



Fields of Opportunities

STATE OF IOWA

KIM REYNOLDS, GOVERNOR
ADAM GREGG, LT. GOVERNOR

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

**IOWA BOARD OF MEDICINE
JUNE 7-8, 2018
AIRPORT HOLIDAY INN, 6111 FLEUR DRIVE, DES MOINES
MEETING ROOMS ON THE SECOND FLOOR – WATCH FOR SIGNS
TELECONFERENCE LINE FOR PUBLIC SESSION ON JUNE 8
CALL: (866) 685-1580
CODE: 971-913-4151**

A G E N D A^{1, 2, 3, 4, 5}

BOARD MEMBERS: Kyle Ulveling, M.D., Chair; KellyAnn Light-McGroary, M.D., Vice Chair; Diane Cortese, Secretary; Philip Bear, D.O.; Warren Gall, M.D.; Nicole Gilg Gachiani, M.D.; Ronald Kolegraff, M.D.; Mary Jo Romano; Brian Wilson, D.O. (*A public non-physician member position is vacant.*)

THURSDAY, JUNE 7, 2018

7:30 a.m.

EXECUTIVE COMMITTEE – Westview South

Chair Ulveling, Cortese, Gilg Gachiani, Light-McGroary, Romano

8:00 a.m.

SCREENING COMMITTEE – Westview North-Central

Chair Kolegraff, Bear, Gall, Wilson

9:00 a.m.

MONITORING COMMITTEE – Westview North-Central

Chair Gilg Gachiani, Bear, Cortese, Gall, Wilson

9:00 a.m.

LICENSURE COMMITTEE – Westview South

Chair Light-McGroary, Kolegraff, Romano, Ulveling

BOARD – OPEN SESSION – Westview North-Central

Chair Ulveling, Bear, Cortese, Gall, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, Wilson

BOARD – CLOSED SESSION – Westview North-Central

Chair Ulveling, Bear, Cortese, Gall, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, Wilson

A. Iowa Physician Health Committee Report

(Note: Notices of non-compliance are received in closed session.)

1. (No notices for June 7-8, 2018)

B. Board Committee Reports

(Note: These reports are received and reviewed in closed session but must be approved in an open session.)

- 1. Screening**
- 2. Monitoring**
- 3. Licensure**

C. Review of Closed Minutes

(Note: Closed minutes are received and reviewed in closed session but must be approved in an open session.)

- 1. April 5-6, 2018.**

LUNCH BREAK

BOARD – CLOSED SESSION – Westview North-Central

Chair Ulveling, Bear, Cortese, Gall, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Wilson

BOARD – OPEN SESSION – Westview North-Central

Chair Ulveling, Bear, Cortese, Gall, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Wilson

A. Unlicensed Practice of Medicine Cases

- 1. (No reports/case for June 7-8, 2018)**

B. Vote on Closed Session Cases

C. Vote on Licensure, Monitoring, Screening Committee Reports

ADJOURN

(Board must be in open session to adjourn.)

4:30 p.m.

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST LEROY L. YATES JR., M.D., RESPONDENT, FILE NOS. 02-2013-482, 02-2013-556, 02-2015-109, 02-2015-200 AND 02-2015-417, CONCERNING THE STATE’S REQUEST FOR REVIEW OF THE ADMINISTRATIVE LAW JUDGE’S ORDER CONTINUING THE HEARING.

BOARD MEMBERS: Kyle Ulveling, M.D., Chair; KellyAnn Light-McGroary, M.D., Vice Chair; Diane Cortese, Secretary; Philip Bear, D.O.; Warren Gall, M.D.; Nicole Gilg Gachiani, M.D.; Mary Jo Romanco; Brian Wilson, D.O. **Ronald Kolegraff, M.D., recused.**

- I.** Call to order.
- II.** Meet in closed session pursuant to Iowa Code section 21.5(1)f to review a draft order in the matter of the Statement of Charges against LeRoy L. Yates Jr., M.D., Respondent, File Nos. 02-2013-482, 02-2013-556, 02-2015-109, 02-2015-200 and 02-2015-417, concerning the State’s request for review of the administrative law judge’s order continuing the hearing.

- III. Meet in open session to consider an order in the matter of the Statement of Charges against LeRoy L. Yates Jr., M.D., Respondent, File Nos. 02-2013-482, 02-2013-556, 02-2015-109, 02-2015-200 and 02-2015-417, concerning the State’s request for review of the administrative law judge’s order continuing the hearing.
- IV. Adjourn

FRIDAY, JUNE 8, 2018

8:00 a.m.

BOARD – OPEN SESSION – Westview North-Central

Chair Ulveling, Bear, Cortese, Gall, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Wilson

BOARD – CLOSED SESSION – Westview North-Central

Chair Ulveling, Bear, Cortese, Gall, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Wilson

BOARD – OPEN SESSION – Westview North-Central

Chair Ulveling, Bear, Cortese, Gall, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Wilson

A. Vote on Closed Session Cases

9:00 a.m.

BOARD – PUBLIC SESSION – Westview North-Central

Chair Ulveling, Bear, Cortese, Gall, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Wilson

A. Introduction of Public Present

B. Opportunity for Public Comments⁵

(Public can make comments now or when specific agenda items are addressed.)

C. Board Minutes for Consideration of Approval

1. April 5-6, 2018 (open & closed)
2. May 10, 2018 (open)

D. Chair’s Report

E. Executive Director’s Report

F. Board’s FY2019 expense budget

10:00 a.m.

G. Recognition of Board Service

1. Diane Clark, Lake Mills, Board member, 2011-2017
2. Hamed Tewfik, M.D., Iowa City, Board member, 2011-2017

3. Allen Zagoren, D.O., Clive, Board member, 1996-2001, 2007; Alternate member, 2009-2018

H. Administrative Rules

1. **For Consideration of Notice of Intended Action:** Joint rules with the Iowa Board of Psychologists to implement 2016 Iowa Acts, Senate File 2188, which authorizes prescriptive authority for qualified psychologists.
2. **For Consideration of Notice of Intended Action:** A physician's delegation of medical services to personnel in a med spa.
3. **Update only:** ARC 3830C, medical cannabidiol recommendations, becomes effective July 11, 2018.
4. **FY2019 Regulatory Plan**

I. 2018 Legislative Review

1. **SF2228 - Genetic counselor licensure**
2. **HF2377 - Opioid/e-prescribing**
3. **SF359 - Fetal heartbeat/abortion**
4. **HF2305 - Telehealth**
5. **HF2356 - Agreements for primary healthcare services**
6. **HF2343 - Licensure standard without authorization**

J. Interstate Medical Licensure Compact

1. **Compact update**

K. Iowa Physician Health Program Report – Amy VanMaanen, coordinator

1. Year-to-date program statistics and update
2. Proposed 2019 meeting dates (to be approved by IPHC on 06/28/2019): February 28, May 23, September 12, November 21

L. Judicial Review – Jordan Esbrook, Assistant Attorney General

1. **Fleming v. State of Iowa** – Richard M. Fleming, M.D., has filed a lawsuit with the U.S. Supreme Court alleging his constitutional rights were violated when the Board disciplined him in 2012 for his conviction of health care fraud and mail fraud.
2. **Irland v. Board of Medicine** – Mark B. Irland, M.D., seeks judicial review of a confidential letter of warning issued by the Board, contending it is an illegal and unconstitutional agency action. District Court upheld the issuance of the letter. Dr. Irland has appealed to the Iowa Supreme Court/Court of Appeals.

M. Board education

1. Report from Warren Gall, M.D., on his site visit to the Center for Personalized Education for Physicians, Denver, Colorado.

N. Federation of State Medical Boards

1. Actions by 2018 House of Delegates
2. FSMB Board of Directors' meeting highlights
3. Disciplinary Alerts

O. Articles, correspondence and reports

1. *Council OK's faith-based firm for defense of Iowa 'fetal heartbeat' bill*, Waterloo Courier, May 21, 2018
2. *Didn't pass your medical exams? You can still work in Kansas state hospitals*, Kansas City Star, April 30, 2018
3. *Iowa attorney general supports stiffer penalties for irresponsible opioid makers*, press release, May 21, 2018
4. *Iowa Pharmacy Association seeks review of collaborative practice rules*, letter, February 8, 2018
5. *Opioid prescribing in EDs more aligned with CDC guidelines than non-ED settings*, Clinical Pain Medicine, May 21, 2018
6. *Physicians experience highest suicide rate of any profession*, Medscape, May 7, 2018
7. *PAs vote to investigate changing their professional title*, AAPA, May 22, 2018
8. *Society of Interventional Radiology compliments Board of Medicine's specialties listings*, May 21, 2018
9. *VA finalizes interstate licensing rule that will 'open the aperture' for telehealth*, Fierce Health News, May 10, 2018
10. VA telehealth rule

P. Committee Reports

(Note: These reports were reviewed by the Board in closed session and are presented in open session for acceptance and or approval.)

1. Licensure
2. Monitoring
3. Screening

BOARD – CLOSED SESSION – Westview North-Central

Chair Ulveling, Bear, Cortese, Gall, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Wilson

LUNCH BREAK

BOARD – CLOSED SESSION – Westview North-Central

Chair Ulveling, Bear, Cortese, Gall, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Wilson

BOARD – OPEN SESSION – Westview North-Central

Chair Ulveling, Bear, Cortese, Gall, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Wilson

A. Vote on Closed Session Cases

ADJOURN

(Board must be in open session to adjourn.)

(1) The confidential matters listed on the agenda may concern medical records on the condition, diagnosis, care or treatment of a patient or investigation reports and other investigative information which are privileged and confidential under the provisions of Sections 22.7(2) and 272C.6(4), of the 2017 Code of Iowa. These matters constitute a sufficient basis for the Board to consider a closed session under the provisions of Section 21.5(1) (a), (c), (d), (f) and (g) of the 2017 Code of Iowa. These sections provide that a governmental body may hold a closed session only by affirmative public vote of either two-thirds of the members of the body if all present, or all of the members present if not all members are present at the meeting to review or discuss records which are required or authorized by state or federal law to be kept confidential, to discuss whether to initiate licensee disciplinary investigations or proceedings and to discuss the decision to be rendered in a contested case conducted according to the provisions of Chapter 17A.

(2) Hearings may be closed at the discretion of the licensee, according to Section 272C.6(1) of the Code of Iowa 2017.

(3) Public agenda materials are available via e-mail. Contact: ibm@iowa.gov

(4) The Board may address agenda items out of sequence to accommodate persons appearing before the Board or to aid in the efficiency or effectiveness of the meeting.

(5) At this time, members of the audience may address the Board for a period not to exceed 5 minutes. The Board reserves the right to reduce this time based on the number wishing to speak. If a member of the public wishes to address the Board with the intention of getting a Board decision at the meeting, the individual should request permission to be on the Board agenda. Written requests are due in the Board office at least 14 days in advance of the meeting.

Board's meeting schedule for the remainder of 2018

July 26-27	August 9 (teleconference)
September 13-14	October 25-26
November 8 (teleconference)	December 13-14

Board's office closings for remainder of 2018

Independence Day	Wednesday, July 4
Labor Day	Monday, September 3
Veterans Day	Monday, November 12
Thanksgiving Day	Thursday, November 22
Friday after Thanksgiving	Friday, November 23
Christmas Day	Tuesday, December 25

If you require the assistance of auxiliary aids or services to participate in/or attend the meeting because of a disability, please call our ADA Coordinator at (515) 281-5604. If you are hearing impaired, call Relay IA TTY at 1-800-735-2942.