



IOWA BOARD OF MEDICINE
400 SW EIGHTH STREET - SUITE C
DES MOINES, IOWA 50319

APRIL 19-20, 2012, BOARD MEETING

OPEN MINUTES

April 19, 2012, Thursday:

MEMBERS PRESENT: Siroos Shirazi, M.D., Chair
Jeff Snyder, M.D., Vice Chair
Colleen Stockdale, M.D., Secretary
Tom Drew
Analisa Haberman, D.O.
Greg Hoversten, D.O.
Ambreen Mian
Hamed Tewfik, M.D.
Joyce Vista-Wayne, M.D.

MEMBERS ABSENT: Diane Clark

STAFF PRESENT: Mark Bowden, Executive Director
Kent Nebel, Director of Legal Affairs
John Olds, M.D., Medical Advisor
Russell Bardin, Chief Investigator
Brandi Allen, Investigator
Aaron Kephart, Investigator
Ed Knapp, Investigator
Cathy McCullough, Investigator
Dave McGlaughlin, Investigator
James Machamer, Investigator
David Schultz, Investigator
Mary Knapp, Enforcement Monitor
Shantel Billington, Enforcement Monitor
Amy Snowden, Law Intern
Deb Anglin, Coordinator for Iowa Physician Health Program
Patti Rix, Case Manager for Iowa Physician Health Program
Kari Rolls, Administrative Assistant
Theresa Weeg, Assistant Attorney General

Siroos Shirazi, M.D., called the meeting to order at 11:12 a.m.

At 11:12 a.m., on a motion by Jeff Snyder, M.D., seconded by Tom Drew, all members present voted to meet in a closed session, pursuant to Iowa Code Section 21.5(1)(a). Tom Drew, Analisa Haberman, D.O., Greg Hoversten, D.O., Ambreen Mian, Siroos Shirazi, M.D., Jeff Snyder, M.D., Colleen Stockdale, M.D., Hamed Tewfik, M.D., and Joyce Vista-Wayne, M.D., all voted aye in a roll call vote to approve the motion. At 3:00 p.m., while still in a closed session, all members present voted in favor of a motion by Colleen Stockdale, M.D., seconded by Tom Drew, to meet in an open session.

April 19, 2012, 3:00 p.m., Open Session/Public Meeting

MEMBERS PRESENT: **Siroos Shirazi, M.D., Chair**
 Jeff Snyder, M.D., Vice Chair
 Colleen Stockdale, M.D., Secretary
 Tom Drew
 Analisa Haberman, D.O.
 Greg Hoversten, D.O.
 Ambreen Mian
 Hamed Tewfik, M.D.
 Joyce Vista-Wayne, M.D.

MEMBERS ABSENT: **Diane Clark**

STAFF PRESENT: **Mark Bowden, Executive Director**
 Kent Nebel, Director of Legal Affairs
 John Olds, M.D., Medical Advisor
 Russell Bardin, Chief Investigator
 Brandi Allen, Investigator
 Aaron Kephart, Investigator
 Ed Knapp, Investigator
 Cathy McCullough, Investigator
 Dave McGlaughlin, Investigator
 James Machamer, Investigator
 David Schultz, Investigator
 Mary Knapp, Enforcement Monitor
 Shantel Billington, Enforcement Monitor
 Amy Snowden, Law Intern
 Deb Anglin, Coordinator for Iowa Physician Health Program
 Teena Turnbaugh, Secretary
 Theresa Weeg, Assistant Attorney General

GUESTS: **Heidi Goodman, Iowa Medical Society**
 Leah Williams, Iowa Osteopathic Medical Association
 Michael Prescher, M.D.
 Maureen Prescher
 Patti Walden

Siroos Shirazi, M.D., called the public session of the meeting to order at 3:03 p.m.

Approval of Agenda and Acknowledgement of Absent Board Members

Dr. Shirazi requested approval of the agenda and acknowledged that Board member Diane Clark was absent.

On a motion by Hamed Tewfik, M.D., seconded by Colleen Stockdale, M.D., all Board members present voted to approve the agenda.

Approval of Minutes

On a motion by Greg Hoversten, D.O., seconded by Analisa Haberman, D.O., all Board members present voted to approve the open and closed minutes of three back-to-back teleconferences held on March 29, 2012, and the open and closed minutes of a teleconference held on April 12, 2012.

The open and closed minutes for the March 1-2, 2012, Board meeting were not available for approval.

Opportunity for Public Comments and Chair's Report

Michael Prescher, M.D., of Omaha, Nebraska, is an Iowa-licensed physician who practiced anesthesiology and pain management in Council Bluffs, Iowa. He addressed the Board regarding the Board's decision to issue an emergency adjudicative order immediately suspending his license on December 8, 2012, and the Board's subsequent Findings of Fact, Conclusion of Law, Decision and Order involving the Statement of Charges that alleged Dr. Prescher engaged in sexual misconduct, unethical or unprofessional conduct, and professional incompetency.

On January 12-13, 2012, the Board held a hearing on Dr. Prescher's case. On March 29, 2012, the Board approved the Findings of Fact, Conclusions of Law, Decision, and Order. The sanctions were:

- Suspension of his Iowa medical license for a period of one year from the date on the Emergency Adjudicative Order, December 8, 2011, after which Dr. Prescher will need to request reinstatement,
- Payment of a \$10,000 civil penalty,
- Completion of a Board-approved professional boundaries program, and
- Completion of a Board-approved medical record-keeping program.

The Order permits the Board to impose probation or other terms and conditions at the time it considers reinstatement of Dr. Prescher's Iowa medical license.

Dr. Prescher stated, "...I humbly appreciate the opportunity to speak to you on these profound matters that obviously affected my life and that of my family. If you will recall I was suspended five months ago for misconduct, unprofessional conduct, and professional incompetency and found to be innocent of all charges yet remain suspended."

"The findings of violation of standard of care are incorrect and these findings, briefly just to summarize: there was an issue of sedation but no objective evidence that would support that in testimony, method, or treatment."

"The issue of monitors which were well documented on my procedure notes and confirmed by the patients is certainly not a violation of standard of care. Again, had (there been) the

opportunity to submit the additional witnesses that were cut off at the end of (the hearing on) Thursday (January 12, 2012), they would have reinforced that.”

“Finally, the issue of oral consent versus dictation is by no means a standard of care violation. It is practiced throughout the country; in fact, the largest medical center in the country, Mayo Clinic, the standard is oral consent and dictation to follow.”

“The punishments for these alleged violations I feel are grossly unprecedented. In the past, cases that the Board has reviewed and disciplined, a physician that’s not been found guilty of misconduct, he was immediately reinstated to practice medicine. None of these physicians was required to undergo a professional boundaries evaluation. The fine of \$10,000 seems to be extremely harsh when you look back at the archives of discipline.”

“As for a medical record-keeping course, I mean truthfully, it’s probably never a bad thing for any of us physicians to go back and review that, and I am not opposed to doing that. I think that is a reasonable request.”

“But these punishments are unjust and they pale by comparison though to the unbelievable and unnecessary negative tone of the Board decision, I felt.”

“The press release has changed my life and the lives of my ... wife, Maureen, and my kids. We were a well-respected family in the community; donated our time to community and invested in community. And now as a result of this (decision) and the press release (that) followed, we essentially have been shunned.... My children have been harassed and bullied. My wife and I have struggled with depression and grief. We found it to be grossly unjust what was said about us, myself in particular.”

“Financially we have been devastated. I have not received a paycheck in five months. I am having a very difficult times supporting my family. I have been assessed this fine of \$10,000 which I can’t pay. I currently can’t afford an evaluation in Atlanta. My prognosis for surviving the next month, eight months without work is grim and that’s based on the punishment. And, a full year punishment is not essentially a full year because even if you are reinstated it takes ... at least two months to go through (hospital) credentialing, and provided I am able to get that. So, it’s actually more than a year.”

“I have sold my car; I’ve cashed in retirement (savings). Unfortunately, my house is 40 years old and somewhat in need of dire repair. In today’s depressed market, we’ve discussed about selling it but probably would just get enough to pay off the loan. It’s been a bad year for us.”

“Three months prior to my suspension, my daughter was hit by a car. She suffered a skull fracture and subdural hematoma, spent several days in the ICU where she fully recovered. We are still recovering from those medical bills as well.”

“What I am asking you to reconsider my ability to practice medicine in the area of anesthesiology. I’ve had, had a long and highly successful, unblemished career in this area. In the 16 years, I have never had any event where I’ve harmed any patient and I have never had any bad outcomes. I trained in NASA to resuscitate astronauts, I’ve taken care of U.S. senators, and celebrities, and humble farmers of Iowa, and all had very good outcomes.”

“This case now unfortunately will have to be reviewed by district court. If your action is found to be wrong, I will have unjustly been punished for a year without work and without

pay and unbelievable damage to my reputation. If your conclusions are right, I will still be unjustly punished based on your findings of fact and past precedents, the punishment is extremely severe and does not fit the crime.”

“I would ask that the evaluation in Atlanta be stricken from the sanction. There are absolutely no issues of misconduct and this punishment is unprecedented.”

“Again, I am very grateful to have the opportunity to address the Board. I’m here humbly and to your service and would answer any questions you have for me. Any questions at all. Okay?”

After Dr. Prescher’s comments, Dr. Vista-Wayne thanked Dr. Prescher for addressing the Board. She acknowledged Dr. Prescher’s courage and humility to come before the Board and to talk about the impact of the Board’s decision in his case.

Dr. Prescher responded: “You know, obviously you guys have these decisions that you make and there is a cause and effect, but I wonder if you truly appreciate the outcomes of those decisions. And, you know, I didn’t feel that the negative tone that was exemplified in that order from the Board was necessary. You punished me for the standard of care violations but that tone left such a seed of doubt for the public, for the thousands of patients I’ve treated, it was unbelievable to me and to my family. That’s all I have. Thank you.”

Kent Nebel, Director of Legal Affairs, advised Dr. Prescher that the Board would consider a motion to stay the Board’s decision that Dr. Prescher’s attorney had just filed.

Executive Director’s Report

Governor Branstad has appointed Julie Perkins, M.D., a family practice physician from Carroll, and Michael Thompson, D.O., a general surgeon from Pella, to the Board to succeed Siroos Shirazi, M.D., and Analisa Haberman, D.O., whose terms expire April 30. Two public members, who would succeed Tom Drew and Ambreen Mian, have yet to be appointed. A day-long orientation for Drs. Perkins and Thompson will be held April 23. Bowden encouraged Board members to assist in the orientation.

The Legislature was scheduled to adjourn April 17, but the session will likely continue into the first week of May. The Board did not have proposed legislation this year, but followed several bills, including licensure of naturopaths, the expansion of the scopes of practice for optometrists, advanced registered nurse practitioners, and physician assistants, and legislation allowing physicians to concurrently supervise five physician assistants. The Governor signed the scope of practice bills for the optometrists, nurse practitioners, and physician assistants, and the bill decreasing the physician assistant supervisory ratio from two to five. The naturopath licensure legislation did not advance this session.

Iowa is the only state using the new “uniform” application for all types of medical licenses: resident, permanent, temporary, special, and reinstatements. Iowa’s aggressive use of the new application has been recognized by the Federation of State Medical Boards (FSMB). Iowa recently topped Ohio as the state with the highest use of the new application.

Dr. Shirazi will be the voting delegate at the FSMB’s annual meeting April 26-28, 2012, in Fort Worth, Texas. There are six resolutions before the assembly that the delegates will vote on. Four resolutions have the higher profile resolutions.

- 1) FSMB is to convene a meeting with the American Board of Medical Specialties (ABMS) and the American Osteopathic Association Bureau of Osteopathic Specialists (AOABOS) to collaborate

on strategies to achieve the common goal of avoiding unintended limitations of specialty board certification and recertification based on state board disciplinary action,

- 2) FSMB is to establish a committee on Ethics and Professionalism that would incorporate ethics and professionalism into the federation bylaws,
- 3) FSMB is to encourage state boards to recognize a licensee's participation in an ABMS maintenance of certification and/or AOABOS osteopathic continuous certification program as an acceptable means of meeting continuing medical education (CME) requirements for license renewal, and
- 4) FSMB is to pursue and become an approved provider of Category I CME. There has to be a sponsor of CME.

At the June Board meeting, staff will present the fiscal year 2013 budget to the Board. The current year-to-date projections are all on track.

The sample pain management agreement offered by the Board has been updated and posted on the website.

The staff will order 1,000 copies of the second edition of Scott Fishman's "Responsible Opioid Prescribing" book. The Board purchases the books from the FSMB for \$6 each and distributes them to physicians who request copies. To date, the Board has distributed more than 1,500 copies of the first edition.

Administrative Rules

Notice of Intended Action: 653—Chapter 22, Reporting hospital action.

Notice of Intended Action: 653—Chapter 23, Grounds for discipline for failure to report hospital action.

The proposed amendment to Chapter 22 requires physicians to report to the Board any actions taken against their hospital privileges or any voluntary actions by the physicians to avoid a hospital investigation or hospital action. Failure to file the report with the board within 10 days of the action would be grounds for discipline under the proposed amendment to Chapter 23. The Executive Committee recommends the board notice the rules.

Nebel explained that hospital actions taken because of delinquent medical records would not have to be reported to the Board if privileges were suspended for less than 10 days.

Heidi Goodman, a representative from the Iowa Medical Society (IMS), offered comment on the proposed amendment. She noted that state law already requires hospitals to provide this information to the Board. She said IMS would be providing comments at the public hearing for the proposed amendment.

Leah McWilliams, a representative from the Iowa Osteopathic Medical Association (IOMA), said her organization would be providing comments at the public hearing also.

On a motion by Tom Drew, seconded by Colleen Stockdale, M.D., all Board members present voted to approve the Notices of Intended Action to amend 653-Chapter 22, Mandatory Reporting, and 653-Chapter 23, Grounds for Discipline.

Discussion: 653—Chapter 21, Physician supervision of a physician assistant.

A new law signed by Governor Branstad allows physicians to simultaneously supervise five physician

assistants. The law was amended, decreasing the supervisory ratio from two to five. Dr. Shirazi said the Board's new Executive Committee, which will be seated at the June 7-8 meeting, will begin a discussion on possible amendments to 653—Chapter 21 to more clearly define what is expected of physicians who supervise physician assistants. Dr. Shirazi asked the IMS and IOMA representatives if their organizations were in favor of the new law. Heidi Goodman said the IMS was opposed to this bill. Leah McWilliams said IOMA was also opposed to this bill.

Public hearing: 653—Chapters 9, 10, 11

A public hearing is scheduled for 2:00 p.m. May 8, 2012, to receive comments on proposed amendments to 653—Chapters 9, 10, 11. These three chapters contain administrative rules on medical licensure.

Ad-Hoc Board Committee Reviewing 653--Chapter 24, Complaints and Investigations

Tom Drew reported that the ad-hoc board committee assigned to review 653—Chapter 24, “Complaints and Investigations,” had completed its work and recommended making changes in the various letters sent to physicians who are named in complaints received by the Board. The amended letters will provide more succinct explanations of how complaints are resolved, whether or not an investigation was conducted, or if a complaint had merit, and what information will be maintained as a part of the physician's records with the Board. Dr. Shirazi thanked the committee for its work. The Board voted to accept the recommendation and to disband the committee.

Iowa Physician Health Program

Deb Anglin said the Iowa Physician Health Committee will have two open seats – a psychiatrist and a public member – when the current members' terms expire on December 31, 2012. She also provided a statistical report on participants in the program. (See Attached.)

Licensure Committee Report

Colleen Stockdale, M.D., chair of the Licensure Committee, reported that the committee granted three permanent licenses, requested additional information for two applicants, and reviewed the situation of one physician to provide guidance on possible licensure outcomes.

On a motion by Jeff Snyder, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to approve Dr. Stockdale's report.

Election of Officers

Analisa Haberman, D.O., nominated Colleen Stockdale, M.D., as chair of the Board. No other nominations were made.

On a motion by Analisa Haberman, D.O., seconded by Jeff Snyder, M.D., all Board members present voted to elect Colleen Stockdale, M.D., as chair, effective May 1, 2012, to April 30, 2013.

Siroos Shirazi, M.D., nominated Jeff Snyder, M.D., as vice chair. No other nominations were made.

On a motion by Tom Drew, seconded by Colleen Stockdale, M.D., all Board members present voted to elect Jeff Snyder, M.D., as vice chair of the Board, effective May 1, 2012, to April 30, 2013.

Siroos Shirazi, M.D., nominated Hamed Tewfik, M.D., as secretary. No other nominations were made.

On a motion by Siroos Shirazi, M.D., seconded by Jeff Snyder, M.D., all Board members present voted to elect Hamed Tewfik, M.D., as secretary of the Board, effective May 1, 2012, to April 30, 2013.

Approval of 2013 Board Schedule

Bowden presented a proposed 2013 Board schedule: seven meetings, seven teleconferences, and monthly reserved dates for hearings. Drew addressed the Board and the new Board members stating that by utilizing the reserved hearing dates more gets accomplished. Drew suggested the idea a year ago and the Board agreed that it has made a difference. Dr. Shirazi thanked Drew for the suggestion.

On a motion by Colleen Stockdale, M.D., seconded by Hamed Tewfik, M.D., all Board members present voted to accept the 2013 Board schedule as presented by Bowden.

2011 Annual Report

Bowden presented the 2011 annual report and noted some highlights:

- ◆ The physician population is increasing in Iowa.
- ◆ There is an increase in complaints.
- ◆ The Board is using professional evaluations more and peer reviews less.
- ◆ Since 2007, the Board has assessed penalties of more than \$466,000.
- ◆ Four rules were amended in 2011. The most controversial amendment requires CMEs for chronic pain management and end-of-life care.

Bowden thanked staff for their professionalism and dedication to protecting the public.

Dr. Shirazi congratulated the staff for the comprehensive report.

Dr. Olds suggested that IMS and IOMA receive copies of the 2011 annual report to distribute to their physician members. IMS stated they added a link to their website linking to the report. IOMA suggested they could distribute copies of the report during their annual meeting.

Recognition of members completing terms on Board

Jeff Snyder, M.D., presented Siroos Shirazi, M.D., Analisa Haberman, D.O., Tom Drew, and Ambreen Mian, with two certificates of recognition for their service on the Board. One certificate was on behalf of Mariannette Miller-Meeks, M.D., director of the Iowa Department of Public Health, and the other was on behalf of Daryl Beall, a state senator from Webster County, and on behalf of the Iowa Senate. The Board presented a gavel to Dr. Shirazi for his service as Board chair from May 1, 2006 to April 30, 2012.

At the conclusion of the recognition, Patti Walden, Dr. Shirazi's wife, stated, "I will never forget the volume of work done by this group of volunteers and the education and diligence to do the work accurately. This group does a tremendous service to the people of the State of Iowa. I ... have a tremendous amount of respect for the Board and the staff of this very important organization."

The public meeting concluded at 3:53 p.m. and the Board continued in open session.

Tom Drew left the open session at 4:00 p.m.

On a motion by Colleen Stockdale, M.D., seconded by Greg Hoversten, D.O., all Board members present voted to **accept** the combined Statement of Charges and Settlement Agreement for Robert E. Garrett, M.D., on file 02-2011-036.

On a motion by Colleen Stockdale, M.D., seconded by Greg Hoversten, D.O., the Board voted unanimously to **accept** the combined Statement of Charges and Settlement Agreement for Maria R. Doria, M.D., on file 02-2011-506.

On a motion by Colleen Stockdale, M.D., seconded by Greg Hoversten, D.O., the Board voted to **leave open** files 02-2010-211, 02-2010-293, and 02-2010-452. Joyce Vista-Wayne, M.D., recused.

On a motion by Colleen Stockdale, M.D., seconded by Greg Hoversten, D.O., the Board voted to **accept** the combined Statement of Charges and Settlement Agreement for Heather M. Marthers, M.D., on file 02-2008-442. Joyce Vista-Wayne, M.D., recused.

On a motion by Colleen Stockdale, M.D., seconded by Greg Hoversten, D.O., the Board voted unanimously to **accept** the combined Statement of Charges and Settlement Agreement for Kent F. Metcalf, D.O., on file 03-2008-498.

On a motion by Colleen Stockdale, M.D., seconded by Greg Hoversten, D.O., the Board voted unanimously to **accept** the combined Statement of Charges and Settlement Agreement for James J. Pullen, M.D., on file 02-2011-013.

On a motion by Colleen Stockdale, M.D., seconded by Greg Hoversten, D.O., the Board voted unanimously to **leave open** file 03-2011-330.

On a motion by Colleen Stockdale, M.D., seconded by Greg Hoversten, D.O., the Board voted to **leave open** file 02-2009-196. Joyce Vista-Wayne, M.D., recused.

On a motion by Colleen Stockdale, M.D., seconded by Greg Hoversten, D.O., the Board voted unanimously to **leave open** file 02-2011-329.

On a motion by Colleen Stockdale, M.D., seconded by Greg Hoversten, D.O., the Board voted unanimously to **accept** the combined Statement of Charges and Settlement Agreement for Delynn M. Murphy, D.O., on file 03-2011-374.

On a motion by Colleen Stockdale, M.D., seconded by Greg Hoversten, D.O., the Board voted unanimously to **leave open** file 02-2012-072.

On a motion by Colleen Stockdale, M.D., seconded by Greg Hoversten, D.O., the Board voted unanimously to **accept** the Settlement Agreement for Gary E. Lawrence, M.D., on file 02-2011-017.

On a motion by Colleen Stockdale, M.D., seconded by Greg Hoversten, D.O., the Board voted to **leave open** files 02-2010-475 and 02-2011-108. Jeff Snyder, M.D., recused.

On a motion by Colleen Stockdale, M.D., seconded by Greg Hoversten, D.O., the Board voted to **leave open** file 02-2011-509. Jeff Snyder, M.D., recused.

On a motion by Colleen Stockdale, M.D., seconded by Greg Hoversten, D.O., the Board voted unanimously to **leave open** file 02-2011-098.

On a motion by Jeff Snyder, M.D., seconded by Greg Hoversten, D.O., the Board voted unanimously to **leave open** file 02-2011-278.

On a motion by Jeff Snyder, M.D., seconded by Greg Hoversten, D.O., the Board voted unanimously to **accept** the combined Statement of Charges and Settlement Agreement for Mangil Seo, M.D., on file 02-2011-001.

On a motion by Jeff Snyder, M.D., seconded by Greg Hoversten, D.O., the Board voted to **leave open** file 02-2011-717. Joyce Vista-Wayne, M.D., recused.

On a motion by Jeff Snyder, M.D., seconded by Greg Hoversten, D.O., the Board voted to **affirm** its original decision to close file 02-2011-141, with no formal disciplinary action. Siroos Shirazi, M.D., and Hamed Tewfik, M.D., recused.

On a motion by Jeff Snyder, M.D., seconded by Greg Hoversten, D.O., the Board voted to **affirm** its original decision to close file 02-2011-142, with no formal disciplinary action. Siroos Shirazi, M.D., and Hamed Tewfik, M.D., recused.

On a motion by Jeff Snyder, M.D., seconded by Greg Hoversten, D.O., the Board voted unanimously to **affirm** its original decision to close file 02-2011-363, with no formal disciplinary action.

On a motion by Jeff Snyder, M.D., seconded by Greg Hoversten, D.O., the Board voted unanimously to **affirm** its original decision to close file 02-2009-629, with no formal disciplinary action.

On a motion by Jeff Snyder, M.D., seconded by Greg Hoversten, D.O., the Board voted unanimously to close file 02-2008-399 with **no formal action**.

On a motion by Jeff Snyder, M.D., seconded by Greg Hoversten, D.O., the Board voted unanimously to close file 02-2011-552 with **no formal action**.

On a motion by Jeff Snyder, M.D., seconded by Greg Hoversten, D.O., the Board voted to **leave open** file 02-2010-647. Analisa Haberman, D.O., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Greg Hoversten, D.O., the Board voted to **leave open** file 02-2010-646. Analisa Haberman, D.O., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Greg Hoversten, D.O., the Board voted to **leave open** file 02-2005-123. Analisa Haberman, D.O., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Greg Hoversten, D.O., the Board voted unanimously to close file 02-2008-159 with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Greg Hoversten, D.O., the Board voted to **leave open** file 02-2009-516. Siroos Shirazi, M.D., and Colleen Stockdale, M.D., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Greg Hoversten, D.O., the Board voted unanimously to **leave open** file 02-2010-532.

On a motion by Joyce Vista-Wayne, M.D., seconded by Greg Hoversten, D.O., the Board voted unanimously to **leave open** file 02-2010-530.

On a motion by Joyce Vista-Wayne, M.D., seconded by Greg Hoversten, D.O., the Board voted unanimously to **leave open** file 02-2010-655.

On a motion by Joyce Vista-Wayne, M.D., seconded by Greg Hoversten, D.O., the Board voted unanimously to **leave open** file 02-2008-394.

On a motion by Joyce Vista-Wayne, M.D., seconded by Greg Hoversten, D.O., the Board voted unanimously to **leave open** file 02-2010-469.

On a motion by Joyce Vista-Wayne, M.D., seconded by Ambreen Mian, the Board voted to **leave open** files 02-2008-449 and 02-2010-488. Greg Hoversten, D.O., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Greg Hoversten, D.O., the Board voted unanimously to **leave open** file 02-2011-269.

On a motion by Joyce Vista-Wayne, M.D., seconded by Greg Hoversten, D.O., the Board voted unanimously to **affirm** its original decision to close file 02-2011-394, with no formal disciplinary action.

On a motion by Joyce Vista-Wayne, M.D., seconded by Jeff Snyder, M.D., the Board voted to **affirm** its original decision to close file 02-2009-569, with no formal disciplinary action. Greg Hoversten, D.O., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Greg Hoversten, D.O., the Board voted unanimously to **affirm** its original decision to close file 02-2009-574, with no formal disciplinary action.

On a motion by Joyce Vista-Wayne, M.D., seconded by Greg Hoversten, D.O., the Board voted to **leave open** file 02-2011-554. Analisa Haberman, D.O., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Greg Hoversten, D.O., the Board voted unanimously to **leave open** files 02-2009-606 and 02-2010-087.

On a motion by Joyce Vista-Wayne, M.D., seconded by Greg Hoversten, D.O., the Board voted unanimously to **leave open** files 02-2007-547 and 02-2011-331.

On a motion by Colleen Stockdale, M.D., seconded by Jeff Snyder, M.D., the Board voted unanimously to **accept** the Monitoring Committee Report and its recommendations.

On a motion by Colleen Stockdale, M.D., seconded by Jeff Snyder, M.D., the Board voted unanimously to **accept** the Screening Committee Report and its recommendations.

The Board went into recess at 4:11 p.m. while still in open session.

April 20, 2012, Friday:

MEMBERS PRESENT:

Siroos Shirazi, M.D., Chair
Jeff Snyder, M.D., Vice-Chair
Tom Drew
Analisa Haberman, D.O.
Greg Hoversten, D.O.
Ambreen Mian
Hamed Tewfik, M.D.
Joyce Vista-Wayne, M.D.

MEMBERS ABSENT:

Colleen Stockdale, M.D., Secretary
Diane Clark

STAFF PRESENT:

Mark Bowden, Executive Director
Kent Nebel, Director of Legal Affairs
John Olds, M.D., Medical Advisor
Russell Bardin, Chief Investigator
Brandi Allen, Investigator
Aaron Kephart, Investigator
Cathy McCullough, Investigator
Dave McGlaughlin, Investigator
James Machamer, Investigator
David Schultz, Investigator
Shantel Billington, Enforcement Monitor
Kari Rolls, Administrative Assistant
Theresa Weeg, Assistant Attorney General

Siroos Shirazi, M.D., chair, resumed the open session at 7:33 a.m.

At 7:34 a.m., on a motion by Hamed Tewfik, M.D., seconded by Analisa Haberman, D.O., all members present voted to meet in closed session, pursuant to Iowa Code Section 21.5(1) (a). Tom Drew, Analisa Haberman, D.O., Greg Hoversten, D.O., Ambreen Mian, Siroos Shirazi, M.D., Jeff Snyder, M.D., Hamed Tewfik, M.D., and Joyce Vista-Wayne, M.D., all voted aye in a roll call vote to approve the motion. At 9:53 a.m., while still in closed session, all members present voted in favor of a motion by Tom Drew, seconded by Jeff Snyder, M.D., to meet in open session.

On a motion by Joyce Vista-Wayne, M.D., seconded by Jeff Snyder, M.D., the Board voted to close file 02-2011-560 with **no formal action**. Siroos Shirazi, M.D., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Jeff Snyder, M.D., the Board voted to close file 02-2011-561 with **no formal action**. Siroos Shirazi, M.D., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Jeff Snyder, M.D., the Board voted to close file 02-2011-562 with **no formal action**. Siroos Shirazi, M.D., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Jeff Snyder, M.D., the Board voted unanimously to close file 03-2011-645 with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Jeff Snyder, M.D., the Board voted unanimously to **leave open** file 02-2011-341.

On a motion by Joyce Vista-Wayne, M.D., seconded by Jeff Snyder, M.D., the Board voted unanimously to **leave open** file 02-2011-520.

On a motion by Joyce Vista-Wayne, M.D., seconded by Jeff Snyder, M.D., the Board voted unanimously to close file 02-2011-659 with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Jeff Snyder, M.D., the Board voted unanimously to **leave open** file 02-2011-476.

On a motion by Joyce Vista-Wayne, M.D., seconded by Jeff Snyder, M.D., the Board voted unanimously to close file 02-2011-629 with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Jeff Snyder, M.D., the Board voted unanimously to **leave open** file 02-2011-487.

On a motion by Joyce Vista-Wayne, M.D., seconded by Jeff Snyder, M.D., the Board voted unanimously to **leave open** file 02-2011-663.

On a motion by Joyce Vista-Wayne, M.D., seconded by Jeff Snyder, M.D., the Board voted to **leave open** file 03-2011-660. Hamed Tewfik, M.D., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Jeff Snyder, M.D., the Board voted to **leave open** file 02-2011-483. Tom Drew recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Jeff Snyder, M.D., the Board voted unanimously to close file 02-2011-463 with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Jeff Snyder, M.D., the Board voted unanimously to **leave open** file 03-2011-042.

On a motion by Ambreen Mian, seconded by Jeff Snyder, M.D., the Board voted unanimously to close file 02-2010-555 with **no formal action**.

On a motion by Ambreen Mian, seconded by Jeff Snyder, M.D., the Board voted to close file 02-2011-349 with **no formal action**. Analisa Haberman, D.O., and Siroos Shirazi, M.D., recused.

On a motion by Ambreen Mian, seconded by Jeff Snyder, M.D., the Board voted unanimously to close file 02-2011-074 with **no formal action**.

On a motion by Ambreen Mian, seconded by Jeff Snyder, M.D., the Board voted unanimously to **leave open** file 02-2011-338.

On a motion by Ambreen Mian, seconded by Jeff Snyder, M.D., the Board voted unanimously to close file 02-2009-065 with **no formal action**.

On a motion by Ambreen Mian, seconded by Jeff Snyder, M.D., the Board voted unanimously to **leave open** file 02-2011-465.

On a motion by Ambreen Mian, seconded by Jeff Snyder, M.D., the Board voted unanimously to close file 02-2011-643 with **no formal action**.

On a motion by Ambreen Mian, seconded by Jeff Snyder, M.D., the Board voted unanimously to close file 03-2011-386 with **no formal action**.

On a motion by Ambreen Mian, seconded by Jeff Snyder, M.D., the Board voted to close file 02-2011-522 with **no formal action**. Joyce Vista-Wayne, M.D., recused.

On a motion by Ambreen Mian, seconded by Jeff Snyder, M.D., the Board voted unanimously to **leave open** file 03-2010-483.

On a motion by Ambreen Mian, seconded by Jeff Snyder, M.D., the Board voted unanimously to **leave open** file 02-2011-426.

On a motion by Ambreen Mian, seconded by Jeff Snyder, M.D., the Board voted unanimously to close file 03-2011-574 with **no formal action**.

On a motion by Ambreen Mian, seconded by Jeff Snyder, M.D., the Board voted unanimously to close file 03-2011-725 with **no formal action**.

On a motion by Ambreen Mian, seconded by Jeff Snyder, M.D., the Board voted to **leave open** file 03-2011-384. Analisa Haberman, D.O., recused.

On a motion by Ambreen Mian, seconded by Jeff Snyder, M.D., the Board voted to **leave open** file 03-2011-385. Analisa Haberman, D.O., recused.

On a motion by Ambreen Mian, seconded by Jeff Snyder, M.D., the Board voted to close file 02-2011-488 with **no formal action**. Siroos Shirazi, M.D., recused.

On a motion by Ambreen Mian, seconded by Jeff Snyder, M.D., the Board voted unanimously to close file 02-2011-532 with **no formal action**.

On a motion by Greg Hoversten, D.O., seconded by Jeff Snyder, M.D., the Board voted unanimously to close file 02-2012-012 with **no formal action**.

On a motion by Greg Hoversten, D.O., seconded by Jeff Snyder, M.D., the Board voted to close file 02-2011-586 with **no formal action**. Joyce Vista-Wayne, M.D., recused.

On a motion by Greg Hoversten, D.O., seconded by Jeff Snyder, M.D., the Board voted unanimously to **leave open** file 02-2012-021.

On a motion by Greg Hoversten, D.O., seconded by Jeff Snyder, M.D., the Board voted unanimously to close file 02-2011-726 with **no formal action**.

On a motion by Greg Hoversten, D.O., seconded by Jeff Snyder, M.D., the Board voted to **leave open** file 03-2011-673. Tom Drew and Analisa Haberman, D.O., recused.

On a motion by Greg Hoversten, D.O., seconded by Jeff Snyder, M.D., the Board voted unanimously to **leave open** file 02-2011-489.

On a motion by Greg Hoversten, D.O., seconded by Jeff Snyder, M.D., the Board voted unanimously to **leave open** file 02-2012-050.

On a motion by Greg Hoversten, D.O., seconded by Jeff Snyder, M.D., the Board voted to close file 03-2012-022 with **no formal action**. Joyce Vista-Wayne, M.D., recused.

On a motion by Greg Hoversten, D.O., seconded by Jeff Snyder, M.D., the Board voted unanimously to close file 02-2011-441 with **no formal action**.

On a motion by Greg Hoversten, D.O., seconded by Jeff Snyder, M.D., the Board voted unanimously to close file 02-2011-722 with **no formal action**.

On a motion by Greg Hoversten, D.O., seconded by Hamed Tewfik, M.D., the Board voted to close file 02-2011-724 with **no formal action**. Jeff Snyder, M.D., recused.

On a motion by Greg Hoversten, D.O., seconded by Jeff Snyder, M.D., the Board voted unanimously to **leave open** file 03-2009-653.

On a motion by Greg Hoversten, D.O., seconded by Jeff Snyder, M.D., the Board voted unanimously to **leave open** file 03-2012-041.

On a motion by Greg Hoversten, D.O., seconded by Jeff Snyder, M.D., the Board voted unanimously to close file 02-2010-375 with **no formal action**.

On a motion by Greg Hoversten, D.O., seconded by Jeff Snyder, M.D., the Board voted unanimously to **leave open** file 02-2008-388.

On a motion by Greg Hoversten, D.O., seconded by Jeff Snyder, M.D., the Board voted unanimously to **leave open** file 03-2009-274.

On a motion by Greg Hoversten, D.O., seconded by Jeff Snyder, M.D., the Board voted unanimously to close file 02-2011-549 with **no formal action**.

On a motion by Analisa Haberman, D.O., seconded by Jeff Snyder, M.D., the Board voted unanimously to close file 02-2011-693 with **no formal action**.

On a motion by Analisa Haberman, D.O., seconded by Jeff Snyder, M.D., the Board voted unanimously to **leave open** file 02-2010-092.

On a motion by Greg Hoversten, D.O., seconded by Jeff Snyder, M.D., the Board voted to **leave open** file 02-2011-378. Analisa Haberman, D.O., and Siroos Shirazi, M.D., recused.

On a motion by Analisa Haberman, D.O., seconded by Jeff Snyder, M.D., the Board voted unanimously to **leave open** file 02-2011-534.

On a motion by Analisa Haberman, D.O., seconded by Jeff Snyder, M.D., the Board voted unanimously to close file 02-2011-564 with **no formal action**.

On a motion by Analisa Haberman, D.O., seconded by Jeff Snyder, M.D., the Board voted unanimously to **leave open** file 02-2009-230.

On a motion by Tom Drew, seconded by Jeff Snyder, M.D., the Board voted unanimously to **leave open** file 02-2011-269.

On a motion by Greg Hoversten, D.O., seconded by Analisa Haberman, D.O., the Board voted to **deny** the Application for Stay for Michael C. Prescher, M.D., on files 02-2009-323 and 02-2010-180. Jeff Snyder, M.D., and Theresa Weeg, Assistant Attorney General, recused.

At 9:56 a.m., on a motion by Tom Drew, seconded by Jeff Snyder, M.D., all members present voted to meet in a closed session, pursuant to Iowa Code Section 21.5(1)(a). Tom Drew, Analisa Haberman, D.O., Greg Hoversten, D.O., Ambreen Mian, Siroos Shirazi, M.D., Jeff Snyder, M.D., Hamed Tewfik, M.D., and Joyce Vista-Wayne, M.D., all voted aye in a roll call vote to approve the motion. At 10:04 a.m., while still in closed session, all members present voted in favor of a motion by Tom Drew, seconded by Jeff Snyder, M.D., to meet in open session.

On a motion by Greg Hoversten, D.O., seconded by Jeff Snyder, M.D., all Board members present voted to **deny** the Motion to Reconsider Findings of Fact, Conclusions of Law, Decision, and Order, dated March 29, 2012, and Respondent's Request for Re-hearing for Robert F. Tobin, M.D., on file 02-2011-541. Theresa Weeg, Assistant Attorney General, recused.

The meeting adjourned at 10:06 a.m.

Kari Rolls, administrative assistant and Teena Turnbaugh, secretary, respectfully submits these minutes.