

2010 ANNUAL REPORT

IOWA BOARD OF MEDICINE



APRIL 1, 2011

EXECUTIVE DIRECTOR'S REPORT

The members and staff of the Iowa Board of Medicine are committed to protecting the health of Iowans through the judicious licensure and regulation of physicians and acupuncturists. The important work of this state agency falls into three broad categories: licensure, enforcement and rule-making.

At the end of 2010, the Board was administering licenses for 10,593 physicians, up 218 from 2009, and 41 for acupuncturists, unchanged from the previous year. A total of 657 complaint files were opened, down from 681 in 2009. Charges were filed against 27 physicians, down from 45 in 2009. There were 183 physicians under disciplinary monitoring.

The Board established five new administrative rules in 2010 to define additional standards of practice and to address regulatory issues.

Two ad hoc committees composed of Board members, staff and stakeholders were seated in 2010 to advise the Board on issues pertaining to patients' abuse and diversion of prescribed medications and physicians' use of video-teleconferencing in the practice of medicine.

Administratively, the Board had to comply with directives to reduce expenditures amid a downturn in state revenue. Although the Board does not receive a general fund appropriation and is funded exclusively with licensure fees, this agency was included in an executive order for staff furloughs and restrictions on hiring and operating expenditures.

Organization

In April, Siroos Shirazi, M.D., Iowa City, was elected Board chair, Rodney Zeitler, M.D., Iowa City, vice chair, and Janice Galli, D.O., secretary. On May 1, Joyce Vista-Wayne, M.D., Ottumwa, joined the Board, succeeding Yasyn Lee, M.D., Dubuque, whose term expired on April 30.

Budget

In June, the Board approved a spending plan of \$3,143,776 for fiscal year 2011 (July 1, 2010, through June 30, 2011), up from \$3,030,355 in FY 2010. The increase included state-defined incentives for an early retirement program, pay raises for staff members covered by bargaining contracts, and additional expenses for state services performed for



the Board by other state agencies and departments. The Board also budgeted for capital improvements, such as a new database.

Personnel

In March, the Board hired an investigator to fill a vacancy, and in April the Board received notice that four of its seven investigators were taking early retirement and would be departing by July 1. Three investigators were hired in December. A licensure staff member retired in April, and that position was left open.

Hearings

The Board established a schedule for hearing dates in 2010 and 2011, making it easier for members to plan for assignments on hearing panels. Not all hearings can conform to the schedule, but it's a first step toward ensuring timely hearings. Three hearings were held in 2010.

Alternates

Alternate Board members continue to play an important role in hearings. Up to two Alternates can serve on a six-member panel for a hearing when a quorum (majority) of the 10-member Board is not available. Since it was authorized by law in 2008 and implemented in 2009, the Alternate pool is routinely tapped for hearings. In July, Janece Valentine of Fort Dodge was appointed to the pool. Other Alternates in 2010 were Blaine Houmes, M.D., Cedar Rapids, Dana Shaffer, D.O., Exira, and Allen Zagoren, D.O., Clive. All Alternates are former Board members.

Technology

Work continued throughout 2010 on the installation of a new database to house the Board's records on licensure and discipline and to improve the public's access to the public information managed by the Board. The database, a collaborative project involving Medicine, Nursing and Dental boards, is expected to be operational in the spring of 2011. The project's cost of \$1.8 million will be shared by the three boards and a grant from the IowaAccess Council. In May 2010, the Board received a \$10,000 federal grant to help cover software costs to program the Federation of State Medical Boards' uniform physician licensure application into the database. Also in 2010, the Board made significant upgrades in office computers and other technology.



Outreach

In April, the Board's website, www.medicalboard.iowa.gov, was redesigned to improve public and licensees' access to information. The website attracts 10,000 visitors per month from 50 countries. A popular draw to the site is the licensee database, which can be searched by name and specialty. The database includes public disciplinary actions against a licensee. The redesigned website supported an increase in the number of press releases about the Board's work in licensure, enforcement and rule-making. The staff also worked to raise the Board's profile by making more presentations to the public, licensees, and health care organizations and associations.

This is a summary of some of the activities the Board has been involved with in 2010. More information about the Board's work is available in the agendas, minutes, reports and press releases on the website, www.medicalboard.iowa.gov, and on the Board's page on Facebook. Much has been accomplished in the past year, but much more remains to be done. The Board looks forward to the many challenges that lie ahead and will continue its efforts to protect the health of Iowans.



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THE BOARD

The Iowa Board of Medicine is an executive branch agency charged with the licensing and regulation of physicians (practitioners with a doctor of medicine degree or a doctor of osteopathic medicine degree) and acupuncturists. The 10-member Board is composed of seven physicians (five M.D.s and two D.O.s) and three non-physicians who represent the public. Members are appointed by the Governor and confirmed by the Senate for a full three-year term or to complete the unexpired term of a member who resigned. Members can serve up to nine years.

<u>BOARD MEMBER</u>	<u>APPOINTED</u>	<u>TERM EXPIRES</u>
Siroos Shirazi, M.D., chair Iowa City	2006, 2009	April 30, 2012
Rodney Zeitler, M.D., vice chair Iowa City	2007, 2008	April 30, 2011
Janice Galli, D.O., secretary Sioux City	2008	April 30, 2011
Tom Drew Des Moines	2007, 2010	April 30, 2013
Analisa Haberman, D.O. Mason City	2009	April 30, 2012
Ambreen Mian Ames	2009	April 30, 2012
Jeffrey Snyder, M.D. Crescent	2008, 2010	April 30, 2013
Colleen Stockdale, M.D. Muscatine	2007, 2010	April 30, 2013
Paul Thurlow Dubuque	2004, 2008	April 30, 2011
Joyce Vista-Wayne, M.D. Ottumwa	2010	April 30, 2013



LICENSURE

Calendar Year – January 1 to December 31

	2006	2007	2008	2009	2010
Active MD licenses	8,542	8,664	8,777	8,884	9,039
Active DO licenses	1,373	1,416	1,452	1,491	1,554
Total Active	9,915	10,080	10,229	10,375	10,593
Active MDs in Iowa	5,050	5,116	5,197	5,233	5,302
Active DOs in Iowa	1,033	1,058	1,082	1,107	1,173
Total active in Iowa	6,083	6,174	6,279	6,340	6,475
Issue by endorsement	435	458	395	404	457
Issue by examination	217	218	277	226	252
Total licenses issued	652	676	672	630	709
Licenses denied	2	2	0	0	0
Licenses renewed	4,613	4,722	4,881	4,888	5,055
License went inactive	625	581	545	531	511
Licenses reinstated	88	109	89	89	90
Resident licenses	261	263	256	269	268
Resident renewed	9	7	14	7	13
Resident went inactive	294	281	274	260	298
Active Residents	596	618	624	651	651
Special licenses	4	3	7	5	3
Special renewed	34	32	28	31	27
Special went inactive	8	6	6	4	6
Active Specials	39	36	36	36	31
Temporary licenses	7	22	15	10	11
Temporary renewed	2	0	0	1	0
Temp. went inactive	13	15	10	14	12
Active Temporary	2	9	12	10	9
Acupuncture licenses	4	7	4	2	3
Acupuncture renewed	32	0	37	1	40
Acu. went inactive	1	0	3	4	1
Total Acupuncture	35	42	39	41	41



ENFORCEMENT

Calendar Year - January 1 to December 31	2006	2007	2008	2009	2010
Files Opened					
New Complaints	795	688	579	563	540
Liability Cases	139	118	88	118	117
Total Files Opened	934	806	667	681	657
Informal Actions					
Letters of Warning	124	76	83	91	67
Letters of Education	5	9	5	13	12
Total Informal Actions	129	85	88	104	79
Peer Reviews					
Peer Reviews Ordered	21	19	10	8	6
Peer Reviews Completed	19	19	9	8	6
Physicians Waiting to be Peer Reviewed	12	4	0	0	1
Cases Closed No Action	612	418	384	313	210
Cases Closed Administratively	291	233	74	154	161
Total Cases Closed Without Action	903	651	458	467	371
Files Closed					
Complaint Files	1008	710	639	610	651
Liability Files	139	118	88	148	117
Total Files Closed	1147	828	727	758	768
Statement of Charges Filed	50	43	35	45	27
Hearings Held	14	20	7	6	3
Cases Settled	54	39	56	57	50
Evaluations Ordered	6	8	10	12	8



ENFORCEMENT

Calendar Year - January 1 to December 31					
Formal Disciplinary Action					
License Revocations	4	0	0	0	0
License Suspensions	4	5	7	2	3
License Surrenders	4	10	3	3	5
License Probations	16	6	13	15	8
Civil Penalties	11	11	5	6	6
Citations and Warnings	6	3	0	1	2
License Practice Restrictions	6	4	2	6	9
Total Formal Disciplinary Actions	51	39	30	33	33
Physicians Under Sanctions					
New Restrictions	3	2	6	8	10
Restrictions Terminated	1	4	1	4	2
Under Restriction on 12/31	33	38	46	47	52
New Probations	13		18	17	9
Probations Terminated	0	5	10	11	16
Under Probation on 12/31	47	38	56	63	65
New Suspensions	8	4	8	4	4
Suspensions Terminated	4	3	5	5	5
Under Suspension on 12/31	35	45	42	44	43
Physicians Under Disciplinary Monitoring on 12/31	142	147	176	183	183
Total Liability Files Open on 12/31	0	0	0	0	1
Total Complaint Files Open on 12/31	509	561	529	458	479
Total Investigative Files Open on 12/31	509	561	529	458	479
Avg cases per investigator(excludes liability cases)	55	63	88	76	80



IOWA PHYSICIAN HEALTH PROGRAM

The Iowa Physician Health Program was established in 1996 to support physicians who self-report mental health issues, physical disabilities or substance use disorders. The confidential monitoring program is administered by the Iowa Physician Health Committee, which is appointed by the Board. The committee meets six times per year. Staff members of the Board manage the program. Participants are under contract.

Members of the committee in 2010:

- Kent Croskey, D.O., Chair, Polk City
- Michael Flaum, M.D., Iowa City
- Lynn Martin, Ph.D., licensed marriage and family therapist, Des Moines
- Diane O'Connor, Fort Dodge
- Julie Scheib, Spirit Lake, alcohol and drug counselor
- Joyce Vista-Wayne, M.D., Ottumwa
- Lester Yen, M.D., West Des Moines
- Mark Bowden, Executive Director, Iowa Board of Medicine

Vista-Wayne resigned from the committee in April after she was appointed to the Iowa Board of Medicine. Croskey completed his service to the committee on December 31, finishing his third three-year term. Flaum and Yen were elected co-chairs of the committee for 2011.

PROGRAM ACTIVITY	2005	2006	2007	2008	2009	2010
Self-reports	45	46	41	43	23	33
Contracts under review	16	13	7	15	8	6
Participants with contracts	34	72	84	89	70	76
Participants discharged	31	23	24	42	41	21



ADMINISTRATIVE RULES

The following administrative rules were established by the Iowa Board of Medicine in 2010:

Chapter 2, Public Records and Fair Information Practices – ARC 9089B

The amendments update language in subrules 2.13(2) and 2.13(4) to clarify what is a confidential record and to allow the Board to share information with the Department of Revenue and the College Student Aid Commission in certain circumstances.

Noticed: 08/20/2010 **Adopted:** 12/17/2010 **Effective:** 02/16/2011

Chapter 13, Standards of Practice – ARC 8579B

This new rule, 13.9, establishes standards of practice for interventional chronic pain management. The purpose of this rule is to assist physicians who consider interventional techniques to treat patients with chronic pain.

Noticed: 02/05/2010 **Adopted:** 06/11/2010 **Effective:** 08/04/2010

Chapter 13, Standards of Practice – ARC 8925B

Rule 653—13.8(148,272C) establishes the standards of practice for a physician who serves as a medical director at a medical spa.

Noticed: 06/11/2010 **Adopted:** 08/20/2010 **Effective:** 10/27/2010

Chapter 14, Iowa Physician Health Committee – ARC 8751B

Amendments in subrule 14.9(1) and 14.9(4) allow for the sharing of physician health program participant information with the Board if a participant's information held by the Physician Health Committee indicates that a significant risk to the public exists.

Noticed: 04/09/2010 **Adopted:** 06/11/2010 **Effective:** 08/04/2010

Chapter 23, Grounds for Discipline – ARC 8925B

Subrules 23.1(43) and 23.1(44) establish as grounds for discipline improper delegation and supervision with regard to the standards of practice for a physician who serves as a medical director at a medical spa.

Noticed: 06/11/2010 **Adopted:** 08/20/2010 **Effective:** 10/27/2010



THE STAFF

The Iowa Board of Medicine is fortunate to have dedicated, competent personnel who take their jobs – and the Board’s mission – seriously. Every day, these men and women perform the tasks that enable the Board to protect the health of Iowans.

ADMINISTRATION

Mark Bowden
Executive Director

Kent Nebel
Director of Legal Affairs

John Olds, M.D.
Medical Advisor

Teena Turnbaugh
Secretary to the Executive Director

LICENSURE

Amy Van Maanen
Director of Licensure

Sylvia Crook
Licensing Specialist

Judy Hojati
Renewal Coordinator

Eric Way
Support Coordinator

Steve Ervin
*Technology Specialist
& Webmaster*

IOWA PHYSICIAN HEALTH PROGRAM

Deb Anglin
Coordinator

Mary Knapp
Case Manager

ENFORCEMENT

Russell Bardin
Chief Investigator

Shantel Billington
*Monitoring Coordinator
& Financial Manager*

Aaron Kephart
Investigator

Ed Knapp
Investigator

James Machamer
Investigator

Cathy McCullough
Investigator

David McGlaughlin
Investigator

David Schultz
Investigator

Kari Rolls
Administrative Assistant

Luann Brickei
Support Coordinator

Crystal Tice
Support Coordinator

IOWA ATTORNEY GENERAL’S OFFICE

Julie Bussanmas
Theresa Weeg
Assistant Attorneys General

