

IOWA BOARD OF MEDICINE

BOARD MEETING

September 3, 2009

PUBLIC SESSION MINUTES

September 3, 2009

Those present for the Public Session:

MEMBERS PRESENT: Siroos Shirazi, M.D., Chair
Rodney Zeitler, M.D., Vice Chair
Janice Galli, D.O., Secretary
Tom Drew
Analisa Haberman, D.O.
Colleen Kennedy, M.D.
Yasyn Lee, M.D.
Ambreen Mian
Paul Thurlow

MEMBERS ABSENT: Jeff Snyder, M.D.

STAFF PRESENT: Mark Bowden, Executive Director
Theresa Weeg, Assistant Attorney General
Jordan Esbrook, Assistant Attorney General
Kent M. Nebel, Director of Legal Affairs
John Olds, M.D., Medical Advisor
Russell Bardin, Chief Investigator
Amy VanMaanen, Director of Licensure
Deb Anglin, Coordinator of IPHP
Teena Turnbaugh, Secretary

GUESTS PRESENT: Andrew Roberts, Iowa Pharmacy Association (IPA)
Angela Sadler, Certified Registered Nurse Anesthetist (CRNA)
Anthony Leo, M.D., Oelwein, Iowa
Arnold Parenteau, Iowa Society of Anesthesiologists (ISA)
Brian Gutmann, Iowa Association of Nurse Anesthetists (IANA)
Brittany Keppler, Pain Management Nursing (PMN)
Chuck Harris, Mercy Hospital Pain Center (MHPC)
Cynthia Comeau
Dale Kroll, IANA
Dan Royer, Iowa Hospital Association (IHA)
Dana Simon, MD, MHPC
Dave Pederson, IANA
David Moffit, CRNA
Deb Lasher, CRNA
George DeVrier, IANA

George W. Appleby, Attorney
Heidi Goodman, Iowa Medical Society (IMS)
Jeanine Freeman, IMS
Jen Lose, IPA
Jennifer Harbison, Iowa Academy of Family Physicians (IAFP)
Jenny Tyler, Carney Law Firm
Jim Carney, Attorney, Carney Law Firm
John R. Moyers, M.D., ISA
Joseph (Frank) Cassady, Jr., M.D., ISA
Joshua DeLong, CRNA/ARNP, IANA
Justin Hupfer, Policy Works
Karen Keppler, PMN
Kate Puetz, IPA
Katherine Fander, CRNA, IANA
Kathy Weinberg, Iowa Board of Nursing (IBON)
Kevin Kruse, ISA
Larry Carl, Iowa Dental Association (IDA)
Leah McWilliams, Iowa Osteopathic Medical Association (IOMA)
Linda Goeldner, Iowa Nurses Association (INA)
Mark E. Panther, Midwest Anesthesia Care Ltd.
Mark Odden, CRNA, IANA
Martin Hove, University of Iowa (U of I)
Marty Owen, CRNA, IANA
Mary O'Brien, CRNA, IANA
Melanie Rasmusson, Iowa Dept, of Public Health (IDPH)
Michael McNaughton, CRNA
Mindy Miller, CRNA, IANA
Nick Mauro, Crawford and Quilty Law Firm
Perry J. Comeau, IANA
Richard W. Rosenquist, M.D., University of Iowa (U of I)
Sam Sims, CRNA, IANA
Sara Atbaak, IANA
Smith Manion, University of Iowa (U of I)
Steve Eck, CRNA
Todd Schissel, IANA
Tom Kelly, IANA
Trever Capron, CRNA, IANA
Troy Andersen, IANA
William K (Keith) Barnhill, CRNA

II. Public Session

The public session of the meeting was held at the Iowa Board of Medicine, 400 SW 8th, Suite C, Des Moines, IA.

On a motion by Yasyn Lee, M.D. and a second by Paul Thurlow, the Board voted to go into open session.

Siroos Shirazi, M.D., called the public session open at 8:30 a.m. on September 3, 2009.

A. Minutes

On a motion by Paul Thurlow, and seconded by Colleen Stockdale, M.D., the Board approved the opened and closed minutes of the April 1-2, 2009 and the May 20-21, 2009 Board meetings and the teleconference call held on August 6, 2009.

B. Opportunity for Public Comment

No comments were provided.

C. Chairman's Report

No report was given.

D. Presentation: Iowa Hospital Association

Mark Bowden, Executive Director, invited the Iowa Hospital Association to discuss the information he received regarding underreporting of physician discipline and other information to the National Practitioner Databank. In July, a letter was sent to Iowa hospitals to inform them of their reporting obligations to the IBM. The letter explained the disciplinary actions that were to be reported and the Iowa Physician Health Program. In twenty years of the existence of the National Practitioner Databank, 62% of Iowa's hospitals have never filed a report to the databank.

E. Executive Committee Report

1. Executive Director's Report

Budget Update: We have received approval to fill the Health Professions Investigator position in Compliance and the Secretary 1 position in Licensure.

The Executive Directors and Board chairpersons (or vice chairs) of the Boards of Dental, Medicine, Nursing, and Pharmacy met on August 4, 2009, to discuss items and issues of common interest.

A redesigned of the IBM website will be coming in the fall. Board staff and Iowa Interactive, LLC, Des Moines are working on the web design. The goal is to organize the site to increase the Board's interaction with the public and licensees by providing more information and making it user friendly. People may go to the website below and sign up for notifications. The Board's website is: www.medicalboard.iowa.gov .

Compliance Statistics for calendar year 2007 (January 1, 2007 to December 31, 2007) and fiscal year 2008 (July 1, 2007 to June 30, 2008) is now available on the website. Hearings are down and settlements are up. Case loads per investigator are larger due to the recent investigator retirements.

2. **Administrative Rules**

a. **Interventional Chronic Pain Management**

Dr. Shirazi moved the interventional chronic pain management discussion to later on the agenda.

b. **Delegation and Supervision of Medical Spas**

This rule has been in process more than two years. Initially, it was to address delegation and supervision throughout the practice of medicine. Over time it has become more focused and narrowed. What brought this rule to the Board's attention was the lack of appropriate supervision and delegation of non-physician personnel in medical spas.

A motion by Rod Zeitler, M.D. and a second by Colleen Stockdale, M.D., the Board voted to accept the Notice of Intended Action regarding the delegation and supervision of non-physician personnel in medical spas.

c. **Non-payment of State Debt**

This rule is a statutory change regarding licensees who owe the state money.

On a motion by Paul Thurlow and a second by Colleen Stockdale, M.D., the Board voted to accept the Notice of Intended Action regarding non-payment of state debt.

d. **Wrong-site Surgery**

There are actually two under the notice of intended action under the Board's ground for discipline. This would add provisions, which provides for disciplinary action when a physician performs or intends to perform surgery on the wrong person, wrong-site or an unauthorized procedure. The Board has determined that wrong-site surgery is unacceptable under any circumstances. The first portion of this draft rule is to make wrong-site surgery grounds for discipline. The second section would make a ground for discipline if the physician failed to perform pre-procedural verification, surgical site verification or a surgical time-out for final verification prior to surgical procedures. And there is another extensive rule that spells out what the standard of practice should be in Iowa for performing presurgical verifications and surgical time outs.

IMS and IOMA had comments that the board will take into consideration. IMS and IOMA suggest this be put into a policy statement.

On a motion by Siroos Shirazi, M.D., and seconded by Rod Zeitler, M.D., the Board voted to accept the Notice of Intended Action for Wrong-site Surgery.

3. Statutory change for expedited licensure

Minor wording changes are necessary. The Board recommended the lawyers make the changes as necessary and proceed.

On a motion by Janice Galli, D.O., and a second by Colleen Stockdale, M.D., the Board agreed to approve the rule concept.

4. Other Boards

a. Nursing

• Proposed rule on ARNP supervision of fluoroscopy

The Board continues to disagree with the proposed amended rule change and requested that Mark Bowden, Executive Director, respond to the Board of Nursing with a response to that effect.

On a motion by Rod Zeitler, M.D. and a second by Janice Galli, D.O., the Board voted to reconfirm objection to the proposed nursing rule and to have the Executive Director to respond to the Board of Nursing.

b. Pharmacy

• Medical marijuana hearings – information from other states

During the medical marijuana hearings held throughout Iowa, there have been some very compelling stories regarding the positive response use of marijuana for medical reasons. There has been no scientific basis for the use of the drug. The Board has no strong opinion on the use but would like to receive any scientific evidence based on the use of marijuana as a medication. The Pharmacy Board has postponed its response until all public hearings have been held. The Board reviewed a survey of 13 states that have adopted initiatives allowing patients to use marijuana under a physician's supervision.

• Update on Iowa Prescription Monitoring Program

This program has been a good resource for the Board's compliance staff. The Board of Medicine and physicians would like to thank the Pharmacy Board for the work they put in on the prescription monitoring program.

• Kate Puetz, Iowa Pharmacy Association (IPA), spoke to the Board regarding a new initiative called the Take Away Medication Disposal Program. Legislative funding through a Department of Natural Resources federal grant which is appropriated to the Board of Pharmacy to implemented a statewide program for the disposal of medication through pharmacies. The Board of Pharmacy has a contract with the IPA to implement this program. Reciprocals will be placed in voluntary pharmacies who want to participate. The program will launch October 1, 2009. A list of medications approved for disposable is on the IPA website. Puetz asked if the Board's website could have a link to the IPA website. She also asked if the Board would endorse this

program so they could place the IBM emblem on their website; however, due to it not being on the agenda, no action could be taken.

III. IPHP Report

The Iowa Physician Health Committee (IPHC) met on August 21, 2009. The committee met with eleven program participants (one initial appearance and ten annual appearances) and discussed the cases of twenty other participants.

The following information reflects the current status of the IPHP and its participants:

IPHP – currently working with 80 physicians (51 with Deb Anglin and 29 with Mary Knapp)

Active participants with contracts: (46 with Deb Anglin and 29 with Mary Knapp)

Substance abuse: 23

Dual Diagnosis: 20

Mental Health: 24

Physical: 8

Self reports in 2009: 9

Individuals with contracts pending: 1

Current Self Reports in initial stage: 4

Participants successfully discharged 1/1/09-12/31/09: 17

Contracts nullified in 1/1/09 – 12/31/09: 2

Offered contract, didn't follow through with licensure 1/1/09 – 12/31/09: 1

Surrendered licenses since 1/1/09: 0

IPHP case closed after individual put under board order: 1

Licenses made inactive and IPHP participation discontinued 1/1/09 – 12/31/09: 0

Discharged, no longer has license: 1

Cases without contracts referred to IBM for further action 1/1/09 – 12/31/09: 3

Self reports, no impairments since 1/1/09: 2

Referred by licensure or compliance-declined to self report in 1/1/09 – 12/31/09: 0

IV. Legal Advisor's Report

Theresa Weeg, Assistant Attorney General, provided updates on pending cases. Cases in litigation are down and there are no new lawsuits.

The revision of the peer review manual and letters are close to completion.

Dr. Lee thanked the two Assistant Attorney General staff, Theresa Weeg and Jordan Esbrook, for the great job they are performing on behalf of the Board.

V. Licensure Committee Report

A. Committee Report

The Licensure Committee granted four permanent licenses, one temporary license, and one request to sit for USMLE Step 3. The Board approved all. Also discussed during the

meeting were the proposed licensure rule revisions, Wisconsin-Minnesota Licensure Project, Draft of Expedited Endorsement Rules, and Draft Acupuncture Rules.

B. Acupuncture Licensing Rules (Draft)

The proposed amendments to the acupuncture licensing rule would: 1) allow acupuncturists to register for a license and 2) allow IBM to request a criminal background check.

A motion was made by Yasyn Lee, M.D. and a second by Tom Drew, the Board voted to approve the Licensure Committee Report.

Item 3. Policy Statements – Interventional Chronic Pain Management Policy Statement

Comments were made by the following general public attendees:

Anthony Leo, M.D., Oelwein, Iowa
Dale Kroll, Iowa Association of Nurse Anesthetists (IANA)
Dana Simon, MD, Mercy Hospital Pain Center (MHPC)
Dave Pederson, IANA
Frank Cassidy, M.D., Iowa Society of Anesthesiologists (ISA)
George DeVrier, Iowa Association of Nurse Anesthetists (IANA)
Heidi Goodman, Iowa Medical Society (IMS)
Jeanine Freeman, IMS
Jennifer Harbison, Iowa Academy of Family Physicians (IAFP)
Jim Carney, Attorney, Carney Law Firm (representing IANA)
Keith Barnhill
Larry Carl, Iowa Dental Association (IDA)
Leah McWilliams, Iowa Osteopathic Medical Association (IOMA)
Mark E. Panther, Midwest Anesthesia Care Ltd.
Mark Odden, CRNA, IANA
Mary O'Brien, CRNA, IANA
Melanie Rasmusson, Iowa Dept, of Public Health (IDPH)
Nick Mauro, Crawford and Quilty Law Firm
Perry J. Comeau, IANA
Richard W. Rosenquist, M.D., University of Iowa (U of I)
Sam Sims, CRNA, IANA
Todd Schissel, CRNA, IANA

Following the comments provided by the public attendees, Dr. Shirazi reiterated that the Board's interest in a rule or policy statement is to safeguard the public. The Board decided there should be an AdHoc Committee to define interventional chronic pain management, the associated medical procedures, and which of these procedures non-physicians, such as certified registered nurse anesthetists, could safely perform. Dr. Olds was appointed the moderator for the AdHoc Committee. The committee should consist of representatives from medical, nursing, IMS, IOMA, INA, ARNP, etc. The committee was asked to provide a report at the December Board meeting.

The public session of the meeting adjourned at 10:40 a.m.

A CD copy of this Public Session is available upon request.

Minutes respectfully submitted by Teena Turnbaugh, Secretary, Iowa Board of Medicine.