



**IOWA BOARD OF MEDICINE  
FEBRUARY 15-16, 2018  
BOARD MEETING  
OPEN MINUTES**

**THURSDAY, FEBRUARY 15, 2018:**

**MEMBERS PRESENT:** Kyle Ulveling, M.D., Chair  
KellyAnn Light-McGroary, M.D., Vice Chair  
Diane Cortese, Secretary  
Nicole Gilg Gachiani, M.D.  
Warren Gall, M.D.  
Ronald Kolegraff, M.D.  
Mary Jo Romano  
Charles Wadle, D.O.  
Brian Wilson, D.O.

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Mark Bowden, Executive Director  
Kent Nebel, Director of Legal Affairs  
John Olds, M.D., Medical Advisor  
Jim Graham, Chief Investigator  
Aaron Kephart, Investigator  
Brandi Allen, Investigator  
Dave McGlaughlin, Investigator  
Laura Wood, Investigator  
Steve Garrison, Investigator  
Mary Knapp, Enforcement Monitor  
Natalie Sipes, Director of Licensure & Administration  
Amy Van Maanen, Iowa Physician Health Program Coordinator  
Emily Zalasky, Iowa Physician Health Program Case Manager  
Kari Rolls, Administrative Assistant  
Jordan Esbrook, Assistant Attorney General

At 11:29 a.m., Kyle Ulveling, M.D., Chair, called the meeting to order, and declared a quorum was present.

At 11:29 a.m., on a motion by Charles Wadle, D.O., seconded by Mary Jo Romano, all members present voted to meet in closed session, pursuant to Iowa Code Sections 21.5(1) "a," "d," and "f,"

to review or discuss records which are required or authorized by state or federal law to be kept confidential, discuss the contents of a licensing examination or whether to initiate licensee disciplinary investigations or proceedings, and discuss the decision to be rendered in a contested case. Diane Cortese, Nicole Gilg Gachiani, M.D., Warren Gall, M.D., Ronald Kolegraff, M.D., KellyAnn Light-McGroary, M.D., Mary Jo Romano, Kyle Ulveling, M.D., Charles Wadle, D.O., and Brian Wilson, D.O., all voted aye in a roll call vote to approve the motion.

KellyAnn Light-McGroary, M.D., left the meeting at 12:00 p.m. Dr. Light-McGroary, M.D., re-joined the meeting at 12:27 p.m. Dr. Light-McGroary, M.D., left the meeting at 3:08 p.m. Dr. Light-McGroary, M.D., re-joined the meeting at 3:55 p.m.

At 5:02 p.m., while still in closed session, the Board voted in favor of a motion by Nicole Gilg Gachiani, M.D., seconded by Brian Wilson, D.O., to meet in an open session. In open session, the Board took the following actions:

On a motion by Mary Jo Romano, seconded by Charles Wadle, D.O., the Board voted to **accept** the Screening Committee Report and its recommendations.

On a motion by Mary Jo Romano, seconded by Charles Wadle, D.O., the Board voted to **accept** the Monitoring Committee Report and its recommendations.

On a motion by Mary Jo Romano, seconded by Charles Wadle, D.O., the Board voted to **accept** the Licensure Committee Report and its recommendations.

On a motion by Kyle Ulveling, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **leave open** files 02-2013-482, 02-2013-556, 02-2015-109, 02-2015-200 and 02-2015-417. Ronald Kolegraff, M.D., and Jordan Esbrook, Assistant Attorney General, recused.

On a motion by Kyle Ulveling, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **leave open** file 02-2016-082.

On a motion by Kyle Ulveling, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **accept** the combined Statement of Charges and Settlement Agreement for Jeffrey T. Zoelle, M.D., file 02-2017-138.

On a motion by Kyle Ulveling, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **accept** the combined Statement of Charges and Settlement Agreement for Ugochukwu E. Akoma, M.D., files 02-2014-243 and 02-2015-213.

On a motion by Kyle Ulveling, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **accept** the Settlement Agreement for Robert D. Cunard, M.D., file 02-2014-603.

On a motion by Kyle Ulveling, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2016-639, with **no formal action**.

On a motion by Kyle Ulveling, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2016-226, with **no formal action**.

On a motion by Kyle Ulveling, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **accept** the combined Statement of Charges and Settlement Agreement for Donald R. Wirtanen, D.O., file 03-2014-663.

On a motion by Kyle Ulveling, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **accept** the combined Statement of Charges and Settlement Agreement for Janice A. Kirsch, M.D., file 02-2012-783.

On a motion by Kyle Ulveling, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **accept** the Settlement Agreement for Gregory P. Neyman, M.D., file 02-2017-150.

On a motion by Kyle Ulveling, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **leave open** files 02-2014-391, 02-2014-582 and 02-2015-521.

On a motion by Kyle Ulveling, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **leave open** file 03-2015-452.

On a motion by Ronald Kolegraff, M.D., seconded by Charles Wadle, D.O., the Board voted to **leave open** file 03-2012-174. Nicole Gilg Gachiani, M.D., recused.

On a motion by Ronald Kolegraff, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **leave open** file 02-2016-667.

On a motion by Ronald Kolegraff, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 03-2017-229, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 03-2017-241, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2014-135, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2017-127, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2016-660, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2016-661, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **affirm** its original decision to **close** file 02-2015-605, with **no formal disciplinary action**.

On a motion by Ronald Kolegraff, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **leave open** file 02-2017-025. Kyle Ulveling, M.D., recused.

On a motion by Ronald Kolegraff, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **leave open** file 02-2015-283.

On a motion by Ronald Kolegraff, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2017-324, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **leave open** file 02-2017-291.

On a motion by Ronald Kolegraff, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2017-041, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **affirm** its original decision to **close** file 02-2016-373, with **no formal disciplinary action**.

On a motion by Brian Wilson, D.O., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2015-315, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2017-075, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2016-600, with **no formal action**. Warren Gall, M.D., recused.

On a motion by Brian Wilson, D.O., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2016-646, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2016-587, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2017-505, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 03-2017-500, with **no formal action**. Kyle Ulveling, M.D., recused.

On a motion by Brian Wilson, D.O., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2017-502, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2017-615, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2017-477, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 03-2017-481, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2016-623, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2013-253, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 03-2016-640, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2017-394, with **no formal action**. Warren Gall, M.D., recused.

On a motion by Brian Wilson, D.O., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2017-395, with **no formal action**. Warren Gall, M.D., recused.

On a motion by Brian Wilson, D.O., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2017-418, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2017-047, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 03-2015-424, with **no formal action**. Kyle Ulveling, M.D., recused.

On a motion by Brian Wilson, D.O., seconded by Diane Cortese, the Board voted to **close** file 02-2016-470, with **no formal action**. Nicole Gilg Gachiani, M.D., and Mary Jo Romano recused.

On a motion by Brian Wilson, D.O., seconded by Diane Cortese, the Board voted to **close** file 02-2016-516, with **no formal action**. Nicole Gilg Gachiani, M.D., and Mary Jo Romano recused.

On a motion by Brian Wilson, D.O., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2015-297, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2017-313, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 03-2016-250, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 03-2015-667, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **leave open** file 03-2017-364.

On a motion by Brian Wilson, D.O., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **leave open** file 03-2017-403.

On a motion by Brian Wilson, D.O., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **leave open** file 03-2017-641.

On a motion by Brian Wilson, D.O., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2017-237, with **no formal action**. Kyle Ulveling, M.D., recused.

On a motion by Brian Wilson, D.O., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2017-231, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **leave open** file 03-2016-548.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2017-471, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2017-479, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2017-426, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2017-427, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2017-428, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2017-429, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2017-467, with **no formal action**. Warren Gall, M.D., recused.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2017-468, with **no formal action**. Warren Gall, M.D., recused.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2017-408, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2017-445, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Nicole Gilg Gachiani, M.D., the Board voted to **close** file 02-2017-436, with **no formal action**.

**At 5:09 p.m., the Board voted in favor of a motion by KellyAnn Light-McGroary, M.D., seconded by Brian Wilson, D.O., to adjourn the meeting and to meet at 9:00 a.m. Friday, February 16, 2018.**

**FRIDAY, FEBRUARY 16, 2018:**

**MEMBERS PRESENT:** Kyle Ulveling, M.D., Chair  
KellyAnn Light-McGroary, M.D., Vice Chair  
Diane Cortese, Secretary  
Nicole Gilg Gachiani, M.D.  
Warren Gall, M.D.  
Ronald Kolegraff, M.D.  
Mary Jo Romano  
Charles Wadle, D.O.  
Brian Wilson, D.O.

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Mark Bowden, Executive Director  
Kent Nebel, Director of Legal Affairs  
John Olds, M.D., Medical Advisor  
Jim Graham, Chief Investigator  
Aaron Kephart, Investigator  
Dave McGlaughlin, Investigator  
Laura Wood, Investigator  
Steve Garrison, Investigator  
Chrissy Greco, Assistant to Executive Director  
Natalie Sipes, Director of Licensure and Administration  
Amy VanMaanen, Iowa Physician Health Program Coordinator  
Kari Rolls, Administrative Assistant  
Jordan Esbrook, Assistant Attorney General

**At 9:04 a.m. Kyle Ulveling, M.D., Chair, called the meeting to order and declared a quorum present.**

**At 9:06 a.m., Kyle Ulveling, M.D., Chair, asked the public in attendance to introduce themselves, and thanked them for attending.**

### **Public in attendance**

Erin Cook	Iowa Physician Assistant Society
Ken Cheyne, M.D.	Iowa Medical Cannabidiol Advisory Board
Casey Ficek	Director of Public Affairs, Iowa Pharmacy Association
Randy Mayer	Iowa Department of Public Health
Leah McWilliams	Iowa Osteopathic Medical Association
Anthony Pudlo	Vice President of Professional Affairs - Iowa Pharmacy Association
Linda Thiesen	University of Iowa

### **Opportunity for Public Comments**

Public comments were made when related agenda items were presented.

### **Board Minutes – December 14-15, 2017**

**On a motion by Mary Jo Romanco, seconded by Ronald Kolegraff, M.D., the Board approved the December 14-15, 2017, open minutes as presented.**

**On a motion by Mary Jo Romanco, seconded by KellyAnn Light-McGroary, M.D., the Board approved the January 11, 2018, open minutes as presented.**

### **Chair's Report**

Kyle Ulveling, M.D., Chair, said he had nothing to report.

### **Executive Director's Report**

Mr. Bowden offered these updates:

- From January 1 through December 31, 2017, the Board reviewed 827 investigative cases and filed charges against 23 licensees. In the same period, the Board issued 100 confidential letters of concern to licensees who have been the subject of investigations for competency or conduct complaints, or who had issues in their applications for licensure. In addition, the Board waived certain requirements for licensure for four applicants and denied two waiver requests.
- Assistant Attorney General Jordan Esbrook, J.D., has been named the Board's chief counsel from the Attorney General's Office, succeeding Julie Bussanmas, J.D., who has taken a position with the Polk County Attorney's Office. For the past several years Jordan has worked with the Board's Monitoring Committee. Assistant Attorney General Sara Scott, J.D., who serves as counsel for the Iowa Physician Health Committee and Program, will now also work with the Board's Monitoring Committee.
- The Board is seeking authorization to fill two staff vacancies. Cathy McCullough recently retired, capping 22 years as a Board investigator. Crystal Tice, a member of the support staff for the enforcement/compliance unit for the past nine years, recently transferred to the Story County Public Defender's Office.
- Board staff met with Jerry Greenfield, M.D., on February 1, 2018, to discuss compliance activities. Dr. Greenfield is the health services administrator for the Iowa Department of



Corrections. Board staff meets annually with Dr. Greenfield to review, in general, the nature of complaints it has received from offenders in Iowa's corrections system. Over the past three years, there has been a decline in complaints: seven in 2017, 20 in 2016, and 10 in 2015. Dr. Greenfield reports implementing a quality improvement process in health care services in the system.

- The Board is encouraging physicians to hand out a new two-page colorful informational brochure to help educate patients and their families on what opioids are, their side effects, what to know when prescribed opioids, and how to prevent opioid overdose. The brochure was produced by the Department of Public Health in collaboration with the Iowa Dental, Medicine, Nursing and Pharmacy boards. To order copies of the brochure at no charge, please contact Julie Jones at [julie.jones@idph.iowa.gov](mailto:julie.jones@idph.iowa.gov)

### **Administrative Rules**

#### **Amendments for 653 IAC Chapter 13, "Standards of Practice and Principles of Medical Ethics:"**

These rules implement 2017 Iowa Acts, Senate File 471, concerning limitations on and prerequisites for an abortion. Kent Nebel, director of legal affairs, said rules have been drafted, but advised that they not be considered at this time because the enabling legislation is under judicial review.

#### **Amendments for 653 IAC Chapter 13, "Standards of Practice and Principles of Medical Ethics:"**

The proposed rules would implement 2017 Iowa Acts, House File 524, which requires the Board of Medicine to write rules regarding the Public Health Department's Cannabidiol Advisory Board's recommendations on qualifying illnesses and appropriate dosages for use of medical cannabidiol. Mr. Nebel reported that the Executive Committee had reviewed the proposed rules and the committee moved that the rulemaking should be initiated as presented. **The Board voted to initiate the rulemaking as presented.**

**Adopted rules become effective February 21, 2018:** Mr. Nebel provided brief updates on three rule makings, **ARC 3587C**, **ARC 3588C**, and **ARC 3589C**, all of which will become effective on February 21, 2018. The Board adopted these rules on December 16, 2017. **ARC 3587C** concerns updates in 653-Chapter 9 to recognize requirements in the Interstate Medical Licensure Compact; **ARC 3588C** concerns amendments to 653-Chapter 13 to establish standards of practice for using experimental drugs and medical devices to treat terminally ill patients; and **ARC 3589C** concerns amendments to 653-Chapter 13 to establish standards of practice for diagnosing and treating patients with tick-borne diseases, including lyme disease.

**Prescriptive authority for certain psychologists:** Charles Wadle, D.O., chair of the Board of Medicine's subcommittee working with a similar subcommittee from the Board of Psychology, provided an update on the subcommittees' work to draft joint rules to implement 2016 Iowa Acts, Senate File 2188. This legislation authorizes certain psychologists to prescribe psychotropic medicines. He said the medical board subcommittee continues to review curriculum, credit hours, etc., for a graduate-level psychopharmacology academic degree required for qualified psychologists who would prescribe psychotropic medicines.

**Discussion on a supervising physician's in-person visits to a physician assistant practicing in a remote medical site:** Mr. Nebel discussed possible amendments to the Board of Medicine's new rule on

agreements for physicians who supervise physician assistants. The amendments would change the site visitation requirements for physicians who supervise physician assistants who practice in remote medical sites. The visitation requirement in the supervisory agreement rules is identical to a requirement in an administrative rule under the Iowa Board of Physician Assistants. The issue, Mr. Nebel explained, concerns a burst of requests for waivers from physicians who report they are unable to make the mandatory every-two-week visits to the remote site. Identical concerns and petitions for waiver have been presented by physician assistants to the Iowa Board of Physician Assistants. Mr. Nebel advised that amending the rules under both boards would be one solution to handle the several requests to both boards to waive the visitation rule. He said both the Board of Medicine and Board of Physician Assistants would have to adopt identical amendments to their respective rules. He said a draft amendment he developed at the direction of the Board of Medicine's Executive Committee recognizes electronic and telephonic communications between the supervising physician and the physician assistant in lieu of some of the every-two-weeks visits, but there would still need to be some site-specific meetings. The proposed amendments have been shared with stakeholders, including the Iowa Board of Physician Assistants, the Iowa Physician Assistant Society, the Iowa Medical Society and the Iowa Osteopathic Medical Association. Comments about the amendments have been received from the Iowa Osteopathic Medical Association, the Iowa Physician Assistant Board and the Iowa Society of Physician Assistants. The Board of Medicine took no action on the proposed amendments presented by Mr. Nebel. Kyle Ulveling, M.D., Chair, said that the Board of Medicine is supportive of reducing the number of the every-two-weeks in-person meetings for physicians who supervise physician assistants at remote sites. Mr. Nebel and Mr. Bowden were directed to approach the stakeholders to continue discussions on amending the rules.

**Board of Physician Assistants' information-sharing rule to become effective March 21, 2018. ARC 3455C** – Mr. Bowden noted that the Board of Physician Assistants' new rule on sharing physician assistant supervisory-related complaints with the Board of Medicine will become effective March 21, 2018. The rulemaking, **ARC 3455C**, implements 2017 Iowa Acts, House File 591, which directs the Board of Physician Assistants to establish specific procedures in rules for the consulting with and sharing information with the Board of Medicine about complaints that may involve inadequate supervision by a physician.

**Board of Physician Assistants-Board of Medicine Joint Report:** Mr. Bowden reported that the Board of Physician Assistants-Board of Medicine's joint report on cooperation had been filed with the General Assembly and the Governor's Office. In 2007, the Legislature amended Iowa Code Chapter 148C to require the Board of Physician Assistants and the Board of Medicine to provide a joint report to the Governor and General Assembly by January 31 of each year detailing the Boards' collaborative efforts and teambuilding practices. This year's report and previous years' reports are available on the Board of Medicine's website, [www.medicalboard.iowa.gov](http://www.medicalboard.iowa.gov)

### **Medical Cannabidiol Advisory Board**

Randy Mayer, M.S., M.P.H., of the Iowa Department of Health, and Ken Cheyne, M.D., a member of the department's Medical Cannabidiol Advisory Board, reviewed the medical cannabidiol board's proposed amendments to 641 IAC 154.14 concerning the form and quantity of medical cannabidiol to be dispensed to qualified patients under 2017 Iowa Acts, Senate File 471. The new law provides that the medical cannabidiol board shall recommend form and quantity of the cannabidiol, and the Board of Medicine shall approve the recommendations that would be put forward in the rulemaking process.

The medical cannabidiol board's recommendations in the proposed amendments to 641 IAC 154.14 include:

**Quantity** – a 90-day supply is the maximum amount of each product that shall be dispensed by a dispensary at one time.

**Form** – oral, including but not limited to tablet, capsule, liquid, tincture, and sub-lingual; topical, including but not limited to gel, ointment, cream, lotion and transdermal patch; inhaled forms, including but not limited to vaporizable and nebulizable; and rectal/vaginal, including but not limited to suppository.

Board of Medicine members express concern about allowing the cannabidiol to be issued in a vaporizable form. It was noted that the proposed rule emphasizes that cannabidiol could not be issued in a form to be smoked. There was concern that a vaporizable form is aligned with a smoking form.

**On a motion by Ronald Kolegraff, M.D., seconded by Mary Jo Romano, Board members voted 8-1 to accept the medical cannabidiol board's recommendations except for allowing a vaporizable forms. Charles Wadle, D.O., cast the lone vote opposing the motion, expressing his continued opposition to the medical cannabidiol legislation.**

**At 10:22 a.m., Kyle Ulveling, M.D., Chair, called for a recess until 10:30 a.m.**

**The meeting reconvened at 10:30 a.m.**

**Waiver request for rule concerning pharmacist participating in drug management collaborative practice agreement**

Pharmacist Tammy R. Bickel, R Ph, of Urbandale, Iowa, petitioned the Board to waive an administrative rule to allow her to participate in a drug management collaborative practice agreement. Ms. Bickel requested the Board waive a portion of Board rules 653-13.4 that requires a pharmacist participating in an agreement to have graduated from a recognized school or college of pharmacy with a doctor of pharmacy (Pharm.D) degree. The Board determined Ms. Bickel's qualifications will ensure that substantially equal protection of the public health, safety and welfare will be afforded by waiving the requirement. The Board of Pharmacy has granted a waiver to Ms. Bickel for a similar pharmacy rule.

**On a motion by KellyAnn Light-McGroary, M.D., seconded by Mary Jo Romano, the Board voted to grant a waiver to Ms. Bickel.**

**Iowa Pharmacy Association supports review and revision of rules relating to collaborative practice agreements**

Anthony Pudlo, vice president of professional affairs for the Iowa Pharmacy Association asked the Board of Medicine to work with the Board of Pharmacy to review and potentially revise administrative rules concerning the supervision of pharmacists engaged in collaborative drug therapy management. Kyle Ulveling, M.D., Chair, told Mr. Pudlo that the Board would take his request under consideration.

### **2018 Legislation Update given by Mark Bowden, Executive Director**

Mr. Bowden provided a brief overview on 2018 legislation of interest to the Board. He said there are several amendments being proposed to the new law on medical cannabidiol. One amendment would take the Board of Medicine out of processes to establish form and quantity of medical cannabidiol and to define the medical conditions that could qualify a patient to receive medical cannabidiol. He said several initiatives to address the opioid epidemic were emerging, include mandating that all prescriptions are sent electronically to pharmacies to eliminate hand-written prescriptions; mandating that prescribers are automatically registered with the prescription drug monitoring program; and that all prescribers would be required to check the program's database before writing a controlled substance prescription. He said there is support for legislation to license and regulate genetic counselors under the Board of Medicine. He said one bill would require the Board of Medicine to write administrative rules to implement new limitations on abortions.

### **Interstate Medical Licensure Compact**

Natalie Sipes, director of licensure and administration, asked the Board to determine if Tharwat Stewart Fouad Boulis, M.D., License No. MD-41817, is eligible for licensure through the Compact.

**On a motion by KellyAnn Light-McGroary, M.D., seconded by Mary Jo Romanco, the Board voted to issue a letter of qualification deeming Tharwat Stewart Fouad Boulis, M.D., is not eligible for licensure through the Compact because the physician. Dr. Boulis does not meet the Compact requirement related to licensing examination attempts.**

Ms. Sipes reported that the Iowa Board has issued 71 Iowa medical licenses for physicians who have letters of qualifications from Compact member states.

### **Iowa Physician Health Program**

Amy VanMaanen, coordinator of the Iowa Physician Health Program, presented the program's monthly statistics: 45 participants and 13 potential participants under review on February 1, 2018. She described the program's intention to pilot the use a new mobile breathalyzer for program participants, and she reviewed changes in the program's contract for participants. She provided an overview of a substance use conference she attended in Iowa City. Presenters were Dr. David ME-Lee of the American Society of Addiction Medicine (ASAM) and Nicole Gastala, a family medicine physician from Marshalltown, Iowa.

### **Judicial Review**

Jordan Esbrook, Assistant Attorney General, provided updates on these cases under judicial review:

**Association of Oriental Medicine and Acupuncture v. Iowa Board of Physical and Occupational Therapy and the Iowa Physical Therapy Association** – The Iowa Court of Appeals on January 10, 2018, affirmed Iowa Board of Physical and Occupational Therapy's declaratory order issued in January 2016 that "dry needling" falls within the definition of physical therapy.

**Fleming v. State of Iowa** – Richard M. Fleming, M.D., has filed a lawsuit with the U.S. Supreme Court alleging his constitutional rights were violated when the Board disciplined him in 2012 for his conviction of health care fraud and mail fraud.

**Irland v. Board of Medicine** – Mark B. Irland, M.D., seeks judicial review of a confidential letter of warning issued by the Board, contending it is an illegal and unconstitutional agency action. Hearing held February 12, 2018, in Polk County District Court.

### **Board education**

John Olds, M.D., medical advisor, provided the following overview of the Board's peer reviews in 2017:

The total peer reviews was 16-17 (this number is due to duplication) in 2017. In previous years, the average number for peer reviews was 10.

Investigative reports ranged from 360 to 16,000 pages. The average number of pages reviewed by peer reviewer was 5,600 pages.

Payments for peer reviews by physicians ranged from \$1,500 to \$5,000 with an average of about \$2,900.

The medical specialties of reviewers were cardiology (electrophysiology), family medicine, internal medicine, neurology, orthopedics, psychology, rheumatology, surgery and obstetrics gynecology.

The range of issues addressed were eight scheduled drug prescribing issues, three practice competency issues, and those related to physician assistant supervision and sexual misconduct.

Outcomes of cases reviewed were six letters of warning, six statements of charges, four were left open and one was closed with no action.

Dr. Olds said that some of the issues the Board experienced regarding peer review were receiving timely call-backs from physicians who were contacted about performing reviews; the 60-day deadline to file peer review reports; and difficulty in finding peer reviewers with certain medical specialties; and conflicts of interests.

### **Federation of State Medical Boards (FSMB)**

Mr. Bowden provided a draft agenda of the 2018 annual meeting to be held April 25-28, 2018, in Charlotte, NC, and a report identifying the nominees for the FSMB Board of Director members and officers. The nominees will stand for election at the FSMB House of Delegates meeting on April 28.

### **Articles, correspondence and reports**

1. *2017 annual report on Iowa Prescription Drug Monitoring Program*, Iowa Board of Pharmacy, January 2018.
2. *Iowa Patient Safety Study*, Heartland Health Research Institute, December 2017.
3. *Texting of Patient Information among Healthcare Providers*, Centers for Medicare and Medicaid Services, December 28, 2017
4. *Opinion: Make it Easier to Work Without a License*, Wall Street Journal, January 2018.
5. *Transforming continuing medical education together, 2017 highlights*, ACGME, February 2018.

### **Committee reports**

*(Note: These reports were reviewed by the Board in closed session and are presented in open session for acceptance/approval.)*

### **Licensure Committee**

The following report was given by Natalie Sipes, director of licensure and administration:

The Committee reviewed eight licensure applications. Five permanent licenses were granted. Brian Wilson, M.D. was recused from one of those five. One permanent license application had a corresponding petition for waiver, one permanent license application had a corresponding consent agreement, and one temporary license application was for an international medical school graduate who has never held a license in the U.S. or Canada. These applications required review and vote by the full board.

Mahmoud Alameddine, M.D., submitted to a petition to waive Iowa Administrative Code 653-9.3(1)c(3) which states that international medical school graduates must have 24 months of continuous, progressive, accredited training in a program approved by the board. The board approves training accredited by Accreditation Council for Graduate Medical Education, American Osteopathic Association, Royal College of Physicians and Surgeons of Canada, and the College of Family Physicians of Canada. Dr. Alameddine completed a two-year American Society of Transplant Surgery certified abdominal transplant surgery fellowship. He is currently in his second year of a two-year, non-accredited urologic oncology fellowship.

**On a motion by KellyAnn Light-McGroary, M.D., seconded by Mary Jo Romano, the Board voted to grant the waiver request of Mahmoud Alameddine, M.D.**

The Board considered the application for permanent licensure for Brian James Finley, M.D. The committee reviewed Dr. Finley's application which indicated that his labor and delivery privileges were revoked by Bellevue Medical Center in Nebraska. The committee recommended that Dr. Finley be offered a license by way of a Consent Agreement, which would include a restriction from performing labor and delivery services.

**On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., the Board voted unanimously to approve the Consent Agreement as presented and grant Dr. Finley a license with restriction.**

The Board considered the application for a temporary license for Yutaka Kinoshita, M.D. Dr. Kinoshita will participate in board approved activity 6 which allows for hands-on patient care. He will be participating in a nine month learner opportunity at the University of Iowa Hospitals and Clinics - Department of Orthopaedics. The Board's rules require approval of temporary licenses for international physicians who have never held a license in the U.S. or Canada.

**On a motion by Warren Gall, M.D., seconded by KellyAnn Light-McGroary, M.D., the Board approved issuance of a temporary license to Dr. Kinoshita.**

The committee issued three letters of warning to license applicants who failed to provide truthful, accurate or complete information on their applications.

**On a motion by Charles Wadle, D.O., seconded by KellyAnn Light-McGroary, M.D., the Board voted to accept the committee report and its recommendations.**

#### **Monitoring Committee**

The following report was given by Charles Wadle, D.O.:

The committee reviewed four cases. The committee recommended approval of a worksite monitor for a licensee. The committee recommended termination of therapy for a licensee who has been participating in therapy for more than five years. The committee recommended termination of the practice restrictions for a physician who has been fully compliant with the practice restriction for more than five years. The committee recommended acceptance of the monitoring report for a licensee who appeared before the committee.

**On a motion by Ronald Kolegraff, M.D., seconded by Diane Cortese, the Board voted to accept the committee report and its recommendations.**

#### **Screening Committee**

The following report was given by Nicole Gilg Gachiani, M.D.:

The committee reviewed 20 cases and closed 20 cases.

**On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., the Board voted to accept the committee report and its recommendations.**

**At 11:27 a.m., the Board voted in favor of a motion by Charles Wadle, D.O., seconded by Nicole Gilg Gachiani, M.D., to adjourn the meeting.**

At 11:29 a.m. February 16, 2018, two minutes after the Board had voted to adjourn, Kyle Ulveling, M.D., Chair, was advised by Kent Nebel, director of legal affairs, that the Board forgot to address in open session a draft order in the matter of the statement of charges against LeRoy L. Yates Jr., M.D., File Nos. 02-2013-482, 02-2013-556, 02-2015-109, 02-2015-200 and 02-2015-417. In closed session on February 15, 2018, the Board had directed Mr. Nebel to draft the proposed order for consideration on February 16.

Kyle Ulveling, M.D., Chair, called the meeting back to order at 11:32 a.m. Board member Ronald Kolegraff, M.D., and Jordan Esbrook, Assistant Attorney General, recused themselves. Members present were Dr. Ulveling, KellyAnn Light-McGroary, M.D., Diane Cortese, Nicole Gilg Gachiani, M.D., Mary Jo Romanco, Warren Gall, M.D., Charles Wadle, D.O., and Brian Wilson, D.O.

**At 11:32 p.m., on a motion by KellyAnn Light-McGroary, M.D., seconded by Mary Jo Romanco, all members present voted to meet in closed session, pursuant to Iowa Code Sections 21.5(1) "a," "d," and "f," to review or discuss records which are required or authorized by state or federal law to be kept confidential, discuss the contents of a licensing examination or whether to**

**initiate licensee disciplinary investigations or proceedings, and discuss the decision to be rendered in a contested case. Nicole Gilg Gachiani, M.D., Warren Gall, M.D., KellyAnn Light-McGroary, M.D., Mary Jo Romanco, Kyle Ulveling, M.D., Charles Wadle, D.O., and Brian Wilson, D.O., all voted aye in a roll call vote to approve the motion.**

**On a motion by Charles Wadle, D.O., seconded by KellyAnn Light-McGroary, M.D., the Board voted to meet in open session.**

**On a motion by Mary Jo Romanco, seconded by Charles Wadle, D.O., the Board voted to dissolve the emergency adjudicative order in the matter of the statement of charges against LeRoy L. Yates Jr., M.D., File Nos. 02-2013-482, 02-2013-556, 02-2015-109, 02-2015-200 and 02-2015-417.**

**At 11:34 a.m., on a motion by Mary Jo Romanco, seconded by Charles Wadle, D.O., the Board voted to adjourn.**