



Fields of Opportunities

STATE OF IOWA

TERRY BRANSTAD, GOVERNOR
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IOWA BOARD OF MEDICINE
MARK BOWDEN, EXECUTIVE DIRECTOR

**IOWA BOARD OF MEDICINE
MARCH 6-7, 2014, BOARD MEETING**

OPEN MINUTES

THURSDAY, MARCH 6, 2014:

MEMBERS PRESENT: Hamed Tewfik, M.D., Vice Chair
Michael Thompson, D.O., Secretary
Robert Bender, II, M.D.
Frank Bognanno
Julie Carmody, M.D.
Julie Perkins, M.D.
Allison Schoenfelder, M.D.

MEMBERS ABSENT: Greg Hoversten, D.O., Chair
Diane Clark

STAFF PRESENT: Mark Bowden, Executive Director
Kent Nebel, Director of Legal Affairs
Russell Bardin, Chief Investigator
Aaron Kephart, Investigator
Brandi Allen, Investigator
Cathy McCullough, Investigator
Dave McGlaughlin, Investigator
David Schultz, Investigator
James Machamer, Investigator
Jennifer Huisman, Investigator
Mary Knapp, Enforcement Monitor
Shantel Billington, Enforcement Monitor
Amy Van Maanen, Director of Licensure
Deb Anglin, Coordinator, Iowa Physician Health Program
Natalie Sipes, Secretary to Executive Director
Kari Rolls, Administrative Assistant
Julie Bussanmas, Assistant Attorney General
Meghan Gavin, Assistant Attorney General

At 11:16 a.m., Hamed Tewfik, M.D., Vice Chair, called the meeting to order. A roll call was taken to establish a presence of a quorum of the Board. Greg Hoversten, D.O., Chair, and Diane Clark were not present.

At 11:21 a.m., on a motion by Hamed Tewfik, M.D., seconded Michael Thompson, D.O., all members present voted to meet in closed session, pursuant to Iowa Code Sections 21.5(1)(c), 21.5(1)(d) and 21.5(1)(f), to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent, whether to initiate licensee disciplinary proceedings and discuss the decision to be rendered in a contested case. Robert Bender II, M.D., Frank Bognanno, Julie Carmody, M.D., Julie Perkins, M.D., Allison Schoenfelder, M.D., Hamed Tewfik, M.D., and Michael Thompson, D.O., all voted aye in a roll call vote to approve the motion.

At 3:49 p.m., while still in a closed session, all members present voted in favor of a motion by Michael Thompson, D.O., seconded by Julie Perkins, M.D., to meet in an open session.

At 3:50 a.m., on a motion by Hamed Tewfik, M.D., seconded Allison Schoenfelder, M.D., all members present voted to meet in closed session, pursuant to Iowa Code Sections 21.5(1)(c), 21.5(1)(d) and 21.5(1)(f), to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent, whether to initiate licensee disciplinary proceedings and discuss the decision to be rendered in a contested case. Robert Bender II, M.D., Frank Bognanno, Julie Carmody, M.D., Julie Perkins, M.D., Allison Schoenfelder, M.D., Hamed Tewfik, M.D., and Michael Thompson, D.O., all voted aye in a roll call vote to approve the motion.

At 3:53 p.m., while still in a closed session, all members present voted in favor of a motion by Michael Thompson, D.O., seconded by Allison Schoenfelder, M.D., to meet in an open session. In open session, the Board took the following actions:

On a motion by Frank Bognanno, seconded by Julie Perkins, M.D., all Board members present voted to **accept** the combined Statement of Charges and Settlement Agreement for Nosrat A. Massih, M.D., file 02-2013-202.

On a motion by Frank Bognanno, seconded by Julie Perkins, M.D., all Board members present voted to **accept** the combined Statement of Charges and Settlement Agreement for Jeana L. Petree, M.D., file 02-2013-194.

On a motion by Frank Bognanno, seconded by Julie Perkins, M.D., all Board members present voted to **accept** the combined Statement of Charges and Settlement Agreement for Kelly D. Ross, M.D., file 02-2012-257.

On a motion by Frank Bognanno, seconded by Julie Perkins, M.D., all Board members present voted to **accept** the combined Statement of Charges and Settlement Agreement for James O. Steele, M.D., file 02-2010-593.

On a motion by Frank Bognanno, seconded by Julie Perkins, M.D., all Board members present voted to **deny** the Motion for Reimbursement of Expenses for Wendy R.K. Smoker, M.D., files 02-2009-623 and 02-2012-431. Hamed Tewfik, M.D., recused.

On a motion by Frank Bognanno, seconded by Julie Perkins, M.D., all Board members present voted to **accept** the combined Settlement Agreement for Malik E. Juweid, M.D., file 02-2011-097.

On a motion by Frank Bognanno, seconded by Julie Perkins, M.D., all Board members present voted to **leave open** file 02-2013-154.

On a motion by Frank Bognanno, seconded by Julie Perkins, M.D., all Board members present voted to **file Statement of Charges** against Firas A.Z. Rabi, M.D., file 02-2010-337.

On a motion by Frank Bognanno, seconded by Julie Perkins, M.D., all Board members present voted to **leave open** file 02-2006-563.

On a motion by Frank Bognanno, seconded by Julie Perkins, M.D., all Board members present voted to **leave open** files 02-2008-449 and 02-2010-488. Allison Schoenfelder, M.D., recused.

On a motion by Julie Carmody, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **leave open** files 02-2006-779, 02-2006-833, 02-2007-336 and 02-2008-516. Hamed Tewfik, M.D., recused.

On a motion by Julie Carmody, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **close** file 02-2013-163 with **no formal action**.

On a motion by Julie Carmody, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **leave open** file 02-2012-726.

On a motion by Julie Carmody, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **leave open** file 02-2011-596.

On a motion by Julie Carmody, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **leave open** file 02-2011-598.

On a motion by Julie Carmody, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **leave open** file 02-2011-170.

On a motion by Julie Carmody, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **leave open** file 02-2012-250.

On a motion by Julie Carmody, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **leave open** file 02-2013-660.

On a motion by Julie Carmody, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **leave open** file 02-2013-671.

On a motion by Julie Carmody, M.D., seconded by Allison Schoenfelder, M.D., all Board members present voted to **leave open** file 03-2013-538. Julie Perkins, M.D., recused.

On a motion by Julie Carmody, M.D., seconded by Allison Schoenfelder, M.D., all Board members present voted to **leave open** file 03-2012-429. Julie Perkins, M.D., recused.

On a motion by Julie Carmody, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **file Statement of Charges** against Steven R. Morris, D.O., files 03-2013-713 and 03-2013-410.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **close** file 02-2013-331 with **no formal action**.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **close** file 02-2013-343 with **no formal action**.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **leave open** file 02-2013-651.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **close** file 02-2013-500 with **no formal action**.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Perkins, M.D., all Board members present voted to **close** file 02-2013-554 with **no formal action**.

On a motion by Allison Schoenfelder, M.D., seconded by Frank Bognanno, all Board members present voted to **accept** the Screening Committee Report and its recommendations.

On a motion by Allison Schoenfelder, M.D., seconded by Frank Bognanno, all Board members present voted to **accept** the Monitoring Committee Report and its recommendations.

On a motion by Allison Schoenfelder, M.D., seconded by Frank Bognanno, all Board members present voted to **accept** the Licensure Committee Report and its recommendations.

Michael Thompson, D.O., left the meeting at 3:57 p.m.

At 3:58 p.m., on a motion by Allison Schoenfelder, M.D., seconded Julie Perkins, M.D., all members present voted to meet in closed session, pursuant to Iowa Code Sections 21.5(1)(c), 21.5(1)(d) and 21.5(1)(f), to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent, whether to initiate licensee disciplinary proceedings and discuss the decision to be rendered in a contested case. Robert Bender II, M.D., Frank Bognanno, Julie Carmody, M.D., Julie Perkins, M.D., Allison Schoenfelder, M.D., and Hamed Tewfik, M.D., all voted aye in a roll call vote to approve the motion.

At 4:55 p.m., the Board went to recess until 9:45 a.m. Friday, March 7, 2014.

FRIDAY, MARCH 7, 2014:

MEMBERS PRESENT: Greg Hoversten, D.O., Chair (via conference call)
Hamed Tewfik, M.D., Vice-Chair
Frank Bognanno
Julie Carmody, M.D.
Diane Clark (via conference call)
Julie Perkins, M.D.
Allison Schoenfelder, M.D.

MEMBERS ABSENT: Michael Thompson, D.O., Secretary

STAFF PRESENT: Mark Bowden, Executive Director
Kent Nebel, Director of Legal Affairs
Russell Bardin, Chief Investigator
Aaron Kephart, Investigator
Cathy McCullough, Investigator
David Schultz, Investigator
James Machamer, Investigator
Jennifer Huisman, Investigator
Shantel Billington, Enforcement Monitor
Natalie Sipes, Secretary to Executive Director
Kari Rolls, Administrative Assistant
Julie Bussanmas, Assistant Attorney General

The closed session resumed on Friday, March 7, 2014, at 9:45 a.m., at which time all members present voted in favor of a motion by Julie Perkins, M.D., seconded by Julie Carmody, M.D., to meet in an open session. The following members, staff, and public were in attendance:

MEMBERS PRESENT: Greg Hoversten, D.O., Chair (via teleconference)
Hamed Tewfik, M.D., Vice Chair
Robert Bender, M.D. (via teleconference)
Frank Bognanno
Julie Carmody, M.D.
Julie Perkins, M.D.
Allison Schoenfelder, M.D.

STAFF PRESENT: Mark Bowden, Executive Director
Kent Nebel, Director of Legal Affairs
Russell Bardin, Chief Investigator
Natalie Sipes, Secretary to Executive Director
Amy VanMaanen, Director of Licensure
Sylvia Crook, License Specialist
Mary Knapp, Enforcement Monitor
Julie Bussanmas, Assistant Attorney General

PUBLIC IN ATTENDANCE:

Ashley Engelbrecht, Iowa Medical Society
Tony Leys, Des Moines Register
Leah McWilliams, Iowa Osteopathic Medical Association
Linda Thiesen, University of Iowa
Kris Watson, Iowa Board of Nursing

Hamed Tewfik, M.D., vice chair, called the meeting to order. The following items were addressed:

Opportunity for Public Comment:

No members of the public addressed the Board.

Board Minutes for Consideration of Approval:

On a motion by Allison Schoenfelder, M.D., seconded by Julie Perkins, M.D., the Board unanimously approved the following minutes as presented:

December 12, 2013, Teleconference (open & closed)
January 23-24, 2014, Board meeting (open & closed)
February 13, 2014, Teleconference (open & closed)

Executive Director's Report:

Mark Bowden provided the following updates:

- Governor Terry Branstad appointed two new members; Diane Cortese of Urbandale, a public member to complete the unexpired term of Ann Gales, and Ronald Cheney, D.O., a surgeon from Carroll, who will succeed Greg Hoversten, D.O., who did not seek reappointment. An orientation will be held in April and their terms will begin May 1. Hamed Tewfik, M.D. and Diane Clark were reappointed by the Governor for a second term.

2014 Legislation:

Senate File 379 has been approved by the Senate and is recommended for approval by the House. SF 379 began in 2013 with the inclusion of three parts; allowing use of administrative law judges for use in certain cases; allowing three alternates on hearing panels; and more specific application of civil penalties. The bill originally was passed in its entirety by the Senate, but has been amended by the House State Government Committee. The only piece of the bill left would allow the use of three alternate members on a hearing panel.

The Board staff continues to watch Senate File 2009 which looks at the prevalence of Lyme disease in Iowa and what is happening with the treatment of chronic Lyme disease. The bill would establish a task force, including a member of the Board, to research and write a report for the Legislature in 2015.

Legislation offered to look at the necessity of certain boards and commissions in the Health

Department has been narrowed and no longer includes Iowa Board of Medicine, Iowa Board of Nursing, Iowa Dental Board, and Iowa Board of Pharmacy.

The Board of Pharmacy has legislation that would allow sharing of the Prescription Monitoring Program database information amongst 4 bordering states, plus Kansas. This would be helpful to Board investigations.

The Board will discuss 2015 legislative priorities at its August meeting.

Administrative Rules for Consideration of Adoption:

None to consider at this time.

Legal Update on Judicial Review of Board Cases and Related Cases:

Ms. Bussanmas briefed the Board on 8 cases under judicial review in state courts.

1. **IAC 653 13.10** – Standards of practice for physicians who perform medical abortions. The Board is awaiting a decision on its Motion to Strike. Planned Parenthood filed its brief on judicial review, which included an appendix of information that Ms. Bussanmas feels is beyond the scope of the judicial review. If the judge determines Planned Parenthood must strike some of their information, they will have an opportunity to redo their brief.
2. **Amjad Butt, M.D.** – Two cases are awaiting review in District Court.
1. **Mark Collison, M.D.** – Dr. Collison filed an application filed for further review by Supreme Court. A decision is pending.
2. **Donna DeLouis, D.O.** – The case is still in the briefing stage with the Supreme Court. The case will likely but transferred to the Court of Appeals, but that decision has not been made by the Supreme Court.
3. **Richard Fleming, M.D.** – Dr. Fleming has submitted his brief on judicial review. Ms. Bussanmas has prepared, but not filed, the Board's brief.
4. **Robert Tobin, M.D.** – Dr. Tobin filed an application filed for further review by Supreme Court and further review was denied. The case is final and Dr. Tobin will have no further reviews.
5. **Fawad Zafar, M.D.** – Dr. Zafar filed an application filed for further review by Supreme Court. A decision is pending.
6. **Doe v. Board of Medicine** – Case was dismissed after the Board's decision to dismiss the charges.

Iowa Physician Health Program:

Amy Van Maanen, IPHP project manager, presented a report on the Iowa Physician Health Program. The program is working with 83 participants. Deb Anglin, IPHP Coordinator and Amy Van Maanen will attend the Federation of State Physician Health Programs meeting in Denver April 24-26, which runs concurrently to the Federation of State Medical Board meeting. An orientation was held on February 25 for the new Iowa Physician Health Committee member, Jeff Kerber. An

IPHC and Board luncheon will be planned for summer 2014. The gathering gives Board members an opportunity to learn about the IPHC.

Federation of State Medical Boards:

The FSMB Annual Meeting will be held April 24-26, 2014, in Denver. Hamed Tewfik, M.D. and Diane Clark will represent the Board at the meeting. Ms. Clark will be the Board's voting delegate. Mark Bowden, Executive Director; John Olds, M.D., Medical Advisor; and Kent Nebel, Director of Legal Affairs will also be in attendance.

The final draft of a proposal to establish a medical licensure compact will be introduced. The compact will require state legislation and states wishing to participate in the compact would have to adopt the same legislation. If the Board is supportive of the compact, it could be introduced as legislation for consideration in 2015.

The Iowa Board of Medicine will be participating in a FSMB survey from mid-March to mid-April. The 10-minute online survey will capture physician's attitudes on continuing professional development. The survey has been completed in Colorado and Virginia. The Iowa Medical Society and Iowa Osteopathic Medical Association will help with promotion of the survey. The survey results will be available at the June meeting.

A telemedicine model policy should be available at the annual meeting. The Iowa Board of Medicine can look to the policy to help create future telemedicine rules in Iowa based on the best practices and standards nationally.

Reports & Articles:

The following articles were shared with the Board.

ABMS approves new standards for physician certification program with goal to improve quality of care, by Rich Waters, ABMS, February 4, 2014

ACGME releases new clinical learning guidance to transform how medical residency programs prepare future physicians for a changing health care system, ACGME, January 27, 2014

ACGME, osteopathic groups creating one accreditation system for training programs, by Andis Robeznieks, Modern Health Care, February 2014

CLER Pathways to Excellence Executive Summary, ACGME 2014

The public meeting concluded at 10:08 a.m. Robert Bender, M.D., left the meeting.

At 10:19 a.m., on a motion by Frank Bognanno, seconded Julie Carmody, M.D., all members present voted to meet in closed session, pursuant to Iowa Code Sections 21.5(1)(c), 21.5(1)(d) and 21.5(1)(f), to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent, whether to initiate licensee disciplinary proceedings and discuss the decision to be rendered in a contested case. Greg Hoversten, D.O., Hamed Tewfik, M.D., Frank Bognanno, Julie Carmody, M.D., Julie Perkins, M.D., Allison Schoenfelder, M.D., all voted aye in a roll call vote to approve the motion.

Greg Hoversten, D.O. left the meeting at 10:32 a.m.

Diane Clark joined the meeting at 10:38 a.m.

At 12:52 p.m., while still in a closed session, all members present voted in favor of a motion by Allison Schoenfelder, M.D., seconded by Frank Bognanno, to meet in an open session. In open session, the Board took the following actions:

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **leave open** file 02-2013-463.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **affirm** its original decision to **close** file 02-2012-324, **with no formal disciplinary action.**

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **leave open** file 03-2013-038.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **leave open** file 03-2013-498.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **affirm** its original decision to **close** file 02-2012-411, **with no formal disciplinary action.**

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **leave open** file 03-2010-550.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **leave open** file 02-2010-638.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **leave open** file 02-2013-421.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **close** file 03-2013-295 with **no formal action.**

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **close** file 02-2013-572 with **no formal action.**

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **leave open** file 02-2012-073.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **close** file 03-2012-031 with **no formal action.**

Iowa Board of Medicine
Open Minutes
March 6-7, 2014

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **close** file 02-2012-273 with **no formal action**.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **leave open** file 02-2013-102.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **leave open** file 03-2011-518.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **close** file 02-2013-406 with **no formal action**.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **leave open** file 02-2014-046.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **leave open** file 02-2012-783.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **leave open** file 02-2012-699.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **close** file 02-2013-663 with **no formal action**.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **close** file 02-2012-251 with **no formal action**.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **close** file 02-2012-309 with **no formal action**.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **leave open** file 02-2012-342.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **leave open** file 02-2013-550.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **leave open** file 02-2013-551.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **close** file 02-2012-635 with **no formal action**.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **leave open** file 02-2013-583.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **close** file 02-2013-488 with **no formal action**.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **leave open** file 03-2013-514.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **close** file 02-2013-559 with **no formal action**.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **close** file 02-2013-435 with **no formal action**.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **close** file 02-2013-423 with **no formal action**.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **leave open** file 02-2013-027.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **close** file 02-2013-026 with **no formal action**.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **leave open** file 02-2012-792.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **leave open** file 02-2013-481.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **leave open** file 02-2013-685.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **leave open** file 02-2013-624.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **leave open** file 02-2013-192.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **leave open** file 03-2013-533.

On a motion by Allison Schoenfelder, M.D., seconded by Julie Carmody, M.D., all Board members present voted to **leave open** file 02-2012-402.

The meeting adjourned at 12:59 p.m.

These minutes are respectfully submitted by Natalie Sipes, Secretary to the Executive Director, and Kari Rolls, Administrative Assistant.