Yasyn Lee, M.D., and a second by Colleen Stockdale, M.D., the Board, by a roll call vote, approved the Notice of Intended Action for Chapter 13, Standards of Practice – Interventional Chronic Pain Management. Those voting in favor of the motion were Tom Drew, Janice Galli, D.O., Analisa Haberman, D.O., Yasyn Lee, M.D., Amber Mian, Siroos Shirazi, M.D., Jeff Snyder, M.D., Colleen Stockdale, M.D., Paul Thurlow, and Rod Zeitler, M.D. The motion was approved, 10-0.**

Mary O'Brien, IANA, a member of the public present at the meeting, expressed concern regarding the last sentence of the rule, 13.8(3) Practice of Medicine, "Interventional chronic pain management is the practice of medicine."

**b. Patient Safety Advisory: Selection of an Interventional Chronic Pain Management Provider**

The Board suggested a change to the proposed patient safety advisory. On page 2, paragraph 3, under Physician education and training in interventional chronic pain management: Delete paragraph 3 and add at the end of paragraph 2 the following: "Upon completion of pain management residency training, pain physicians are certified by their respective boards."

**On a motion by Colleen Stockdale, M.D., and a second by Paul Thurlow, the Board, by a roll call vote, approved the advisory with the suggested changes. Those voting in favor of the motion were Tom Drew, Janice Galli, D.O., Analisa Haberman, D.O., Yasyn Lee, M.D., Amber Mian, Siroos Shirazi, M.D., Jeff Snyder, M.D., Colleen Stockdale, M.D., Paul Thurlow, and Rod Zeitler, M.D. The motion was approved, 10-0.**

The Board agreed the advisory would remain a "draft" during the rule-making process for the ICPM rule to incorporate any additional information, or changes, that may come, with final adoption of the advisory at the time the rule is adopted and filed.

**c. Chapter 14, Iowa Physician Health Committee, Notice of Intended Action (NIA)**

This item was removed from the agenda at the start of the public meeting.

**d. Chapter 9, Permanent Physician Licensure, Expedited Licensure Process, Adopt and File**

**On a motion by Rod Zeitler, M.D., and a second by Jeff Snyder, M.D., the Board voted to adopt and file Chapter 9, Permanent Physician Licensure, Expedited Licensure Process.**

**e. Chapters 13 and 23, Delegation and supervision of medical spas, Adopt and File**

Jeannine Freeman, Iowa Medical Society, addressed the responsibilities of a physician who would serve as a

medical director of a medical spa. The IMS has a problem with the language regarding delegation of services by the medical director. Discussion was held amongst the Board.

**On a motion by Tom Drew and a second by Janice Galli, D.O., the Board voted to table the adoption and filing of the rules until the April Board meeting.**

**f. Policy Statement: Surgical Time Out**

This item was removed from the agenda at the start of the public meeting.

**E. Legal Update**

Assistant Attorney General Theresa Weeg introduced Julie Bussanmas, an assistant attorney general, who is replacing Jordan Esbrook as a counsel for the Board. Bussanmas has been in the Attorney General's Office for three years.

Weeg said with the use of Alternate Board members, the Attorney General's Office was able to schedule five contested case hearings through the end of May.

**F. Iowa Physician Health Program**

In the absence of program coordinator Deb Anglin, Executive Director Mark Bowden briefed the Board on the statistical report Anglin prepared for the meeting. Board members requested that copies of this and future IPHP reports are included with Board materials.

**G. Licensure Committee Report**

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

Committee Chairperson Paul Thurlow said the committee granted one resident license, one temporary license, denied one request for refund, reviewed one request for special military fee for renewal, and discussed a request to review credentials to determine eligibility for licensure.

**On a motion by Colleen Stockdale, M.D., and a second by Jeff Snyder, M.D., the Board voted to approve the Licensure Committee report.**

**On a motion by Rod Zeitler, M.D., and a second by Tom Drew, the Board voted to adjourn at 9:32 a.m. and to return to the Iowa Board of Medicine Office, SW Eighth Street, Suite C, for the remainder of the meeting.**

The minutes to the public session of the February 5, 2010, Board meeting are respectfully submitted by Teena Turnbaugh, Secretary.