



TERRY E. BRANSTAD, GOVERNOR

BOARD OF MEDICAL EXAMINERS
WILLIAM S. VANDERPOOL, EXECUTIVE DIRECTOR

January 30, 1991

The Honorable Gene Blanshan, Chair
House Committee on State Government
State Capitol Building
L O C A L

Dear Representative Blanshan:

Pursuant to the provisions of Section 258A.4(2) of the 1989 Code of Iowa, the Iowa State Board of Medical Examiners hereby submits the annual report of its activities for calendar year 1990.

A. The Board received and opened investigations into 354 complaints during calendar year 1990. In addition, the Board received notification of, and opened inquiries into, 183 professional liability (malpractice) claims during calendar year 1990. Of the 354 complaint related investigations opened in 1990, 72 were opened at the Board's own motion. The remaining 283 complaints were received from a variety of sources including; patients, other health care professionals, law enforcement or criminal justice agencies, hospitals, the general public, etc.

B. There were no disciplinary actions taken by the Board during calendar year 1990 as the direct result of peer review committee action alone. Registered peer review committees were utilized by the Board however, to review and evaluate medical records, investigative reports and similar material, and to submit reports and recommendations to the Board relating to committee findings.

C. The Board reviewed 123 professional liability (malpractice) claims during calendar year 1990.

D. There were 38 formal disciplinary actions commenced before the Board or Courts during calendar year 1990.

E. The Board imposed a total of 121 formal and informal disciplinary sanctions during calendar year 1990 which include:

- | | |
|--|------|
| 1. License or certification revocations | - 5 |
| 2. License or certification suspensions | - 10 |
| 3. License or certification surrenders
accepted as disposition to a contested
case | - 6 |
| 4. Licenses or certifications placed on
probation | - 16 |

5. Civil penalties (fines) assessed	-	4
6. Licenses restricted	-	2
7. Letters of Warning/Concern issued *	-	78

GRAND TOTAL 121

* Informal sanctions

F. One (1) formal disciplinary action was dismissed by the Board following a hearing.

G. During calendar year 1990, one (1) Board disciplinary action was appealed to District Court. As of December 31, 1990, one disciplinary action appealed to the District Court in 1986 remains in the Court, and two (2) disciplinary actions upheld by the District Court and appealed on to the Iowa Supreme Court await further Supreme Court action.

H. During calendar year 1990, the Board registered six (6) peer review committees. The committees are:

1. Surgical peer review committee, 3 members.
2. Anesthesiology peer review committee, 3 members.
3. OB/GYN peer review committee, 3 members.
4. Internal Medicine peer review committee, 3 members.
5. Emergency Medical Service peer review committee, 2 members.
6. Family Practice peer review committee, 3 members.

I. In addition to the formal disciplinary actions previously outlined in this report, the Board through formal action:

1. Denied the applications for Iowa licensure submitted by five (5) physicians.
2. Approved applications for Iowa licensure or certification submitted by one (1) physician and one (1) advanced emergency care provider under terms of consent agreements requiring monitoring, continued treatment, restricted practice, etc.
3. Accepted the voluntary surrender of licensure without charges submitted by two (2) physicians.

J. Formal actions concluded by the Board during calendar year 1990 both Licensure and Disciplinary totaled 52. It should be noted that many formal actions filed by the Board are not concluded in the same calendar year in which they are filed. Discovery and other due process requirements often take several months. Thus, delays often exist between the initiation of a formal action and its ultimate resolution. In addition, in many disciplinary cases more than one sanction is imposed (e.g. suspension followed by probation and civil penalty, etc.), only the most serious

sanction imposed is reflected in Section E of this report.

K. During calendar year 1990, the Board approved the issuance of the following physician licenses: Total 826

1. 573 permanent licenses, including both M.D. and D.O.
2. 17 temporary licenses, including both M.D. and D.O.
3. 12 special licenses, M.D.
4. 224 resident licenses, including both M.D. and D.O.

L. The following administrative rules which relate to the duties and operations of the Board were promulgated, and adopted.

1. 653-Chapters 11 and 13 relating to licensure requirements and practice standards for physicians who practice medicine and surgery, osteopathic medicine and surgery and osteopathy and professional ethics. These rules are to clarify the language used applying to applicants taking the FLEX examination and correct an error in the standards of practice. These rules became effective June 6, 1990.

2. 641-132 relating to advanced emergency medical technicians and paramedics. These rules were changed so students enrolled in out of state training programs may participate in clinical or field experience in Iowa and to allow applicants who fail the written or practical examination for the third time to retake the didactic portion of the course only in lieu of the retaking of the entire course and to state that all fees are non-fundable. These rules are intended to implement Iowa Code Chapter 147A and became effective August 15, 1990.

3. 653-Chapters 10, 11 and 12 relating to licensure and disciplinary procedures for physicians practicing medicine and surgery, osteopathic medicine and surgery, and osteopathy. Other rules were changed to clarify language. These rules were proposed to comply with the enactment of 1990 Iowa Act, House File 2518 and became effective September 26, 1990.

4. 653-Chapter 20 relating to physician assistants. These rules are being rescinded to comply with 1988 Iowa Acts, Chapter 1225, relating to the establishment of a Board of Physician Assistant Examiners. The Board of Physician Assistant Examiners has adopted rules under 645-Chapter 325 which supersede the current rules of the Iowa Board of Medical Examiners. 653-Chapter 20 was rescinded and Notice of Intended Action published in the Iowa Administrative Bulletin on November 15, 1989, was terminated. This action was effective October 25, 1990.

5. 653-Chapter 11 relating to amendments to licensure requirements. These amendments establish specific fees for

requirements. These amendments establish specific fees for the FLEX and SPEX examinations and clarify the rules governing the fee required for issuance of a license based upon successful completion of the FLEX examination in Iowa or by endorsement, and correct an error in the fee required for a renewal of a special license. The rules shall become effective February 27, 1991.

Copies of the above mentioned rules are enclosed for review.

Also, during calendar year 1990, the Board processed 4,531 renewal applications and continuing medical education certifications for permanently licensed physicians, and authorized the reinstatement of permanent licensure for 41 physicians whose licenses had expired and had become invalid for practice in Iowa. Additionally, the Board randomly audited the continuing medical education certificates submitted by 136 physicians as part of their license renewal process.

Respectfully submitted,



WILLIAM S. VANDERPOOL
Executive Director
IOWA STATE BOARD OF MEDICAL EXAMINERS

Enclosures

CC: All Committee members

MEDICAL EXAMINERS BOARD[653]

ADOPTED AND FILED

Pursuant to the authority of Iowa Code section 147.76, the Iowa Board of Medical Examiners hereby adopts amendments to Chapters 11, "Licensure Requirements" and 13, "Standards of Practice and Professional Ethics," Iowa Administrative Code.

These amendments clarify the language used in the rules relating to the applicants applying to take the FLEX examination and correct a typographical error made in the rules relating to the standards of practice.

These amendments were published under Notice of Intended Action as ARC 736A in the March 7, 1990, Iowa Administrative Bulletin.

These amendments are identical to those published under Notice of Intended Action.

These amendments are intended to implement Iowa Code chapters 147, 148, 150A and 258A.

These amendments shall become effective June 6, 1990.

The following amendments are adopted:

ITEM 1. Amend subrule 11.2(6), paragraphs "a" and "c," to read as follows:

11.2(6) To be eligible ~~to apply~~ to take the examination for a license to practice medicine and surgery or osteopathic medicine and surgery, a candidate shall meet one of the following criteria:

a. Be a senior medical student who has been determined by the dean to be eligible ~~for graduation~~ to graduate at the ~~next~~ immediate commencement from the University of Iowa, College of Medicine, Iowa City, Iowa, or the University of Osteopathic Medicine and Health Sciences, Des Moines, Iowa, no later than seven months following the date of the administration of the examination.

c. Present evidence of equivalent medical education in lieu of graduation from a college of medicine and surgery or college of

osteopathic medicine and surgery approved by the board. That evidence shall include a diploma issued by a medical school or college which has been neither approved nor disapproved by the board and the recommendation of the Educational ~~Council~~ Commission for Foreign Medical Graduates, ~~Board~~ or a similar accrediting agency or complete an approved fifth pathway program and present evidence of having satisfactorily completed one year of postgraduate training in a hospital approved by the board or provide the name and location of the approved institution at which the graduate training will be taken, and satisfactory evidence that the institution has accepted the applicant for training.

ITEM 2. Amend subrule 13.1(4) to read as follows:

13.1(4) A physician shall keep a record of all prescription drugs dispensed by the physician to a patient which shall contain the information required by subrule 13.2(2) to be included on the label. ~~Nothing~~ Noting such information on the patient's chart or record maintained by the physician is sufficient.



WILLIAM S. VANDERPOOL
EXECUTIVE DIRECTOR
IOWA STATE BOARD OF MEDICAL EXAMINERS

5/11/90

DATE

MEDICAL EXAMINERS BOARD [653]

ADOPTED AND FILED

Pursuant to the authority of Iowa Code section 147.76, the Iowa Board of Medical Examiners hereby adopts amendments to Chapter 11, "Licensure Requirements," Iowa Administrative Code.

These amendments establish specific fees for the FLEX and SPEX examinations and clarify the rules governing the fee required for issuance of a license based upon successful completion of the FLEX examination in Iowa or by endorsement, and correct an error in the fee required for renewal of a special license.

These rules were published under Notice of Intended Action as ARC 1428A in the November 14, 1990, Iowa Administrative Bulletin.

These amendments are identical to those published under Notice of Intended Action.

These amendments are intended to implement Iowa Code Chapters 147, 148, 150, and 150A.

These rules shall become effective February 27, 1991.

The following amendments are adopted.

ITEM 1. Amend subrule 11.31(1) to read as follows:

11.31(1) For a license to practice medicine and surgery or osteopathic medicine and surgery issued upon the basis of an examination given by the ~~medical examiners board~~ board prior to January 1, 1987, \$350. For a license to practice medicine and surgery or osteopathic medicine and surgery issued upon the basis of an examination given by the ~~medical examiners board~~ board subsequent to between January 1, 1987, and May 31, 1991, \$525. For a license to practice medicine and surgery or osteopathic medicine and surgery issued upon the basis of an examination given by the board subsequent to May 31, 1991, \$300.

Fees for taking Component I, Component II, or both Components are as follows:

1. For an application to take Component I, the fee shall be \$325.

MEDICAL EXAMINERS BOARD [653]

NOTICE OF TERMINATION

Pursuant to the authority of Iowa Code sections 17A.4(1)"b" and 147.76, the Iowa State Board of Medical Examiners hereby terminates the Notice of Intended Action published in the Iowa Administrative Code Bulletin on November 15, 1989, as ARC 379A.

The subject of the Notice was the rescission of 653-Chapter 20, which was being proposed in compliance with the 1988 Iowa Acts, chapter 1225, section 28, relating to the establishment of Board of Physician Assistant Examiners. Rules of the Board of Medical Examiners were to remain in effect until such time as The Board of Physician Assistant Examiners adopted rules pursuant to Iowa Code section 148C.7.

The Board did not adopt the proposed rescission within the statutory 180-day period; therefore, the Notice published as ARC 379A is hereby terminated.

The rescission is being adopted under emergency provisions and is published as ARC _____.



WILLIAM S. VANDERPOOL
EXECUTIVE DIRECTOR
IOWA BOARD MEDICAL EXAMINERS

10/25/90
DATE

MEDICAL EXAMINERS BOARD [653]

EMERGENCY

Pursuant to the authority of Iowa Code Section 147.76, the Iowa State Board of Medical Examiners hereby rescinds 653-Chapter 20, "Physician's Assistants," Iowa Administrative Code.

These rules are being rescinded to comply with 1988 Iowa Acts, chapter 1225, relating to the establishment of a Board of Physician Assistant Examiners. The Board of Physician Assistant Examiners has adopted rules under 645-Chapter 325 which would replace the current rules under the Iowa Board of Medical Examiners.

In compliance with Iowa Code section 17A.4(2), the Board finds that notice and public participation are impracticable and contrary to public interest. Confusion would result from the existence of rules no longer valid.

In compliance with Iowa Code section 17A.5(2)"b"(2), the Board finds that the normal effective date of these rules, 35 days after publication, should be waived and the rescission should become effective immediately upon filing with the Administrative Rules Coordinator as it will confer a benefit on the public by removing rules which are no longer valid.

The following rescission is adopted:

Rescind 653-Chapter 20.



WILLIAM S. VANDERPOOL
EXECUTIVE DIRECTOR
IOWA BOARD MEDICAL EXAMINERS

10/25/90

DATE

(10) Impose civil penalties not to exceed ~~\$1000~~ \$10,000.

DATE

August 1, 1975

W. S. Vanderpool
WILLIAM S. VANDERPOOL
EXECUTIVE DIRECTOR
IOWA BOARD OF MEDICAL EXAMINERS

8. Order a physical or mental examination, or order alcohol or drug screening within a time specified by the board.

9. Impose civil penalties not to exceed ~~\$4000~~ \$10,000.

Item 10. Amend rule 653-12.4(258A) as follows:

653-12.4(258A) Grounds for discipline. The board may impose any of the disciplinary sanctions set forth in rule 12.2(258A), including civil penalties in an amount not to exceed ~~\$4000~~ \$10,000, when the board determines that the licensee is guilty of any of the following acts or offenses:

Item 11. Amend subrules 12.4(15) and 12.4(16) as follows:

12.4(15) Willful or repeated violation of lawful rule or regulation ~~promulgated~~ adopted by the board.

12.4(16) Violating a lawful order of the board, previously entered by the board in a disciplinary ~~hearing~~, or licensure hearing, or violating the terms and provisions of a consent agreement or informal settlement between a licensee and the board.

Item 12. Amend subrule 12.50(9) as follows:

12.50(9) Order for hearing. The board may, upon its own motion or upon receipt of a complaint in writing, and shall, if such a complaint is filed by the director of public health, issue an order fixing the time and place for hearing thereon. ~~a~~ A written notice of hearing together with a statement of the charges, shall be served upon the licensee at least 30 days before said hearing in the manner required for the service of an original notice of the commencement of an ordinary action or by restricted certified mail return receipt requested.

Item 13. Amend 12.50(26)"f"(9) and 12.50(26)"f"(10) to read as follows:

(9) Order a physical or mental examination, or order alcohol or drug screening within a time specified by the board.

as a resident physician, which training has been approved by or is acceptable to the board; and

(3) The recommendation of the Educational Council Commission for Foreign Medical Graduates, Incorporated or similar accrediting agency.

Item 6. Amend rule 653-11.30(147) as follows:

653-11.30(147) License renewal. A permanent license to practice medicine and surgery, osteopathic medicine and surgery or osteopathy shall expire ~~biennially~~ biennially on the first day of the birth month of the licensee ~~with regard to odd and even years~~ and may be renewed as determined by the board without examination upon application of the licensee. Licenses of persons born in even numbered years shall expire in even numbered years, and licenses of persons born in odd numbered years shall expire in odd numbered years. Application for license renewal shall be made in writing accompanied by the required fee not later than at least 30 days prior to the expiration date. Renewal certificates shall be displayed along with the original license in the primary location of practice.

Item 7. Rule 653-11.30(147) is amended by adding the following new subrule:

11.30(4) Licenseses shall notify the board of any change in their home address or the address of their place of practice, within 30 days of making an address change.

Item 8. Amend rule 653-11.33(17A) under "Board Form" as follows:

Amend number 5 to read: Application for approval of a physician's assistant determination of ineligibility for physicians applying to serve as supervising physicians or alternate supervising physicians for physician assistants licensed pursuant to Iowa Code Chapter 148C.

Delete number 11.

Add number 16 to read: Application for a special license.

Item 9. Amend rule 653-12.2(258A) as follows:

"First responder-defibrillator" means an individual who has successfully completed an approved program which specifically addresses the automated defibrillation of ventricular fibrillation, passed the board's approved written and practical examinations, and is currently certified by the board as an FR-D.

Further amend 10.1(17A, 147) the definition of "Medical practice Acts" as follows:

"Medical practice Acts" shall refer to Iowa Code chapters 147, 148, ~~448C~~, 150 and 150A.

Delete the definition "physician's assistant".

Item 2. Amend 11.1(1)"b"(2)"3" as follows:

3. The standard certificate issued by the Educational ~~Council~~ Commission for Foreign Medical Graduates or the completion of a fifth pathway program in accordance with criteria established by the American Medical Association.

Item 3. Amend subrule 11.1(2) as follows:

11.1(2) Applicant shall present a photostatic copy of a certificate indicating the successful completion of one year of postgraduate training in a hospital approved by the board. The ~~lists~~ of hospitals approved by the board for postgraduate training in the United States and Canada are those which were at the time the postgraduate training was received. accredited by the Accreditation Council for Graduate Medical Education, ~~published by the~~ of the American Medical Association, in March 1983, and those accredited by the Committee on Postdoctoral Training, ~~published~~ by of the Committee on Hospitals of the American Osteopathic Association, in August 1983, and or the Royal College of Physicians and Surgeons of Canada, published July 1983, are approved by the board.

Item 4. Amend 11.5(2)"b"(2) as follows:

(2) The standard certificate issued by the Educational ~~Council~~ Commission for Foreign Medical Graduates, ~~Incorporated~~ or the completion of a fifth pathway program in accordance with criteria established by the American Medical Association.

Item 5. Amend 11.6(2)"b"(2) and (3) as follows:

(2) The successful completion of one year of training

MEDICAL EXAMINERS BOARD[653]

ADOPTED AND FILED

Pursuant to the authority of Iowa Code section 147.76 and to comply with 1990 Iowa Acts, House File 2518 relating to licensure and discipline of certain practice professionals and providing a penalty the Iowa State Board of Medical Examiners hereby adopts amendments to Chapters 10, "Board of Medical Examiners, 11, "Licensure Requirements" and 12, "Discipline" Iowa Administrative Code.

These rules are being proposed to comply with the enactment of 1990 Iowa Acts, House File 2518 relating to licensure and disciplinary procedures for physicians practicing medicine and surgery, osteopathic medicine and surgery and osteopathy. Other rules are being changed to make them read more clearly or to correct them.

These rules were published under Notice of Intended Action as ARC 910A in the May 30, 1990, Iowa Administrative Bulletin.

These rules are identical to those published under Notice of Intended Action with the exception of a couple of grammatical changes recommended by the Code Editor.

These rules are intended to implement Iowa Code chapters 147, 148, 150, 150A and 258A.

These rules shall become effective September 26, 1990.

The following rules are adopted:

Item 1. Amend rule 653-10.1(17A, 147) "definitions" as follows:
Amend the definitions by adding the following definitions in alphabetical order:

"Emergency medical technician-defibrillator" means an individual who has successfully completed an approved program which specifically addresses the recognition and manual or automated defibrillation of ventricular fibrillation, passed the board's approved written and practical examinations, and is currently certified by the board as an EMT-D.

PUBLIC HEALTH DEPARTMENT [641]

ADOPTED AND FILED

Pursuant to the authority of Iowa Code section 147A.4, the Iowa Board of Medical Examiners hereby adopts amendments to Chapter 132 under 641 Department of Public Health.

These amendments relate to advanced EMTs and paramedics which are regulated by the Board of Medical Examiners. These rules were changed to include students enrolled in out of state training programs may participate in clinical or field experience in Iowa and for applicants that fail the written or practical examination for the third time to retake the didactic portion of the course in lieu of the retaking the entire course and to state that all fees are non-refundable.

These amendments were published under Notice of Intended Action as ARC 823A in the April 18, 1990, Iowa Administrative Bulletin.

These amendments are identical to those published under Notice of Intended Action.

These amendments are intended to implement Iowa Code chapter 147A.

These amendments shall become effective August 15, 1990.

The following amendments are adopted:

ITEM 1. Amend subrule 132.3(2) to read as follows:

132.2(2) Audits

a. With training program approval, persons who are not enrolled in an advanced emergency medical care provider course may audit those courses. They shall not be eligible to take the practical and written certification examinations.

b. Students enrolled in an out of state training program may participate in clinical or field experience in Iowa provided:

(1) The out of state training program has been approved by that state to conduct advanced emergency medical care training, and

(2) A written agreement exists between the out of state training program and the clinical or field experience provider.

ITEM 2. Amend subrule 132.4(1)n to read as follows:

n. A student who fails to pass the practical or written certification examination on the third attempt and who wishes to pursue certification shall repeat the didactic portion of the course within two years after the third attempt and after two years repeat the entire course.

ITEM 3. Amend subrule 132.4(8)a to read as follows:

a. The following fees shall be collected by the board and shall be non-refundable:


WILLIAM S. VANDERPOOL
Executive Director
Iowa Board of Medical Examiners

June 20, 1990
DATE

2. For an application to take Component II, the fee shall be \$380.

3. For an application to take both Components in one sitting the fee shall be \$525.

ITEM 2. Amend subrule 11.31(2) to read as follows:

11.31(2) For a license to practice medicine and surgery, osteopathic medicine and surgery or osteopathy issued by endorsement or under a reciprocal agreement, \$300.

ITEM 3. Amend subrule 11.31(3) to read as follows:

11.31(3) For a renewal of a license to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy, or a special license, \$150 per biennial period or a prorated portion thereof for a period of less than two years as determined by the board to facilitate biennial renewal according to month and year of birth.

ITEM 4. Amend rule 653-11.31(147) by adding the following new subrules:

11.31(14) For taking the Federation Licensing Examination administered by the board subsequent to May 31, 1991.

- a. For Component 1 only, \$300.
- b. For Component 2 only, \$350.
- c. For both Components 1 and 2, \$500.

ITEM 5. Add subrule 11.31(15) to read as follows:

11.31(15) For taking the Federation Special Purpose Examination administered by the board subsequent to May 31, 1991, \$350.


WILLIAM S. VANDERPOOL
EXECUTIVE DIRECTOR
IOWA BOARD OF MEDICAL EXAMINERS

DATE

12/28/90