



Fields of Opportunities

STATE OF IOWA

TERRY BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

IOWA BOARD OF MEDICINE
MARK BOWDEN, EXECUTIVE DIRECTOR

**IOWA BOARD OF MEDICINE
APRIL 17, 2014, BOARD MEETING**

OPEN MINUTES

THURSDAY, APRIL 17, 2014:

MEMBERS PRESENT: Greg Hoversten, D.O., Chair
Hamed Tewfik, M.D., Vice-Chair
Michael Thompson, D.O., Secretary
Frank Bognanno (Joined the meeting at 12:55 p.m.)
Julie Carmody, M.D.
Julie Perkins, M.D.
Allison Schoenfelder, M.D.

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

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
Natalie Sipes, Secretary to Executive Director
Kari Rolls, Administrative Assistant
Julie Bussanmas, Assistant Attorney General
September Lau, Assistant Attorney General

At 11:14 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. Robert Bender, II, M.D., Frank Bognanno and Diane Clark were absent.

At 11:14 a.m., on a motion by Hamed Tewfik, M.D., seconded Julie Carmody, M.D., 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. Julie Carmody, M.D., Greg Hoversten, D.O., Julie Perkins, M.D., Allison Schoenfelder, M.D., Hamed Tewfik, M.D., Michael Thompson, D.O., all voted aye in a roll call vote to approve the motion.

Frank Bognanno joined the meeting at 12:55 p.m.

At 4:39 p.m., while still in a closed session, all members present voted in favor of a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., to meet in an open session. In open session, the Board took the following actions:

On a motion by Allison Schoenfelder, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **accept** the combined Statement of Charges and Settlement Agreement for Wendell C. Danforth, M.D., file 02-2013-313.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **accept** the combined Statement of Charges and Settlement Agreement for Thomas C. Fisher, M.D., file 02-2013-424.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **leave open** file 02-2013-473.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **accept** the Reinstatement Order for Ryan D. Lee, D.O., file 03-2010-546.

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

On a motion by Allison Schoenfelder, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **leave open** files 03-2012-243 and 03-2013-367.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **leave open** file 02-2012-664.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **leave open** file 02-2010-005.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **leave open** file 02-2006-563.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **affirm** its original decision to **close** file 02-2011-730, **with no formal disciplinary action.**

On a motion by Allison Schoenfelder, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **affirm** its original decision to **close** file 02-2012-414, **with no formal disciplinary action**.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **leave open** file 03-2011-518.

On a motion by Julie Carmody, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **close** file 02-2011-654 with **no formal action**.

On a motion by Julie Carmody, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **leave open** file 03-2013-514.

On a motion by Julie Carmody, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **leave open** file 02-2009-606.

On a motion by Julie Carmody, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **leave open** file 02-2010-087.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **close** file 02-2013-373 with **no formal action**.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **close** file 02-2013-491 with **no formal action**.

On a motion by Julie Carmody, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **leave open** file 03-2013-362.

On a motion by Julie Carmody, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **close** file 02-2013-455 with **no formal action**.

On a motion by Julie Carmody, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **close** file 02-2013-439 with **no formal action**.

On a motion by Julie Carmody, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **close** file 02-2013-047 with **no formal action**. Frank Bognanno recused.

On a motion by Julie Carmody, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **close** file 02-2013-127 with **no formal action**.

On a motion by Julie Carmody, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **close** file 02-2013-546 with **no formal action**.

On a motion by Julie Carmody, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **close** file 02-2012-416 with **no formal action**. Allison Schoenfelder, M.D., recused.

Iowa Board of Medicine

Open Minutes

April 17, 2014

On a motion by Julie Carmody, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **close** file 02-2012-417 with **no formal action**. Allison Schoenfelder, M.D., recused.

On a motion by Julie Carmody, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **close** file 02-2013-653 with **no formal action**.

On a motion by Julie Carmody, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **close** file 02-2013-643 with **no formal action**.

On a motion by Julie Carmody, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **leave open** file 03-2012-126.

On a motion by Julie Carmody, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **leave open** file 03-2013-704.

On a motion by Julie Carmody, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **close** file 02-2013-468 with **no formal action**.

On a motion by Julie Carmody, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **close** file 02-2013-052 with **no formal action**.

On a motion by Julie Carmody, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **close** file 02-2013-048 with **no formal action**.

On a motion by Julie Carmody, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **close** file 02-2013-036 with **no formal action**.

On a motion by Julie Perkins, M.D., seconded by Michael Thompson, D.O., all Board members present voted to **close** file 02-2013-091 with **no formal action**.

On a motion by Julie Perkins, M.D., seconded by Hamed Tewfik, M.D., all Board members present voted to **close** file 02-2013-092 with **no formal action**.

On a motion by Julie Perkins, M.D., seconded by Frank Bognanno, all Board members present voted to **close** file 02-2013-387 with **no formal action**.

On a motion by Julie Perkins, M.D., seconded by Allison Schoenfelder, M.D., all Board members present voted to **close** file 02-2013-405 with **no formal action**.

On a motion by Julie Perkins, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **close** file 02-2013-703 with **no formal action**.

On a motion by Julie Perkins, M.D., seconded by Michael Thompson, D.O., all Board members present voted to **close** file 02-2013-178 with **no formal action**.

On a motion by Julie Perkins, M.D., seconded by Hamed Tewfik, M.D., all Board members present voted to **close** file 02-2012-699 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 02-2013-304.

On a motion by Julie Perkins, M.D., seconded by Allison Schoenfelder, M.D., all Board members present voted to **leave open** file 02-2013-404.

On a motion by Julie Perkins, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **leave open** file 02-2010-619.

On a motion by Julie Perkins, M.D., seconded by Michael Thompson, D.O., all Board members present voted to **leave open** file 02-2011-019.

On a motion by Julie Perkins, M.D., seconded by Hamed Tewfik, M.D., all Board members present voted to **leave open** file 02-2012-250.

On a motion by Julie Perkins, M.D., seconded by Frank Bognanno, all Board members present voted to **close** file 02-2014-001 with **no formal action**.

On a motion by Julie Perkins, M.D., seconded by Allison Schoenfelder, M.D., all Board members present voted to **leave open** file 02-2012-796.

On a motion by Julie Perkins, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **close** file 02-2012-797 with **no formal action**.

On a motion by Julie Carmody, M.D., seconded by Michael Thompson, D.O., all Board members present voted to **leave open** file 03-2012-429. Julie Perkins, M.D., recused.

On a motion by Julie Carmody, M.D., seconded by Michael Thompson, D.O., all Board members present voted to **leave open** file 03-2013-538. Julie Perkins, M.D., recused.

On a motion by Julie Perkins, M.D., seconded by Hamed Tewfik, M.D., all Board members present voted to **close** file 02-2013-156 with **no formal action**.

On a motion by Julie Perkins, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **leave open** file 02-2012-120.

On a motion by Julie Perkins, M.D., seconded by Michael Thompson, D.O., all Board members present voted to **leave open** file 02-2013-123.

On a motion by Julie Perkins, M.D., seconded by Hamed Tewfik, M.D., all Board members present voted to **close** file 03-2013-344 with **no formal action**. Allison Schoenfelder, M.D., recused.

On a motion by Julie Perkins, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **close** file 02-2012-383 with **no formal action**.

On a motion by Julie Perkins, M.D., seconded by Frank Bognanno, all Board members present voted to **close** file 02-2014-009 with **no formal action**.

On a motion by Julie Perkins, M.D., seconded by Allison Schoenfelder, M.D., all Board members present voted to **leave open** file 02-2012-350.

On a motion by Michael Thompson, D.O., seconded by Julie Perkins, M.D., all Board members present voted to **leave open** file 02-2013-695.

On a motion by Michael Thompson, D.O., seconded by Julie Perkins, M.D., all Board members present voted to **file Statement of Charges** against Floyd D. Simpson, D.O., file 03-2012-438.

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

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

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

At 4:52 p.m., the Board began its public session.

MEMBERS PRESENT: Greg Hoversten, D.O., Chair
Hamed Tewfik, M.D., Vice-Chair
Michael Thompson, D.O., Secretary
Frank Bognanno
Julie Carmody, M.D.
Julie Perkins, M.D.
Allison Schoenfelder, 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
James Machamer, Investigator
Natalie Sipes, Secretary to Executive Director
Deb Anglin, IPHP Coordinator
Amy Van Maanen, IPHP Project Manager
Julie Bussanmas, Assistant Attorney General
September Lau, Assistant Attorney General

PUBLIC IN ATTENDANCE:
Kathleen Beebout, Iowa Board of Nursing
Ashley Engelbrecht, Iowa Medical Society
Leah McWilliams, Iowa Osteopathic Medical Association

Linda Thiesen, University of Iowa

Opportunity for Public Comment:

No members of the public addressed the Board.

Annual Organization of the Board:

The board elected officers for 2014-15: Hamed Tewfik, M.D., Iowa City, chairperson; Michael Thompson, D.O., Pella, vice chairperson; and Allison Schoenfelder, M.D., Akron, secretary. The Board recognized Greg Hoversten, D.O., for his public service and leadership. Dr. Hoversten's term will expire on April 30.

Michael Thompson, D.O., left the meeting at 5:00 p.m.

On a motion by Hamed Tewfik, M.D., and a second by Julie Perkins, M.D, the Board approved the meeting schedule for 2015: February 5-6, April 2-3, May 14-15, July 9-10, August 27-28, October 15-16, and December 10-11. The Board's scheduled teleconferences for 2015 are January 15, March 5, June 4, September 17, and November 12.

Chair's Report:

Greg Hoversten, D.O., thanked Board members and staff for their dedication and support during his year as chairperson.

Dr. Hoversten shared details of the Executive Committee's meeting with William Terrell, L.Ac. Mr. Terrell, representing the Iowa Association of Oriental Medicine and Acupuncture, asked the Board to update Iowa Code 148E. The Executive Committee directed Board staff to begin a review of the law for possible amendments to be proposed in the 2015 legislative session.

Executive Director's Report:

Mark Bowden provided the following updates:

- More than 20% of active Iowa physicians have responded to the maintenance of licensure survey, which closes on April 21. Results of the survey will be reported to the Board in June. The survey is collecting information on Iowa physicians' professional development activities. Although there continues to be discussion regarding maintenance of licensure on a national level, the Iowa Board has not made any decisions.
- New Board member orientation will be held on April 30, 2014, for physician member Ronald Cheney, D.O., Carroll, and public member Diane Cortese, Urbandale.

2014 Legislation:

The Board's bill, Senate File 379 was attached as an amendment to the Iowa Department of Public Health's bill, Senate File 2196. The Board is seeking authorization to use up to three Alternates members on contested case panels composed of at least 6 members. SF 2196 has been approved in final form in the Senate and House and will go to the Governor for signature

and will become effective on July 1, 2014.

Administrative Rules for Consideration of Adoption:

None to consider at this time.

Statement on Treatment of Pain:

In 2009 the Iowa Board of Medicine, Board of Pharmacy, Iowa Board of Nursing, and Board of Physician Assistants signed a statement that encouraged physicians to treat pain responsibly and according to the standards and rules of each of the boards. The Board voted unanimously to re-affirm that statement and directed staff to re-release the statement.

Federation of State Medical Boards:

The FSMB Annual Meeting will be held April 24-26, 2014, in Denver. Hamed Tewfik, M.D. and Diane Clark will represent the Board at the meeting. Ms. Clark will be the Board's voting delegate.

Two resolutions being voted on at the House of Delegates were presented to the Board. Resolution 14-1; *Establish Study Group Regarding Collateral Consequences of Board Actions* and Resolution 14-2; *Key State Decision Maker's Education: Legislators, Governors, Health Agency Administration*.

A telemedicine model policy and maintenance of licensure report will be issued during at the meeting. The final draft of a proposal to establish a medical licensure compact will be introduced. The compact will require states wishing to participate in the compact to adopt the same legislation.

Iowa Physician Health Program:

Deb Anglin, IPHP Coordinator, presented a report on the Iowa Physician Health Program. The program is working with 83 participants. Ms. Anglin and Amy Van Maanen, IPHP project manager, will attend the Federation of State Physician Health Programs meeting in Denver April 24-26, which runs concurrently to the Federation of State Medical Board meeting.

Licensure Committee Report:

The committee granted five permanent licenses. The committee discussed changes to the United States Medical Licensing Examination (USLME) sponsorship. USMLE will no longer require physicians to select a state to take Step 3 under. The change will become effective July 1, 2014.

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

Ms. Bussanmas briefed the Board on 8 cases under judicial review in state courts.

1. **IAC 653 13.10** – Standards of practice for physicians who perform medical abortions. Planned Parenthood filed its brief on judicial review, which included an appendix of

information that Ms. Bussanmas felt was beyond the scope of the judicial review. Ms. Bussanmas filed a motion to strike, which was granted in part by the judge. Planned Parenthood resubmitted their brief with the limited information allowed. The state's brief is due May 5.

2. **Amjad Butt, M.D.** – Two cases are awaiting review in District Court.
3. **Mark Collison, M.D.** – Dr. Collison filed an application further review by Supreme Court. A decision is pending.
4. **Donna DeLouis, D.O.** – The case is still in the briefing stage with the Supreme Court.
5. **Richard Fleming, M.D.** – Oral arguments were scheduled for April 16, but were cancelled last minute.
6. **Robert Tobin, M.D.** – Dr. Tobin filed an application filed for further review by Supreme Court and further review was denied. The case is final and Dr. Tobin will have no further reviews.
7. **Fawad Zafar, M.D.** – Dr. Zafar filed an application filed for further review by Supreme Court. A decision is pending.
8. **Wendy Smoker, M.D.** – Dr. Smoker filed judicial review appealing the Board's denial of reimbursement of fees to third parties resulting from discipline that was overturned.

Board Minutes for Consideration of Approval:

On a motion by Allison Schoenfelder, M.D., seconded by Hamed Tewfik, M.D., the Board unanimously approved the following minutes as presented:

March 6-7, 2014, Board meeting (open & closed)

April 2, 2014, Teleconference (open & closed)

The public meeting concluded at 5:21 p.m.

On a motion by Julie Carmody, M.D., seconded by Allison Schoenfelder, M.D., 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., Greg Hoversten, D.O., Julie Perkins, M.D., Allison Schoenfelder, M.D., and Hamed Tewfik, M.D., all voted aye in a roll call vote to approve the motion.

At 5:35 p.m., while still in a closed session, all members present voted in favor of a motion by Frank Bognanno, seconded by Julie Carmody, M.D., to meet in an open session. In open session, the Board took the following actions:

On a motion by Allison Schoenfelder, M.D., seconded by Frank Bognanno, all Board members present voted to **accept** the Settlement Agreement for Domenico Calcaterra, M.D., file 02-2011-077.

Iowa Board of Medicine
Open Minutes
April 17, 2014

The meeting adjourned at 5:37 p.m.

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