



**IOWA BOARD OF MEDICINE
JUNE 27-28, 2013, BOARD MEETING**

OPEN MINUTES

JUNE 27, 2013 – OPEN SESSION:

MEMBERS PRESENT: Greg Hoversten, D.O., Chair
Hamed Tewfik, M.D., Vice-Chair
Michael Thompson, D.O., Secretary
Robert Bender, II, M.D.
Frank Bognanno
Diane Clark
Ann Gales
Julie Perkins, M.D.
Allison Schoenfelder, M.D.

MEMBERS ABSENT: Julie Carmody, 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
Cathy McCullough, Investigator
Dave McGlaughlin, Investigator
David Schultz, Investigator
James Machamer, Investigator
Jennifer Huisman, Investigator
Mary Knapp, Enforcement Monitor
Shantel Billington, Enforcement Monitor
Natalie Sipes, Secretary to Executive Director
Kari Rolls, Administrative Assistant
Chaney Yeast, Intern from Drake Law School
Julie Bussanmas, Assistant Attorney General
Theresa Weeg, Assistant Attorney General

At 1:06 p.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. Julie Carmody, M.D., was not present.

Greg Hoversten, D.O., introduced two of the new Board members, Robert Bender, II, M.D., and Allison Schoenfelder, M.D., to the Board.

At 1:07 p.m., on a motion by Hamed Tewfik, M.D., seconded by 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. Robert Bender, II, M.D., Frank Bognanno, Diane Clark, Ann Gales, Greg Hoversten, D.O., Julie Perkins, M.D., 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 5:45 p.m., the Board went to recess. The closed session resumed on Friday, June 28, 2013, at 8:06 a.m.

June 28, 2013 – OPEN SESSION:

MEMBERS PRESENT: Greg Hoversten, D.O., Chair
Michael Thompson, D.O., Secretary
Frank Bognanno
Julie Carmody, M.D.
Diane Clark
Ann Gales
Julie Perkins, M.D.
Allison Schoenfelder, M.D.

MEMBERS ABSENT: Hamed Tewfik, M.D., Vice-Chair
Robert Bender, II, 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
Cathy McCullough, Investigator
Dave McGlaughlin, Investigator
David Schultz, Investigator
James Machamer, Investigator
Jennifer Huisman, Investigator
Mary Knapp, Enforcement Monitor
Shantel Billington, Enforcement Monitor
Natalie Sipes, Secretary to Executive Director

Kari Rolls, Administrative Assistant
Chaney Yeast, Intern from Drake Law School
Julie Bussanmas, Assistant Attorney General
Theresa Weeg, Assistant Attorney General

Closed session resumed at 8:06 a.m.

At 12:52 p.m., while still in a closed session, all members present voted in favor of a motion by Ann Gales, seconded by Frank Bognanno, to meet in an open session. In open session, the Board took the following actions:

On a motion by Greg Hoversten, D.O., seconded by Frank Bognanno, all Board members present voted to close file 01-2012-165 with no formal action.

On a motion by Diane Clark, seconded by Frank Bognanno, all Board members present voted to leave open file 02-2010-211.

On a motion by Diane Clark, seconded by Frank Bognanno, all Board members present voted to leave open file 02-2010-293.

On a motion by Diane Clark, seconded by Frank Bognanno, all Board members present voted to leave open file 02-2010-452.

On a motion by Diane Clark, seconded by Frank Bognanno, all Board members present voted to leave open file 02-2011-479.

On a motion by Diane Clark, seconded by Frank Bognanno, all Board members present voted to leave open file 02-2012-259.

On a motion by Diane Clark, seconded by Frank Bognanno, all Board members present voted to leave open file 02-2012-563.

On a motion by Diane Clark, seconded by Frank Bognanno, all Board members present voted to leave open file 02-2012-059.

On a motion by Diane Clark, seconded by Frank Bognanno, all Board members present voted to accept the combined Statement of Charges and Settlement Agreement for Dennis F. Rolek, D.O., file 03-2012-519.

On a motion by Diane Clark, seconded by Frank Bognanno, all Board members present voted to accept the combined Statement of Charges and Settlement Agreement for Robert C. Turner, M.D., file 02-2012-444.

On a motion by Diane Clark, seconded by Frank Bognanno, all Board members present voted to accept the Consent Agreement for Frank L. Lamp, M.D., files 02-2010-557 and 02-2011-664.

On a motion by Diane Clark, seconded by Frank Bognanno, all Board members present voted to leave open file 02-2012-482.

On a motion by Diane Clark, seconded by Frank Bognanno, all Board members present voted to accept the combined Statement of Charges and Settlement Agreement for Cassandra N. Garcia, M.D., file 02-2012-441.

On a motion by Diane Clark, seconded by Frank Bognanno, all Board members present voted to accept the combined Statement of Charges and Settlement Agreement for Raphael N. Ngengwe, M.D., file 02-2012-630.

On a motion by Diane Clark, seconded by Frank Bognanno, all Board members present voted to accept the combined Statement of Charges and Settlement Agreement for Emmanuel Packianathan, M.D., file 02-2011-587.

On a motion by Diane Clark, seconded by Frank Bognanno, all Board members present voted to accept the combined Statement of Charges and Settlement Agreement for Bakulkumar K. Patel, M.D., file 02-2011-646.

On a motion by Diane Clark, seconded by Frank Bognanno, all Board members present voted to accept the combined Statement of Charges and Settlement Agreement for George D. Soncrant, D.O., file 03-2011-286.

On a motion by Diane Clark, seconded by Frank Bognanno, all Board members present voted to leave open file 02-2012-443.

On a motion by Diane Clark, seconded by Frank Bognanno, all Board members present voted to accept the combined Statement of Charges and Settlement Agreement for Ely D. Zaslow, M.D., file 02-2009-408.

On a motion by Diane Clark, seconded by Frank Bognanno, all Board members present voted to accept the combined Statement of Charges and Settlement Agreement for Jeffrey T. Dardinger, M.D., file 02-2013-124.

On a motion by Diane Clark, seconded by Frank Bognanno, all Board members present voted to accept the combined Statement of Charges and Settlement Agreement for Gilbert Shapiro, M.D., file 02-2012-357.

On a motion by Diane Clark, seconded by Frank Bognanno, all Board members present voted to accept the Settlement Agreement for Jeffrey L. Piccirillo, D.O., files 03-2011-157, 03-2011-400 and 03-2011-502.

On a motion by Julie Perkins, M.D., seconded by Frank Bognanno, all Board members present voted to leave open file 02-2011-395. Ann Gales recused.

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On a motion by Julie Perkins, M.D., seconded by Frank Bognanno, all Board members present voted to leave open file 02-2010-337.

On a motion by Julie Perkins, M.D., seconded by Frank Bognanno, all Board members present voted to dismiss the disciplinary charges pending in this matter for Thomas L. Warren, Jr., M.D., file 02-2012-407.

On a motion by Julie Perkins, M.D., seconded by Frank Bognanno, all Board members present voted to leave open file 02-2012-712.

On a motion by Julie Perkins, M.D., seconded by Frank Bognanno, all Board members present voted to leave open file 03-2008-356.

On a motion by Julie Perkins, M.D., seconded by Frank Bognanno, all Board members present voted to leave open file 03-2012-245.

On a motion by Julie Perkins, M.D., seconded by Frank Bognanno, all Board members present voted to leave open file 03-2008-498.

On a motion by Julie Perkins, M.D., seconded by Frank Bognanno, all Board members present voted to leave open file 03-2005-077.

On a motion by Julie Perkins, M.D., seconded by Frank Bognanno, all Board members present voted to leave open file 02-2013-177.

On a motion by Julie Perkins, M.D., seconded by Frank Bognanno, all Board members present voted to close file 02-2012-422 with no formal action.

On a motion by Julie Perkins, M.D., seconded by Frank Bognanno, all Board members present voted to close file 02-2010-490 with no formal action.

On a motion by Julie Perkins, M.D., seconded by Frank Bognanno, all Board members present voted to leave open file 02-2011-615.

On a motion by Julie Perkins, M.D., seconded by Frank Bognanno, all Board members present voted to leave open file 03-2012-499.

On a motion by Julie Perkins, M.D., seconded by Frank Bognanno, all Board members present voted to leave open file 02-2012-439.

On a motion by Julie Perkins, M.D., seconded by Frank Bognanno, all Board members present voted to leave open file 02-2012-353.

On a motion by Julie Perkins, M.D., seconded by Frank Bognanno, all Board members present voted to close file 02-2012-437 with no formal action.

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On a motion by Julie Perkins, M.D., seconded by Frank Bognanno, all Board members present voted to leave open file 02-2012-354.

On a motion by Julie Perkins, M.D., seconded by Frank Bognanno, all Board members present voted to leave open file 02-2012-481.

On a motion by Julie Perkins, M.D., seconded by Frank Bognanno, all Board members present voted to close file 02-2012-380 with no formal action.

On a motion by Julie Perkins, M.D., seconded by Frank Bognanno, all Board members present voted to close file 02-2012-500 with no formal action.

On a motion by Julie Perkins, M.D., seconded by Frank Bognanno, all Board members present voted to leave open file 02-2011-619.

On a motion by Julie Perkins, M.D., seconded by Frank Bognanno, all Board members present voted to leave open file 02-2012-400.

On a motion by Julie Perkins, M.D., seconded by Frank Bognanno, all Board members present voted to close file 03-2011-640 with no formal action.

On a motion by Julie Perkins, M.D., seconded by Frank Bognanno, all Board members present voted to leave open file 02-2011-641.

On a motion by Julie Perkins, M.D., seconded by Frank Bognanno, all Board members present voted to leave open file 02-2012-702.

On a motion by Julie Perkins, M.D., seconded by Frank Bognanno, all Board members present voted to close file 02-2012-440 with no formal action.

On a motion by Julie Perkins, M.D., seconded by Frank Bognanno, all Board members present voted to close file 02-2011-589 with no formal action.

On a motion by Julie Perkins, M.D., seconded by Frank Bognanno, all Board members present voted to leave open file 02-2011-677. Greg Hoversten, D.O., and Allison Schoenfelder, M.D., recused.

On a motion by Julie Perkins, M.D., seconded by Frank Bognanno, all Board members present voted to leave open file 02-2010-407.

On a motion by Frank Bognanno, seconded by Ann Gales, all Board members present voted to close file 02-2011-662 with no formal action.

On a motion by Frank Bognanno, seconded by Michael Thompson, D.O., all Board members present voted to close file 02-2012-590 with no formal action.

On a motion by Frank Bognanno, seconded by Diane Clark, all Board members present voted to close file 02-2008-465 with no formal action. Greg Hoversten, D.O., and Allison Schoenfelder, M.D., recused.

On a motion by Frank Bognanno, seconded by Julie Carmody, M.D., all Board members present voted to close file 02-2012-063 with no formal action.

On a motion by Frank Bognanno, seconded by Julie Perkins, M.D., all Board members present voted to affirm its original decision to close file 02-2012-591, with no formal disciplinary action.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to affirm its original decision to close file 02-2007-547, with no formal disciplinary action.

On a motion by Frank Bognanno, seconded by Ann Gales, all Board members present voted to affirm its original decision to close file 02-2012-612, with no formal disciplinary action.

On a motion by Frank Bognanno, seconded by Michael Thompson, D.O., all Board members present voted to affirm its original decision to close file 02-2010-575, with no formal disciplinary action.

On a motion by Frank Bognanno, seconded by Diane Clark, all Board members present voted to affirm its original decision to close file 02-2012-593, with no formal disciplinary action.

On a motion by Frank Bognanno, seconded by Julie Carmody, M.D., all Board members present voted to affirm its original decision to close file 02-2012-456, with no formal disciplinary action.

On a motion by Frank Bognanno, seconded by Julie Perkins, M.D., all Board members present voted to affirm its original decision to close file 03-2011-524, with no formal disciplinary action.

On a motion by Frank Bognanno, seconded by Allison Schoenfelder, M.D., all Board members present voted to affirm its original decision to close file 02-2012-372, with no formal disciplinary action.

On a motion by Frank Bognanno, seconded by Ann Gales, all Board members present voted to affirm its original decision to close file 02-2011-145, with no formal disciplinary action.

On a motion by Frank Bognanno, seconded by Michael Thompson, D.O., all Board members present voted to affirm its original decision to close file 02-2010-260, with no formal disciplinary action.

On a motion by Frank Bognanno, seconded by Diane Clark, all Board members present voted to affirm its original decision to close file 02-2011-485, with no formal disciplinary action. Julie Perkins, M.D., recused.

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On a motion by Frank Bognanno, seconded by Julie Carmody, M.D., all Board members present voted to affirm its original decision to close file 02-2011-475, with no formal disciplinary action.

On a motion by Ann Gales, seconded by Frank Bognanno, all Board members present voted to close file 02-2011-033 with no formal action.

On a motion by Ann Gales, seconded by Frank Bognanno, all Board members present voted to close file 02-2011-669 with no formal action.

On a motion by Ann Gales, seconded by Frank Bognanno, all Board members present voted to close file 02-2012-215 with no formal action.

On a motion by Ann Gales, seconded by Frank Bognanno, all Board members present voted to close file 02-2009-180 with no formal action.

On a motion by Ann Gales, seconded by Frank Bognanno, all Board members present voted to close file 02-2012-330 with no formal action.

On a motion by Ann Gales, seconded by Frank Bognanno, all Board members present voted to close file 02-2012-624 with no formal action.

On a motion by Ann Gales, seconded by Frank Bognanno, all Board members present voted to close file 02-2012-682 with no formal action.

On a motion by Ann Gales, seconded by Frank Bognanno, all Board members present voted to leave open file 02-2011-567.

On a motion by Ann Gales, seconded by Frank Bognanno, all Board members present voted to leave open file 02-2012-548.

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

On a motion by Michael Thompson, D.O., seconded by Frank Bognanno, all Board members present voted to accept the Licensure Committee Report and its recommendations.

On a motion by Julie Perkins, M.D., seconded by Frank Bognanno, all Board members present voted to accept the Monitoring Committee Report and its recommendations.

On a motion by Michael Thompson, D.O., seconded by Frank Bognanno, all Board members present voted to close file 03-2012-681 with no formal action.

On a motion by Michael Thompson, D.O., seconded by Frank Bognanno, all Board members present voted to close file 03-2012-689 with no formal action.

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On a motion by Michael Thompson, D.O., seconded by Frank Bognanno, all Board members present voted to close file 02-2012-690 with no formal action.

On a motion by Michael Thompson, D.O., seconded by Frank Bognanno, all Board members present voted to leave open file 03-2013-088.

On a motion by Michael Thompson, D.O., seconded by Frank Bognanno, all Board members present voted to close file 02-2012-219 with no formal action.

On a motion by Michael Thompson, D.O., seconded by Frank Bognanno, all Board members present voted to leave open file 03-2012-687.

On a motion by Michael Thompson, D.O., seconded by Frank Bognanno, all Board members present voted to close file 02-2012-766 with no formal action.

On a motion by Michael Thompson, D.O., seconded by Frank Bognanno, all Board members present voted to close file 02-2012-790 with no formal action.

On a motion by Michael Thompson, D.O., seconded by Frank Bognanno, all Board members present voted to close file 02-2012-198 with no formal action.

On a motion by Michael Thompson, D.O., seconded by Frank Bognanno, all Board members present voted to close file 02-2013-059 with no formal action.

On a motion by Michael Thompson, D.O., seconded by Frank Bognanno, all Board members present voted to close file 02-2012-489 with no formal action.

On a motion by Michael Thompson, D.O., seconded by Frank Bognanno, all Board members present voted to close file 02-2011-117 with no formal action.

On a motion by Michael Thompson, D.O., seconded by Frank Bognanno, all Board members present voted to leave open file 02-2012-639. Julie Perkins, M.D., recused.

On a motion by Michael Thompson, D.O., seconded by Frank Bognanno, all Board members present voted to leave open file 02-2010-332.

On a motion by Michael Thompson, D.O., seconded by Frank Bognanno, all Board members present voted to close file 02-2013-094 with no formal action.

On a motion by Michael Thompson, D.O., seconded by Frank Bognanno, all Board members present voted to leave open file 02-2012-222.

On a motion by Michael Thompson, D.O., seconded by Frank Bognanno, all Board members present voted to close file 02-2012-704 with no formal action.

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On a motion by Michael Thompson, D.O., seconded by Frank Bognanno, all Board members present voted to leave open file 03-2012-056.

On a motion by Michael Thompson, D.O., seconded by Frank Bognanno, all Board members present voted to close file 03-2012-177 with no formal action.

On a motion by Michael Thompson, D.O., seconded by Frank Bognanno, all Board members present voted to close file 02-2012-334 with no formal action.

On a motion by Greg Hoversten, D.O., seconded by Frank Bognanno, all Board members present voted to leave open file 02-2013-074.

On a motion by Greg Hoversten, D.O., seconded by Frank Bognanno, all Board members present voted to close file 03-2013-173 with no formal action.

On a motion by Greg Hoversten, D.O., seconded by Frank Bognanno, all Board members present voted to close file 02-2013-174 with no formal action.

On a motion by Greg Hoversten, D.O., seconded by Frank Bognanno, all Board members present voted to affirm its original decision to close file 02-2012-496, with no formal disciplinary action.

On a motion by Greg Hoversten, D.O., seconded by Frank Bognanno, all Board members present voted to close file 03-2012-207 with no formal action.

On a motion by Greg Hoversten, D.O., seconded by Frank Bognanno, all Board members present voted to close file 01-2013-037 with no formal action.

On a motion by Greg Hoversten, D.O., seconded by Frank Bognanno, all Board members present voted to leave open file 02-2010-623.

On a motion by Greg Hoversten, D.O., seconded by Frank Bognanno, all Board members present voted to leave open file 02-2013-045.

On a motion by Greg Hoversten, D.O., seconded by Frank Bognanno, all Board members present voted to close file 03-2012-761 with no formal action.

On a motion by Greg Hoversten, D.O., seconded by Frank Bognanno, all Board members present voted to leave open file 03-2012-218.

On a motion by Greg Hoversten, D.O., seconded by Frank Bognanno, all Board members present voted to leave open file 02-2012-572.

On a motion by Greg Hoversten, D.O., seconded by Frank Bognanno, all Board members present voted to close file 02-2012-573 with no formal action.

On a motion by Greg Hoversten, D.O., seconded by Frank Bognanno, all Board members present voted to close file 02-2012-574 with no formal action.

On a motion by Greg Hoversten, D.O., seconded by Frank Bognanno, all Board members present voted to leave open file 03-2012-575.

On a motion by Greg Hoversten, D.O., seconded by Frank Bognanno, all Board members present voted to leave open file 02-2012-281.

On a motion by Greg Hoversten, D.O., seconded by Frank Bognanno, all Board members present voted to close file 02-2012-412 with no formal action.

On a motion by Greg Hoversten, D.O., seconded by Frank Bognanno, all Board members present voted to close file 02-2012-256 with no formal action.

On a motion by Greg Hoversten, D.O., seconded by Frank Bognanno, all Board members present voted to close file 02-2013-062 with no formal action.

On a motion by Greg Hoversten, D.O., seconded by Ann Gales, all Board members present voted to leave open file 02-2013-030. Frank Bognanno recused.

On a motion by Greg Hoversten, D.O., seconded by Frank Bognanno, all Board members present voted to close file 02-2010-062 with no formal action.

On a motion by Greg Hoversten, D.O., seconded by Frank Bognanno, all Board members present voted to withdraw the Findings of Fact, Conclusions of Law, Decision and Order, filed on January 24, 2011, the Statement of Charges filed on July 26, 2012, and Settlement Agreement filed on February 14, 2013, for Wendy R.K. Smoker, M.D., files 02-2009-623 and 02-2012-431.

JUNE 28, 2013 – OPEN SESSION/ PUBLIC MEETING:

MEMBERS PRESENT: Greg Hoversten, D.O., Chair
Michael Thompson, D.O., Secretary
Frank Bognanno
Julie Carmody, M.D.
Diane Clark
Ann Gales
Julie Perkins, M.D.
Allison Schoenfelder, M.D.

MEMBERS PRESENT (VIA TELECONFERENCE):
Hamed Tewfik, M.D., Vice-Chair
Robert Bender, M.D.

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
Amanda Woltz, Licensure Specialist
Deb Anglin, Coordinator, Iowa Physician Health Program
Mary Knapp, Enforcement Monitor
Shantel Billington, Enforcement Monitor
James Machamer, Investigator
Cathy McCullough, Investigator
Amy Van Maanen, Director of Licensure
Steve Ervin, IT Technical Support
Julie Bussanmas, Assistant Attorney General
Theresa Weeg, Assistant Attorney General

PUBLIC IN ATTENDANCE:

(The board did not retain a full register of the public in attendance)

Marti Anderson, legislative staff
Pat Courneya, M.D., Co-Opportunity Health
Brenna Findley, Administrative Rules Coordinator, Governor's Office
Larry Johnson, Governor's staff
Jeanine Freeman, Iowa Medical Society
Kevin Kruse, Iowa Society of Anesthesiologists
Kelly Larsen, InnerVisions HealthCare
Dave Lyons, Co-Opportunity Health
Daniel McConchie, Americans United for Life
Tom Ross, M.D., Planned Parenthood of the Heartland
Aaron Todd, legislative staff
Erica Shannon Stueve, legislative staff
Beth Wessel-Kroeschell, legislative staff
Michael Wiser, Lee Enterprises
Jason Noble, Des Moines Register

Greg Hoversten, D.O., chair, called the meeting to order at 1:05 p.m. Board members offered public introductions as roll call and to establish the presence of a quorum of the Board. The following agenda items were addressed:

Opportunity for Public Comment:

Members of the public were offered an opportunity to speak to the Board.

Three members of the public spoke regarding the June 25, 2013, petition requesting the Board to promulgate a rule regarding the standards of practice for physicians who perform abortions with abortion-inducing drugs.

The petition was signed by Susan Beck, D.O.; Thomas J. McAuliff, D.O.; Paul J. Matthews, M.D.; Elizabeth G. McGehe, ARNP, FNP-C; Gregory C. McKernan, D.O.; Richard M. Ratino, M.D.; Martha Burchard, RN; Kelly L. Larsen, RN; Diane E. McGuire, RN, CDMS; Patricia A. Smith, BSN; Verna Welte, BSN; Jenny Condon; Sara Reichart, CPNP; and Annette Lemer, RN, BSN. It was received by the Board at 1:41 p.m. June 25, 2013, and requests the Board “expeditiously initiate rulemaking proceedings by approving a Notice of Intended Action to adopt new rule 653-13.10 regarding the standards of practice for performing a chemical abortion.”

Daniel McConchie, Vice President of Government Affairs for Americans United for Life, spoke in favor of the petition and asked the Board to initiate rulemaking. He asked that the Board consider whether the standard of care of Iowa patients is compromised by the practice of telemedicine for chemical/medical abortions.

Tom Ross, M.D., Planned Parenthood of the Heartland, asked the Board to continue to recognize the use of telemedicine for the prescribing and administering of abortion-inducing drugs. He said the physician-patient conference via telecommunications is the same as it would be if the physician was physically present in the clinic. Planned Parenthood has offered telemedicine abortion services since 2008 in Iowa.

Kelly Larsen, a registered nurse at InnerVisions HealthCare, was a signer of the petition. She asked that the Board look carefully at the FDA guidelines on prescribing and administering mifepristone (Mifeprex) and misoprostol and set standards for follow-up care to ensure the safety of women who receive the drug-inducing regimen.

After hearing comments from the public at the meeting, Allison Schoenfelder, M.D., made a motion to “accept the petition and commence the process of rule-making by approving a notice of intended action containing the text of the proposed rules in the petition.” The motion was seconded by Julie Carmody, M.D.

In discussion of the motion, Ann Gales expressed concern that the petition was received only a few days before the Board meeting, and she had not had sufficient time to consider this issue. She said that, based on her short time on the Board, the Board was proceeding contrary to its usual practice when considering an issue for rulemaking. She stated this made the issue seem political and felt the Board was acting too quickly on the petition.

Dr. Carmody asked for legal counsel to provide further clarification of the Board’s responsibilities to act on the petition.

Assistant Attorney General Theresa Weeg advised the Board to wait on voting to accept the petition, citing the Board’s administrative rules that require the Board to mail copies of the petition to the petitioners and to allow the petitioners an additional 30 days to provide comments

on the petition. Ms. Weeg stated that the Board should delay its vote to accept or reject the petition, but it could, concurrently, approve a separate Notice of Intended Action to initiate rulemaking with the same language as the petition.

Kent Nebel, the Board's director of legal affairs, expressed concern that action was being taken on the petition without the Board members fully considering the issues in the petition.

Brenna Findley, the state's administrative rules coordinator and Governor Terry Branstad's legal counsel, advised the Board that the vote to accept or reject the petition could be taken immediately.

Robert Bender, M.D., urged the Board to act now because patients are at risk. He said it was a patient safety issue.

Chair Hoversten then called for the vote on the motion.

Those in favor of the motion were Frank Bender, M.D.; Diane Clark; Julie Carmody, M.D.; Diane Clark; Greg Hoversten, D.O.; Julie Perkins, M.D.; Allison Schoenfelder, M.D.; and Hamed Tewfik, M.D. Those voting against the motion: Ann Gales and Michael Thompson, D.O.

Chair Hoversten directed Executive Director Mark Bowden to prepare and file the notice of intended action to amend Iowa Administrative Code 653—Chapter 13 with the proposed language for the new rule of 13.10 as presented on pages 5 and 6 in the petition.

Following the vote, the Board took a break at 1:55 p.m. Hamed Tewfik, M.D., and Robert Bender, M.D., left the conference call. The meeting resumed at 2:04 p.m., at which time Chair Hoversten offered an opportunity of any other public comments on other agenda items or issues before the Board.

Jeanine Freeman, Iowa Medical Society, offered her appreciation to Board staff for keeping her organization informed of the various proposed new rules before the Board this summer.

Board Minutes for Consideration of Approval:

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

- April 4, 2013, teleconference (open & closed)
- April 18, 2013, teleconference (open & closed)
- April 25-26, 2013, Board meeting (open & closed)
- May 23, 2013, teleconference (open & closed)
- June 6, 2013, teleconference (open & closed)

Chair's Report:

Dr. Hoversten did not provide a report.

Executive Director's Report:

Mark Bowden provided the following updates:

- Introduced new staff member, Natalie Sipes. Ms. Sipes will serve as Secretary to the Executive Director, a position vacated by a retirement last fall.
- Copies of the 2012 Annual Report were provided to each board member, and made available to the public. Copies of the report will be mailed to hospitals, legislators, and other agencies in the state, and the report will be posted on the Board's website.
- Staff will work to obtain meeting space at the Statehouse to hold the public session of the regularly scheduled board meeting January 23, 2014. The intent would be to have a publicly accessible meeting when the Legislature is in session in an effort to strengthen the Board's relationship with state lawmakers.

Review of FY 2014 Budget:

Mark Bowden provided a brief overview of the Board's proposed FY 2014 budget. He explained that the Board does not receive a direct fund appropriation, but is funded exclusively with licensure fees. Fees have not been raised since 2007 and Mr. Bowden does not project a need to raise fees this year or next, however the board will formally review fees in September.

On a motion by Frank Bognanno, and a second by Allison Schoenfelder, M.D., the Board unanimously approved the FY 2014 budget of \$4,032,740, which is up from \$3,671,280 in FY 2013.

Administrative Rules:

1. Adopt and File: Amendments to 653 IAC Chapters 8,9,11 to exempt the permanent licensure renewal fee and the continuing education requirements for physicians on full-time active duty in the U.S. armed forces, reserves or National Guard. On a motion made by Diane Clark and a second by Michael Thompson, D.O., the Board voted unanimously to adopt and file the amendments. These new rules will take affect August 28, 2013.
2. Adopt and File: Amendment to 653 IAC Chapter 21 which will recognize a 1:5 ratio for physician supervision of a physician assistant. On a motion made by Ann Gales and a second by Frank Bognanno, the Board voted unanimously to adopt and file the amendments. This new rule will take affect August 28, 2013.
3. Notice of Intended Action: Amend 653 IAC Chapter 1 to prevent a board member from serving more than one (1) term as Board chair. On a motion by Greg Hoversten, D.O., and a second by Julie Perkins, M.D., the Board approved the proposed amendment, which was initially offered by Dr. Hoversten. Frank Bognanno; Julie Carmody, M.D.; Diane Clark; Ann Gales; Greg Hoversten, D.O.; Julie Perkins, M.D.; and Allison Shoenfelder, M.D., voted in favor. Michael Thompson, D.O., voted against the motion.

4. Notice of Intended Action: Amend 653 Chapters 8,9,10 to reduce some licensure and copy fees; and expand the range (from \$100 to up to \$300) per quarter for monitoring physicians under Board orders. On a motion made by Michael Thompson, D.O., and a second by Allison Schoenfelder, M.D., the Board voted unanimously to adopt and file the amendments, incorporating a recommendation by Assistant Attorney General Julie Bussanmas to amend IAC 653—Chapter 8.7 to eliminate reference to licensees' e-mail addresses, which are no longer public records.
5. Notice of Intended Action: Amend 653 Chapter 13 to rescind rules for physician supervision of pharmacists who administer immunizations. On a motion made by Julie Carmody, M.D., and a second by Allison Schoenfelder, M.D., the Board voted unanimously to approve the notice of intended action.
6. Notice of Intended Action: Amend 653 Chapter 14 to update language in rules for the Iowa Physician Health Committee and the program for physicians with diagnosed impairments. The update will reflect current practices of the committee and the confidential monitoring program for physicians with diagnosed impairments. On a motion by Allison Schoenfelder, M.D., and a second by Julie Carmody, M.D., the Board voted unanimously to approve the notice of intended action.

FY 2014 Regulatory Plan:

Mark Bowden presented the Board's proposed FY 2014 regulatory plan, which lists potential rule-making the Board may pursue over the next year. Mr. Bowden offered examples of 2013 regulatory action that has come about. He said regulatory plans are not set in stone, but can be updated throughout the year. He said the plan will be updated immediately to include the Board's action to pursue new rules establishing the standards of practice for physicians who prescribe or administer abortion-inducing drugs. The plan will be posted on the Board's website and submitted to the Governor.

Iowa Physician Health Program:

Deb Anglin, coordinator of the Iowa Physician Health Program, expressed appreciation to all who attended the annual IPHC-Board luncheon Friday, May 31. She conveyed the importance of keeping the lines of communication open between the Board and the Committee. Ms. Anglin gave a brief report on the Board-sponsored workshop held Wednesday, June 26, involving a presentation by nationally recognized addictionologist Greg Skipper, M.D. The presentation was well attended and well received. Ms. Anglin also presented a statistical report on the Iowa Physician Health Program: As of June 1, 2013, there are 81 participants in the program with 72 under contract, which is a slight increase over last year.

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

The Board received updates from Assistant Attorneys General Julie Bussanmas and Theresa Weeg on seven Board cases under judicial review. (Asterisk indicates case is pending in the Supreme Court/Court of Appeals. Other cases are in district court.)

1. **Adel Al-Jurf, M.D.*** -- Briefs have been submitted to Court of Appeals. Dr. Al-Jurf is contesting the Board's disciplinary action against him for disruptive behavior.
2. **Amjad Butt, M.D.*** -- The Iowa Court of Appeals has affirmed in part and reversed in part the Board's conclusion that Dr. Butt engaged in unethical and/or unprofessional conduct. The Board was ordered to reconsider the discipline imposed on the physician.
3. **Mark Collison, M.D.*** -- The state has submitted its brief in this case and parties are awaiting the scheduling of oral arguments before the Iowa Court of Appeals. The Board's disciplinary action was upheld by the Polk County District Court. Dr. Collison is contesting the Board's conclusion that he deceived the Board in an investigation into a medical malpractice case.
4. **Donna DeLouis, D.O.** -- A hearing in Polk County District Court is scheduled for September 6, 2013. Dr. DeLouis is contesting the Board's disciplinary action against her for inappropriate prescribing. She also is challenging the Board's authority to report that discipline to the National Practitioner Data Bank.
5. **Wendy Smoker, M.D.*** -- The District Court's decision affirming the Board's discipline against Dr. Smoker was reversed by the Iowa Court of Appeals, which concluded the Board did not have substantial evidence to take action against her. Dr. Smoker had been disciplined by the Board for excessive use of alcohol. The Iowa Supreme Court rejected the state's request for a review of the Appeals Court ruling. On a motion by Julie Perkins, M.D., and a second by Ann Gales, the Board unanimously approved withdrawing the final order and decision in the case. In addition, the Board withdrew the final decision and order in a subsequent case that disciplined Dr. Smoker for failing to comply with terms of the order in the first case.
6. **Robert Tobin, M.D.*** -- The state and the physician are filing briefs with the Iowa Court of Appeals. Dr. Tobin is contesting the Board's disciplinary order.
7. **Fawad Zafar, M.D.** -- The state and the physician are filing briefs with the Iowa Court of Appeals. Dr. Zafar is contesting the Board's disciplinary order.

Ms. Bussanmas also briefed the Board on an Iowa Supreme Court decision on administrative rules permitting advanced nurse practitioners to supervise fluoroscopy. The Supreme Court ruled that Iowa nurses are legally qualified to supervise the technicians who operate fluoroscopy machines. The Supreme Court ruled that the Iowa Legislature had granted the Iowa Board of Nursing authority to set the rules for nurses, reversing a Polk County District Court that had thrown out the new rules in 2011 as improper.

Reports & Articles:

1. *Ruling jeopardizes authority of state medical boards*, By Alicia Gallegos, American Medical News: <http://www.amednews.com/article/20130617/profession/130619946/2/>, June 17, 2013.

Kent Nebel, Director of Legal Affairs, offered a brief report on a North Carolina case where the state dental board ordered a cease and desist to non-dentists offering teeth whitening services. It was found that the dental board violated trade rules. Mr. Nebel used this case as an example to remind the Board to use caution when considering a cease and desist order for an organized service being provided by individuals others than physicians that isn't a high risk to others.

Licensure & Licensure Committee Report:

Michael Thompson, D.O., and Amy Van Maanen, Director of Licensure, provided the following updates:

- Granted 3 permanent licenses and 2 temporary licenses; reinstated 1 permanent license; granted 3 resident licenses; and left 1 application open to obtain further information.
- Minutes from the April 10, 2013, maintenance of licensure pilot project group meeting were brought to the Committee as an FYI.
- Discussed maintenance of licensure concern from James J. Amos, M.D., Iowa City. Dr. Amos was scheduled to talk to the Board via a teleconference call at today's meeting, but his call was canceled due to lack of time, and he will be rescheduled to call the Board at the August 29, 2013, public meeting. Ms. Van Maanen said the Federation of State Medical Boards has not provided new information on the maintenance of licensure discussion.
- Discussed a request for approval of an online abuse education course offered by Arizona College of Medicine. The college initially submitted the request to the Department of Public Health Abuse Education Review Panel. The panel said they do not have the resources to review and approve courses. University of Arizona submitted the course information to the board to see if the board could approve the courses. The Committee determined it was not in the Board's authority approve the course and the abuse education review panel needed to review the courses.

Presentation on Virtuwel Online Diagnostic & Treatment Health Care System:

Dave Lyons and Pat Courneya, M.D., from CoOpportunity Health presented to the Board about the Virtuwel Online Health Care System. CoOpportunity Health is currently licensed as an insurer in Iowa and would like to bring the online health care aspect to Iowa as well. Virtuwel is a consumer operated and oriented plan. Virtuwel users visit the website, answer questions about symptoms, medical history, current medications, and so forth, and then receive diagnosis, simple antibiotic treatments, and/or referrals to in-person providers. The website clinic offers treatment for approximately forty common conditions, with a high diagnostic accuracy rate. Virtuwel

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reports are downloadable and printable, and can be sent directly to primary care providers, or emailed.

Other Business:

The Board recognized retiring Assistant Attorney General Theresa Weeg. Greg Hoversten, D.O., presented a plaque to Ms. Weeg on behalf of the Board and staff expressing appreciation of her 23 years of public service to the Iowa Board of Medicine to protect the public's health and safety.

The meeting adjourned at 3:28 p.m.

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