

**IOWA BOARD OF MEDICINE
OCTOBER 24-25, 2013, BOARD MEETING**

OPEN MINUTES

OCTOBER 24, 2013:

MEMBERS PRESENT: Greg Hoversten, D.O., Chair
Hamed Tewfik, M.D., Vice-Chair (Via Video Conference)
Michael Thompson, D.O., Secretary
Frank Bognanno
Julie Carmody, M.D.
Ann Gales
Allison Schoenfelder, M.D.

MEMBERS ABSENT: Robert Bender, II, M.D.
Diane Clark
Julie Perkins, M.D.

STAFF PRESENT: Mark Bowden, Executive Director
Kent Nebel, Director of Legal Affairs
John Olds, M.D., Medical Advisor
Russell Bardin, Chief Investigator
Aaron Kephart, Investigator
Brandi Allen, Investigator
Cathy McCullough, Investigator
Dave McGlaughlin, Investigator
David Schultz, Investigator
James Machamer, Investigator
Jennifer Huisman, Investigator
Mary Knapp, Enforcement Monitor
Shantel Billington, Enforcement Monitor
Kari Rolls, Administrative Assistant
Julie Bussanmas, Assistant Attorney General
Steve Ervin, IT Specialist

At 9:05 a.m., Greg Hoversten, D.O., Chair, called the meeting to order. A roll call was taken to establish a presence of a quorum of the Board.

At 9:05 a.m., on a motion by Greg Hoversten, D.O., seconded Ann Gales, all members present voted to meet in closed session, pursuant to Iowa Code Sections 21.5(1)(c), 21.5(1)(d) and 21.5(1)(f), to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent, whether to initiate licensee disciplinary proceedings and discuss the decision to be rendered in a contested case. Frank Bognanno, Julie Carmody, M.D., Ann Gales, Greg Hoversten, D.O., Allison Schoenfelder, M.D., Hamed Tewfik, M.D., and Michael Thompson, D.O., all voted aye in a roll call vote to approve the motion.

At 4:17 p.m., the Board went to recess.

The closed session resumed on Friday, October 25, 2013, at 12:06 p.m.

OCTOBER 25, 2013:

MEMBERS PRESENT: Greg Hoversten, D.O., Chair
Hamed Tewfik, M.D., Vice-Chair (Via Video Conference)
Michael Thompson, D.O., Secretary
Frank Bognanno
Julie Carmody, M.D.
Ann Gales
Allison Schoenfelder, M.D.

MEMBERS ABSENT: Robert Bender, II, M.D.
Diane Clark
Julie Perkins, M.D.

STAFF PRESENT: Mark Bowden, Executive Director
Kent Nebel, Director of Legal Affairs
John Olds, M.D., Medical Advisor
Russell Bardin, Chief Investigator
Cathy McCullough, Investigator
David Schultz, Investigator
Shantel Billington, Enforcement Monitor
Amy Van Maanen, Director of Licensure
Deb Anglin, Coordinator, Iowa Physician Health Program
Natalie Sipes, Secretary to Executive Director
Kari Rolls, Administrative Assistant
Julie Bussanmas, Assistant Attorney General
September Lau, Assistant Attorney General
Steve Ervin, IT Specialist

At 12:17 p.m., while still in a closed session, all members present voted in favor of a motion by Hamed Tewfik, M.D., seconded by Frank Bognanno, to meet in an open session. In open session, the Board took the following actions:

The Board discussed information it received concerning Christina Mitchell, who operates a Community Supported Agriculture (CSA) called Wild Rose Apothecaries. The information received alleges that Ms. Mitchell is practicing medicine without a license. The Board concluded that there was insufficient evidence that Ms. Mitchell has engaged in the practice of medicine and voted that this case **close, no action**.

On a motion by Ann Gales, seconded by Allison Schoenfelder, M.D., all Board members present voted to **accept** the combined Statement of Charges and Settlement Agreement for Darryl L. Dochterman, M.D., file 02-2013-191.

On a motion by Ann Gales, seconded by Allison Schoenfelder, M.D., all Board members present voted to **accept** the combined Statement of Charges and Settlement Agreement for Jerry R. Haskin, M.D., file 02-2013-179.

On a motion by Ann Gales, seconded by Allison Schoenfelder, M.D., all Board members present voted to **accept** the combined Statement of Charges and Settlement Agreement for Margaret C. Sunderland, M.D., file 02-2011-302.

On a motion by Ann Gales, seconded by Allison Schoenfelder, M.D., all Board members present voted to **leave open** file 02-2012-409.

On a motion by Ann Gales, seconded by Allison Schoenfelder, M.D., all Board members present voted to **accept** the Settlement Agreement and Practice Monitoring Plan for Subir Ray, M.D., file 02-2012-059.

On a motion by Ann Gales, seconded by Allison Schoenfelder, M.D., all Board members present voted to **accept** the combined Statement of Charges and Settlement Agreement and Practice Monitoring Plan for Kent F. Metcalf, D.O., files 03-2005-077, 03-2008-498 and 03-2012-245.

On a motion by Ann Gales, seconded by Allison Schoenfelder, M.D., all Board members present voted to **accept** the Settlement Agreement for Brian J. Hansen, D.O., files 03-2012-316 and 03-2012-326.

On a motion by Ann Gales, seconded by Allison Schoenfelder, M.D., all Board members present voted to **file Statement of Charges** against Pierre Kamguia, M.D., file 02-2011-672.

On a motion by Ann Gales, seconded by Allison Schoenfelder, M.D., all Board members present voted to **file Statement of Charges** against Jacinta I. Gillis, M.D., file 02-2011-588.

On a motion by Ann Gales, seconded by Allison Schoenfelder, M.D., all Board members present voted to **file Statement of Charges** against John T. Meredith, M.D., file 02-2012-605.

On a motion by Ann Gales, seconded by Allison Schoenfelder, M.D., all Board members present voted to **file Statement of Charges** against Clifford M. Perez, M.D., file 02-2011-619.

On a motion by Ann Gales, seconded by Allison Schoenfelder, M.D., all Board members present voted to **leave open** file 02-2012-220.

On a motion by Ann Gales, seconded by Allison Schoenfelder, M.D., all Board members present voted to **close** file 03-2012-218 with **no formal action**.

On a motion by Ann Gales, seconded by Allison Schoenfelder, M.D., all Board members present voted to **close** file 02-2012-572 with **no formal action**.

On a motion by Ann Gales, seconded by Allison Schoenfelder, M.D., all Board members present voted to **close** file 03-2012-575 with **no formal action**.

On a motion by Ann Gales, seconded by Allison Schoenfelder, M.D., all Board members present voted to **affirm** its original decision to **close** file 02-2009-208, **with no formal disciplinary action**.

On a motion by Ann Gales, seconded by Allison Schoenfelder, M.D., all Board members present voted to **leave open** file 02-2013-175.

On a motion by Ann Gales, seconded by Allison Schoenfelder, M.D., all Board members present voted to **close** file 02-2010-407 with **no formal action**.

On a motion by Ann Gales, seconded by Allison Schoenfelder, M.D., all Board members present voted to **leave open** file 03-2013-410.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **close** file 02-2013-289 with **no formal action**.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **leave open** file 03-2013-088.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **close** file 02-2012-757 with **no formal action**.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **leave open** file 02-2012-542.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **leave open** file 02-2013-042.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **leave open** file 02-2013-189.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **leave open** file 02-2013-325.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **close** file 02-2012-476 with **no formal action**.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **close** file 02-2013-241 with **no formal action**.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **close** file 03-2013-153 with **no formal action**.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **close** file 02-2011-581 with **no formal action**.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **leave open** file 02-2011-582.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **close** file 02-2012-583 with **no formal action**.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **close** file 02-2013-247 with **no formal action**.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **close** file 02-2011-158 with **no formal action**.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **leave open** file 02-2011-484.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **close** file 02-2013-354 with **no formal action**.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **close** file 02-2012-223 with **no formal action**.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **close** file 03-2012-056 with **no formal action**.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **close** file 01-2012-665 with **no formal action**.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **close** file 02-2012-674 with **no formal action**.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **close** file 01-2013-365 with **no formal action**.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **close** file 02-2012-321 with **no formal action**.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **close** file 02-2012-782 with **no formal action**.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **leave open** file 02-2013-217.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **close** file 02-2013-274 with **no formal action**.

On a motion by Frank Bognanno, seconded by Michael Thompson, D.O., all Board members present voted to **close** file 02-2013-280 with **no formal action**. Allison Schoenfelder, M.D., recused.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **leave open** file 02-2013-140.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **close** file 02-2013-251 with **no formal action**.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **close** file 02-2013-278 with **no formal action**.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **close** file 02-2012-707 with **no formal action**.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **leave open** file 03-2010-489.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **close** file 03-2010-616 with **no formal action**.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **leave open** file 03-2012-040.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to **close** file 03-2012-221 with **no formal action**.

On a motion by Allison Schoenfelder, M.D., seconded by Ann Gales, all Board members present voted to **close** file 03-2012-566 with **no formal action**.

On a motion by Allison Schoenfelder, M.D., seconded by Ann Gales, all Board members present voted to **leave open** file 03-2012-144.

On a motion by Allison Schoenfelder, M.D., seconded by Ann Gales, all Board members present voted to **close** file 02-2012-145 with **no formal action**.

On a motion by Allison Schoenfelder, M.D., seconded by Ann Gales, all Board members present voted to **leave open** file 03-2012-243.

On a motion by Allison Schoenfelder, M.D., seconded by Ann Gales, all Board members present voted to **leave open** file 03-2013-367.

On a motion by Allison Schoenfelder, M.D., seconded by Ann Gales, all Board members present voted to **close** file 02-2010-623 with **no formal action**.

On a motion by Allison Schoenfelder, M.D., seconded by Ann Gales, all Board members present voted to **close** file 02-2013-045 with **no formal action**.

On a motion by Allison Schoenfelder, M.D., seconded by Ann Gales, all Board members present voted to **leave open** file 03-2013-038.

On a motion by Allison Schoenfelder, M.D., seconded by Ann Gales, all Board members present voted to **leave open** file 03-2012-602.

On a motion by Allison Schoenfelder, M.D., seconded by Ann Gales, all Board members present voted to **leave open** file 02-2013-281.

On a motion by Allison Schoenfelder, M.D., seconded by Ann Gales, all Board members present voted to **close** file 03-2012-709 with **no formal action**.

On a motion by Allison Schoenfelder, M.D., seconded by Ann Gales, all Board members present voted to **leave open** file 02-2011-730.

On a motion by Allison Schoenfelder, M.D., seconded by Ann Gales, all Board members present voted to **close** file 02-2012-565 with **no formal action**.

On a motion by Allison Schoenfelder, M.D., seconded by Ann Gales, all Board members present voted to **leave open** file 02-2012-764.

On a motion by Allison Schoenfelder, M.D., seconded by Ann Gales, all Board members present voted to **close** file 03-2013-068 with **no formal action**.

On a motion by Allison Schoenfelder, M.D., seconded by Ann Gales, all Board members present voted to **close** file 02-2013-103 with **no formal action**.

On a motion by Michael Thompson, D.O., seconded by Allison Schoenfelder, M.D., all Board members present voted to **close** file 02-2013-440 with **no formal action**. Frank Bognanno recused.

On a motion by Allison Schoenfelder, M.D., seconded by Ann Gales, all Board members present voted to **close** file 02-2012-486 with **no formal action**.

On a motion by Allison Schoenfelder, M.D., seconded by Ann Gales, all Board members present voted to **accept** the Monitoring Committee Report and its recommendations.

On a motion by Greg Hoversten, D.O., seconded by Ann Gales, all Board members present voted to **close** file 01-2013-444 with **no formal action**.

On a motion by Allison Schoenfelder, M.D., seconded by Frank Bognanno, all Board members present voted to **accept** the Licensure Committee Report and its recommendations.

On a motion by Allison Schoenfelder, M.D., seconded by Ann Gales, all Board members present voted to **accept** the IPHC Report and its recommendations.

On a motion by Allison Schoenfelder, M.D., seconded by Frank Bognanno, all Board members present voted to **accept** the Screening Committee Report and its recommendations.

At 12:26 p.m., the Board went to recess until 1:00 p.m.

OCTOBER 25, 2013 – OPEN SESSION/ PUBLIC MEETING:

MEMBERS PRESENT: Greg Hoversten, D.O., Chair
Hamed Tewfik, M.D., Vice-Chair (Via Video Conference)
Michael Thompson, D.O., Secretary
Frank Bognanno
Julie Carmody, M.D.
Ann Gales
Allison Schoenfelder, M.D.

MEMBERS ABSENT: Diane Clark
Julie Perkins, MD
Robert Bender, MD

STAFF PRESENT: Mark Bowden, Executive Director
Kent Nebel, Director of Legal Affairs
John Olds, M.D., Medical Advisor
Russell Bardin, Chief Investigator
Natalie Sipes, Secretary to Executive Director
Deb Anglin, Coordinator, Iowa Physician Health Program
Amy Van Maanen, Director of Licensure
Mary Knapp, Enforcement Monitor
Shantel Billington, Enforcement Monitor
Steve Ervin, Information Technology Specialist
Jennifer Huisman, Investigator
Cathy McCullough, Investigator
Dave McGlaughlin, Investigator
Julie Bussanmas, Assistant Attorney General
September Lau, Assistant Attorney General

PUBLIC IN ATTENDANCE:

David Brown, Hansen, McClintock and Riley
Jeff Farrell, Department of Inspections and Appeals
Jeanine Freeman, Iowa Medical Society
Tony Leys, Des Moines Register
Don McGlaughlin
Connie McGlaughlin
Leah McWilliams, Iowa Osteopathic Medical Association

Greg Hoversten, D.O., chair, called the meeting to order at 1:02 p.m. Dr. Hoversten noted a quorum of the Board was present. The following items were addressed:

Opportunity for Public Comment:

Members of the public were offered an opportunity to speak to the Board. Don McLaughlin shared concerns about his son's access to pain management.

Review of Board's 2013 legislation – SF 379:

Mark Bowden, Executive Director, provided background on Senate File 379. The Board proposed amendments to Iowa Code Chapters 124 and 148 during the last legislative session. The amendments to Chapter 148 would allow for more aggressive use of alternative members for hearing panels and use of an administrative law judge for certain non-medical cases. The legislation would also define how civil penalties are applied. The legislation was approved 48-0 by the Senate, but it was not taken up for consideration by the House State Government Committee because the Iowa State Bar Association had taken a position in opposition to the Bill. Senate file 379 is currently active with the opportunity to be considered by the Legislature in 2014.

Attorney David Brown of Hansen, McClintock and Riley spoke to the Board about the Iowa State Bar Association's concerns with the bill. Mr. Brown feels that raising the cap on civil penalties from \$10,000 to \$50,000 could potentially be career ending for physicians. Mr. Brown believes that adding more alternate members to hearing panels will bring outdated thinking and practices. He expressed that Board members understand their commitment in advance, and should arrange their schedules for contested case hearings accordingly. He opposes the use of an Administrative Law Judge as they are not members of Board and are not policy makers. The licensee should have a chance to be in front of peers. Mr. Brown wants to ensure the process is as open and fair as possible. He said the Board is a jury, a fact finder – much like the civil justice system. He encouraged Board members to consider what is at stake for a licensee.

Administrative Law Judge Jeffrey Farrell was involved in the development of an amendment for Chapter 148 concerning the use of administrative law judges (ALJs). He stressed that licensees deserve a fair and efficient process, but extra time and money does not need to be spent to achieve this. Current practice requires a quorum of the Board to align their schedules, while an ALJ is just looking at one person's schedule. Mr. Farrell noted increased flexibility because there are many ALJs. ALJs can also allow as much time as necessary to review a case instead of trying to finish in two days by not taking lunch, staying late, etc. Questions have been raised about how to define a non-medical, administrative case that would be assigned to an ALJ and

Mr. Farrell cited examples such as sexual contact, use of drugs or alcohol, and criminal conduct. ALJs are currently writing decisions after the Board makes a decision, and if an ALJ hears case from beginning there is more separation of function. Mr. Farrell noted that the Board of Educational Examiners has been successfully sending all of their cases to ALJs for a few years. Mr. Farrell polled 12 states on their use of ALJs and 11 of those use ALJs to decide both administrative cases and standard of care.

Michael Thompson, D.O., expressed to Mr. Brown that in addition to scheduling conflicts, recusals are also a large part of the difficulty in securing a panel for contested case hearings, and the use of alternates opens those possibilities.

Frank Bognanno noted that use of alternate members shouldn't be looked at as using outdated practices, but rather as bringing knowledge and experience gained from years of service as a Board member.

Executive Director's Report:

Mark Bowden provided the following updates:

- Former Board members Jeff Snyder, M.D., Crescent, and Joyce Vista-Wayne, M.D., Ottumwa, were appointed by the Governor as alternate members.
- Staff will start work in the new database on November 18, 2013. The new database will increase communication with licensees and the public.
- Amy Van Maanen has accepted a position with the Iowa Physician Health Committee and will officially assume her new duties January 1. Board staff is in the process of hiring a new Director of Licensure.

Administrative Rules for Consideration of Adoption:

The following rules were considered for adoption:

ARC 0889C – Amend IAC 653 – Chapter 1 to limit Board member's term as Board chairperson. A public hearing for the rule was held August 13. Hamed Tewfik, M.D., spoke against adoption of the rule. Dr. Tewfik felt that experience is gained beyond one year and that placing a term limit is unnecessary because a vote is required annually to select the chair.

Dr. Hoversten noted that a term limit may offer more uniformity to Board actions; ensure that one member's vote doesn't carry too much weight; and give each Board member an opportunity to be chair.

Dr. Hoversten moved to vote to adopt ARC 0889C. Frank Bognanno; Julie Carmody, M.D.; and Greg Hoversten, D.O. voted "aye." Ann Gales; Allison Schoenfelder, M.D.; Hamed Tewfik, M.D.; and Michael Thompson, D.O. voted "nay." The rule was not adopted.

After the vote, Dr. Thompson and Dr. Tewfik voiced support of a rule that would limit a Board member's term as chair to two years. Julie Bussanmas, Assistant Attorney General, noted that the rule can be brought back with an amendment to the December 19-20, 2013, Board meeting.

ARC 0943C – Amend IAC 653 – Chapters 8, 9, and 10 adjust various fees. A public hearing was held August 27. The Executive Committee recommends adoption. On a motion made by Allison Schoenfelder, M.D. and a second by Hamed Tewfik, M.D., the Board voted unanimously to adopt and file the amendments. The new fees would become effective January 1, 2014.

ARC 0977C – Amend IAC 653 – Chapter 14 to update language to provide clarity and more closely align rules with practices of the Iowa Physician Health Committee and program. Public hearing was held September 10. The Executive Committee recommends adoption of ARC 0977C with an amendment offered by Dr. Hoversten to 14.7(2) “a” that requires the Board to determine if a charge should be filed for noncompliance. On a motion made by Frank Bognanno and a second by Allison Schoenfelder, M.D., the Board voted unanimously to adopt and file ARC 0977C with the amendment.

Mark Bowden, Executive Director, briefed the Board on two developments concerning possible regulations on telemedicine:

- a. H.R. 3077 – Telemedicine for Medicare Act was introduced in September and would allow a licensee in one state to treat a Medicare recipient in another state without a license in that state. He said this legislation challenges a well-established doctrine that the practice of medicine occurs where the patient is located, not the physician. He said this bill would undermine a state’s right to regulate medicine on a local basis.
- b. SMART Workgroup Report – The Federation of State Medical Boards has a workgroup drafting model policy that could be used if states are interested in adopting telemedicine rules. The new model policy would replace a policy written in 2002. The Federation hopes to have the policy ready for presentation at annual meeting in April 2014.

Annual Review of Fees:

Board of Medicine fees were reviewed earlier this year. ARC 0943C - Amend IAC 653 – Chapters 8, 9, and 10 to adjust various fees was adopted during the public session of this meeting. Most fees are licensure driven. Staff is recommending no additional changes for this fiscal year. The budget will be re-evaluated next year for fiscal year 2015.

On a motion made by Ann Gales and a second by Frank Bognanno, the Board voted unanimously to accept staff’s recommendation to maintain the fee schedule that takes into consideration the adjustments established in ARC 0943C.

Heartland Healthcare Services’ request for waiver or variance on collaborative drug therapy management:

The Board reviewed a request for a waiver from Heartland Pharmacy of Illinois. The waiver was originally sent to the Board of Pharmacy which deferred to the Board of Medicine. Heartland Pharmacy has three nursing home facilities in Iowa. The regulation they are requesting a waiver

of is regarding physicians ability to delegate aspects of drug therapy management to an authorized pharmacist. The current protocol is defined by the setting: either a community setting or hospital setting. The rules specifically define nursing home facilities as community setting. Heartland would like to request a waiver to be able to follow the same guidelines as a hospital setting.

The Board of Pharmacy is opposed to the request and feel the safeguards in place are important to protect elderly patients from harm.

Kent Nebel, Director of Legal Affairs, recommended responding to Heartland Healthcare Services that the Board is not inclined to approve such a waiver and suggested they go back to the Board of Pharmacy.

Iowa Physician Health Program:

Deb Anglin, coordinator of the Iowa Physician Health Program, gave a brief statistical report. The IPHP is currently working with 76 individuals in the program, with 68 under contract. This is the 17th year for the program, which has worked with 465 physicians.

Ms. Anglin also shared the departure of Iowa Physician Health Committee member Lynn Martin and welcomed suggestions from the Board on individuals to fill the vacancy.

Legal Update on Judicial Review of Board Cases and Related Cases:

Assistant Attorney General Julie Bussanmas updated the Board on Planned Parenthood of the Heartland's Petition for Stay Pending Judicial Review and Petition for Judicial Review of the Board's new rule on standards of practice for physicians who perform medical abortions. Ms. Bussanmas filed a resistance to Planned Parenthood of the Heartland's motion to stay and asked the court to dismiss the suit against Board members in their individual capacities. Ms. Bussanmas will represent the Board in court on Wednesday, October 30, at 9:00 a.m.

Assistant Attorneys General Julie Bussanmas and September Lau briefed the Board on 7 cases under judicial review in state courts.

1. Adel Al-Jurf, M.D.* -- Court of Appeals issued a decision affirming the Board's action. The case has no further appeals and will come back to Board for briefing.
2. Amjad Butt, M.D. -- The Board needs to review the disciplinary action taken.
3. Mark Collison, M.D.* -- Waiting on date for oral argument from Appeals Court.
4. Donna DeLouis, D.O. -- District Court confirmed Board's decision to report to the National Practitioner's Databank.
5. Robert Tobin, M.D.* -- Waiting on scheduling date for oral argument.
6. Fawad Zafar, M.D.* -- Awaiting decision from the court.
7. Doe v. Board of Medicine -- District Court dismissed the interlocutory appeal.

Kent Nebel, Director of Legal Affairs and Julie Bussanmas spoke to the Board about contested case hearings. Mr. Nebel reminded the Board that decisions must be based solely on the evidence presented by the attorneys and that outside research, such as looking at information online, is not allowed. During the hearing, every member of the panel must be present, or the hearing must stop.

Licensure & Licensure Committee Report:

Interstate Compact for Medical Licensure:

The Federation of State Medical Boards continues discussion on an interstate compact for medical licensure. The Federation's priority is to shape model legislation that states may adopt to speed up licensing in multiple states. All states would have to adopt same law. The Federation is writing draft legislation that should be available for states who want to pursue no later than 2015.

Maintenance of Licensure:

The Board is positioning itself to participate in pilot project which will survey of licensees in Iowa about maintenance of licensure. The Federation is trying to focus more on physicians that are not board certified or working to maintain skills.

Committee Report:

Chair Michael Thompson, D.O., reported the Licensure Committee granted 4 permanent licenses and left 1 application open to request an appearance. The committee also spoke to Dr. James Amos via conference call to hear his concerns with maintenance of licensure.

Board Minutes for Consideration of Approval:

On a motion by Allison Schoenfelder, M.D., and a second by Ann Gales, the Board unanimously approved the following minutes as presented:

August 29-30, Board meeting (open & closed)

September 26, teleconference (open & closed)

Reports & Articles:

The following articles were shared with the Board.

EHRs, Red Tape Eroding Physician Job Satisfaction, by John Commins, Health Leaders Media, October 9, 2013

Malpractice Premiums Drop for 6th Straight Year, by Robert Lowes, Medscape Medical News, October 10, 2013

Medical Board Exposure to Threats of Violence. What Boards Are Doing to Ensure Security, by Kelly Alfred; Timothy Turner; and Aaron Young, Journal of Medical Regulation, October 2013

The meeting adjourned at 2:40 p.m.

Iowa Board of Medicine
Open Minutes
October 24-25, 2013

These minutes are respectfully submitted by Natalie Sipes, Secretary to the Executive Director,
and Kari Rolls, Administrative Assistant.