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**IOWA BOARD OF MEDICINE**  
MARK BOWDEN, M.P.A., EXECUTIVE DIRECTOR

**IOWA BOARD OF MEDICINE  
TELECONFERENCE MEETING  
7:30 a.m. Thursday, May 10, 2018**

(This regularly scheduled meeting was held by teleconference because an in-person meeting was impractical due to the timely nature of the agenda items and the anticipated brevity of this meeting.)

## OPEN MINUTES

### MEMBERS PRESENT:

Kyle Ulveling,\* M.D., Chair  
KellyAnn Light-McGroary, M.D., Vice Chair  
Diane Cortese, Secretary  
Philip Bear, D.O.  
Warren Gall, M.D.  
Nicole Gilg Gachiani, M.D.  
Ronald Kolegraff, M.D.  
Mary Jo Romano  
Brian Wilson, D.O.

### STAFF PRESENT:

Mark Bowden, Executive Director  
Kent Nebel, Director of Legal Affairs  
Jordan Esbrook, Assistant Attorney General

### PUBLIC PRESENT:

Dennis Tibben, Iowa Medical Society  
Leah McWilliams, Iowa Osteopathic Medical Association  
Jerome Greenfield, M.D., Iowa Psychiatric Society  
Emily Piper, Iowa Psychiatric Society  
Sara Brewer, Iowa Psychiatric Society  
Shea Jorgensen, M.D., Iowa Psychiatric Society  
Amanda Blecha, American Psychiatric Association  
Charles Wadle,\* D.O., former Board member  
Robert Smith,\* M.D., Iowa Psychiatric Society

(\*Ulveling, Wadle and Smith were members of the Board's subcommittee to draft proposed joint rules with a similar subcommittee established by the Iowa Board of Psychology.)

Kyle Ulveling, M.D., Board chair, called the meeting to order at 7:30 a.m. The roll was read and all members were present except for Philip Bear, D.O. Dr. Bear joined the meeting after the roll call was completed.

Dr. Ulveling asked members of the public to introduce themselves. Those present, either in person or on the teleconference call, are listed above.

Dr. Ulveling asked if the second item on the agenda be considered first so the remainder of the meeting could be devoted to the first item on the agenda. Without objection, Dr. Ulveling proceeded to present the second item on the agenda: rulemaking ARC 3675C for consideration of adoption.

Dr. Ulveling expressed the Board's work on ARC 3675C was illustrative of the process and steps that are necessary for rulemaking. He said the rulemaking is an amendment for 653 IAC Chapter 13, "Standards of Practice and Principles of Medical Ethics." The amendment establishes the process by which the Board receives recommendations from the Iowa Department of Public Health's Medical Cannabidiol Board concerning additions to or deletions from the list of qualifying medical conditions and the form and the quantity of medical cannabidiol. The rule was noticed by the Board on February 16, 2018. A public hearing on ARC 3675C was held April 4, 2018. No comments were received. Under the rulemaking schedule, the amendment will be published June 6, 2018, in the Iowa Administrative Bulletin and will become effective July 11, 2018.

**On a motion by Philip Bear, D.O., and a second by Ronald Kolegraff, M.D., the Board voted to adopt ARC 3675C as presented.**

Dr. Ulveling then proceeded to present the agenda's first item – proposed joint rules with the Iowa Board of Psychology to implement sections of 2016 Iowa Acts, Senate File 2188, relating to prescription authority for certain psychologists. He recognized that Board members have received numerous advocacy e-mails over the past week concerning the proposed rulemaking. He then provided background information on the Board subcommittee's work with a similar subcommittee of the Iowa Board of Psychology over the past two years:

- Between May 20, 2016, and April 20, 2018, 23 meetings were held by the Board of Medicine's subcommittee to discuss the psychologist prescribing rules. Some of the meetings were joint meetings with the Board of Psychology subcommittee and others were for the Board of Medicine's subcommittee to review, discuss potential rules.
- Board of Medicine's subcommittee was headed by Charles Wadle, D.O., a psychiatrist who was a member of the Board for the past three years. Other members of the subcommittee included former Board members Diane Clark and Hamed Tewfik and Iowa Psychiatric Society representatives Emily Piper and Robert Smith, M.D.
- Subcommittees had staff support from both Boards and legal counsel from the Iowa Attorney General's Office.
- Primary stakeholders (Iowa Medical Society, Iowa Osteopathic Medical Association, Iowa Psychiatric Society, and Iowa Psychological Association) were present at all of the joint meetings and were routinely provided an opportunity for comment on the discussions and rule drafts.
- Board of Medicine research on the issue included interviews with University of Iowa sources, as directed in the legislation; officials of the American Psychological Association who are involved in APA-designated curriculum; University of New Mexico officials involved in their psychopharmacology master's program; and the Medical Director of the New Mexico Board of Medicine
- Both subcommittees reviewed recently passed state laws on psychologist prescribing, including Illinois and Idaho.

- Over the past two years, Dr. Wadle provided updates to the Board of Medicine on the rulemaking progress and general descriptions of the difficult issues that were worked out by the subcommittees, including the appropriate curriculum for the psychopharmacology master's degree.
- On May 4, 2018, the Board of Psychology voted to support the proposed joint rules. The Board of Psychology determined to formally initiate the rulemaking process at a later date to coincide with the same action by the Board of Medicine.

Dr. Ulveling said the proposal to notice the joint rules today (May 10, 2018) would put the rulemaking on a schedule for a public hearings and public comment, which would be taken into consideration when both boards consider the rulemaking for adoption. He then asked for comments from Board members.

Nicole Gilg Gachiani, M.D., asked about the role of a patient's primary care physician in collaborating with a psychologist who is prescribing psychotropic medicines. She was concerned about the potential liability the primary care provider would have in helping manage a patient's medications, including contraindications.

KellyAnn Light-McGroary, M.D., asked about the collaborative agreement that would be needed between the prescribing psychologist and the primary care physician.

Philip Bear, D.O., asked if it was voluntary or mandatory that a physician participates in the collaborative relationship.

Kent Nebel, director of legal affairs, stated that there will be three sets of rules to implement Senate File 2188 – the proposed joint rules before the Board today, and parochial rules that will be adopted individually by both boards. He said the Board of Medicine's parochial rules will be presented at the June 7-8, 2018, meeting.

Mr. Nebel said under the process, the collaboration is between a psychologist and a physician, not other non-physician healthcare providers. He said a physician is not required by law to enter into a collaborative agreement with a psychologist or to participate as a physician who supervises the training of a prescribing psychologist.

Charles Wadle, D.O., who served as chair of the Board's subcommittee, asked if a physician could be required to participate as a condition of employment and if the Board could adopt a rule or offer a resolution to prevent this from happening.

Dr. Ulveling said the Board does not have a say on the terms of an employment contract.

Dr. Ulveling then asked if there were public comments on the proposed joint rules.

Jerome Greenfield, M.D., a member of the Iowa Psychiatric Society, expressed concern about the minimum curriculum requirements for the graduate-level psychopharmacology degree for psychologists to achieve prescribing status.

Receiving no additional public comment, Dr. Ulveling called for a motion and second to notice the proposed joint rules.

Dr. Bear offered a motion to delay consideration of the proposed joint rules until the June 7-8, 2018, meeting. Dr. Ulveling said that motion would not be necessary. Dr. Ulveling explained that

if there is no motion to notice the proposed joint rules today (May 10), then the proposed joint rules would be considered at the June 7-8 meeting.

Dr. Ulveling asked again for a motion to notice the proposed joint rules.

No motion was offered. The proposed joint rules will be considered at the June 7-8, 2018, meeting.

Dr. Ulveling asked for the Executive Director's Report and Mark Bowden said he would de-brief Board members at the June 7-8 meeting on 2018 legislative action. He reminded Board members that the June 7-8, 2018, meeting will be held at the Holiday Inn Des Moines Airport.

Dr. Ulveling then called for a motion to adjourn the teleconference meeting.

**On a motion by Dr. Bear and a second by Warren Gall, M.D., the Board voted to adjourn at 8:08 a.m. May 10, 2018.**