

**IOWA BOARD OF MEDICINE  
400 SW 8<sup>th</sup> St. Suite C  
Des Moines IA 50309**

**October 21-22, 2009**

**Public Session Minutes**

**October 22, 2009**

**Those present for the public session were:**

**MEMBERS PRESENT:**

**Siroos Shirazi, M.D., Chair  
Rodney Zeitler, M.D., Vice-Chair  
Janice Galli, D.O., Secretary  
Tom Drew  
Analisa Haberman, D.O.  
Colleen Kennedy, M.D.  
Yasyn Lee, M.D.  
Ambreen Mian  
Jeff Snyder, M.D.  
Paul Thurlow**

**MEMBERS ABSENT:**

**None**

**STAFF PRESENT:**

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

**PUBLIC PRESENT:**

**Jeanine Freeman, Iowa Medical Society  
Leah McWilliams, Iowa Osteopathic Medical Association  
Nick Mauro, Crawford, Quilty, Mauro Law Firm  
Mary O'Brien, Iowa Association of Nurse Anesthetists  
Lorinda Inman, Iowa Board of Nursing  
Jim Carney, Attorney, Iowa Association of Nurse Anesthetists**

**Dr. Shirazi called the public session of the meeting to order at 9:33 a.m. The meeting was held at the Iowa Board of Medicine, 400 SW 8<sup>th</sup> Street, Suite C, Des Moines, Iowa.**

**On a motion by Tom Drew and a second by Janice Galli, D.O., the Board voted to go into open session.**

**A. Minutes**

**On a motion by Rod Zeitler, M.D., and a second by Tom Drew, the Board approved the opened and closed minutes of the July 8-9, 2009, board meeting.**

**B. Opportunity for Public Comment**

No public comments were made at this time.

**C. Chair's Report**

No Chair Report was given.

**D. Executive Committee**

**1. Executive Director's Report**

Mark Bowden provided an update on the Department of Public Health's 10% budget cuts requested by the Governor that would affect the Board of Medicine. Due to the Board being self-sustaining by the collection of fees, the Board hasn't been impacted at this time. There are two positions that were approved to fill prior to the cuts. We are holding these positions open until we receive direction as how to proceed.

The database hardware has been installed and vendor representatives are on-site looking at the internal process and collecting information. Amy VanMaanen has provided exceptional leadership on this project.

There are hearings scheduled for November 19-20 and December 16, 2009.

The following meetings are scheduled: November 12 teleconference, Rules Adopt and File, with additional materials as needed; our regularly scheduled teleconference on November 19; December 4, Iowa Physician Health Program committee meeting; and December 16-17, the regular Board meeting.

Holidays for staff will be November 12, Veteran's Day; November 26-27, Thanksgiving; December 25, Christmas.

**2. Proposed Administrative Rules, Statutes, Policy Statements**

- a. IAC 653 Chapter 9 – Expedited licensure**
- b. Iowa Code Chapter 148.1(a) - Expedited licensure**

Both a and b, expedited licensure rules were discussed together, IAC 653 Chapter 9 and Iowa Code Chapter 148.1(a) Expedited licensure. The current rule requires an applicant to present a copy of their diploma as part of the application process. With an expedited endorsement, staff would not be required to ask for a diploma as staff would rely on the work by another state medical board to verify the medical education of a physician.

**On a motion by Yasyn Lee, M.D., and a second by Colleen Stockdale, M.D., the Board voted to accept the draft rule as written and to proceed with the Notice of Intended Action.**

**c. Possible rule or policy statement on time-out surgery protocol**

The Board staff continues to work with interested parties regarding the rule or a policy statement on time-out surgery protocol. It was noted that time-out surgery is different than wrong-site surgery.

**d. Notice of Intended Action – Chapter 12, non-payment of state debt**

This new rule is required by the state. The Board may deny issuance or renewal, suspend or revoke a license upon receiving a certificate of noncompliance from the centralized collection unit of the Department of Revenue. In essence, should a physician or acupuncturist fail to make payments for an outstanding liability and has not entered into an approved payment plan with the collection unit of the Department of Revenue, license status may be endangered.

Due to this being a state required rule, no public hearing will be held.

On a motion by Janice Galli, D.O., and a second by Amber Mian, the Board **voted to submit** the Notice of Intended Action – Chapter 12, non-payment of state debt.

**e. Notice of Intended Action – Chapter 23, wrong-site surgery**

The Notice of Intended Action was approved by the board on September 3, 2009. Iowa Medical Society (IMS) and Iowa Osteopathic Medical Association (IOMA) continue to have a dialogue with the Board staff regarding this rule.

A public hearing will be held on Tuesday, October 27, 2009 at 11:00 a.m. at the Iowa Board of Medicine, 400 SW 8<sup>th</sup>, Suite C, Des Moines.

**f. Notice of Intended Action – Chapter 23, supervision/delegation at spas**

Discussion was held regarding medical directors supervising medical spas and the impact it could have on the medical directors. The Notice of Intended Action was approved by the Board, September 3, 2009.

A public hearing will be held on Tuesday, October 27, 2009 at 11:30 a.m. at the Iowa Board of Medicine, 400 SW 8<sup>th</sup>, Suite C, Des Moines.

**g. Ad-hoc Committee on Interventional Chronic Pain Management**

Dr. John Olds, Medical Advisor and chairman of the Ad-hoc Committee on Interventional Chronic Pain Management, provided an update on the committee. The Ad-hoc committee is made up of two subcommittees; the Nursing Subcommittee consists of representatives from the Board of Nursing, Iowa Association of Nurse Anesthetists, Iowa Nurse Practitioner Society, and Iowa Hospital Board. The Physician Subcommittee consists of representatives from the Iowa Medical Society, Iowa Osteopathic Medical Association, Associated Anesthesiologists, Iowa Acupuncture Society, Iowa Physician Assistant Board, and a number of physicians who refer patients to CRNAs. A meeting has been held with each of the subcommittees and on November 6, the entire Ad-hoc committee will come together to discuss Interventional Chronic Pain Management in preparation for a report to the Board of Medicine at its December meeting.

### **3. Medical Malpractice Lawsuits/Claims**

#### **a. Annual review of system to evaluate reported claims/lawsuits**

The Board concluded that the annual review of system to evaluate reported claims/lawsuits would remain as is.

#### **b. Iowa trends in med-mal lawsuits**

Mark Bowden provided the Board with materials regarding medical malpractice lawsuits in Iowa District Courts that showed there was a 50% decline in lawsuits.

#### **c. Tracking claims/lawsuits involving UIHC physicians**

Board staff is looking into how claims against UIHC physicians are reported to the Board.

### **4. Annual review of Board's fee structure**

The Board fee schedule is a public record and is listed on the website.

**On a motion by Colleen Stockdale, M.D., and a second by Jeff Snyder, M.D., the Board voted that the fee structure remain as is for 2010.**

### **5. Other Boards**

#### **a. Health (ARNP supervision of fluoroscopy rule)**

The Iowa Board of Health, Bureau of Radiologic Health will hold a public hearing regarding ARNP supervision of fluoroscopy rule on October 28, 2009.

#### **b. Physician Assistants (physician name on e-prescriptions)**

The PA board asked about how a supervising physician's name should be presented on the E-prescribing format. The Board of Medicine believes there should be a place for the PA's name as well as the name of the supervising physician.

#### **c. Pharmacy (flu shots for teens)**

A discussion about the H1N1 vaccination was discussed. The concerns are who will oversee the pharmacy if arrangements are made for them to provide the flu shot and will the physician receive notification of who received the vaccine.

#### **d. Board of Cosmetology Arts and Sciences – policy on ear candling**

The Cosmetology Board will discuss at its January meeting.

### **6. Drug "Takeaway" Program**

At the September meeting the "Takeaway" Program was introduced to the Board and a request for support of the program was made. It is scheduled to begin on November 2.

**On a motion by Rod Zeitler, M.D., and a second by Colleen Stockdale, M.D., the Board voted to endorse the program.**

## **E. Legal Update**

Theresa Weeg provided an update on board cases.

The closed no action list has been reviewed and there are some changes. A pre hearing meeting will be held on cases going to the board.

The Administrative Law Judge, Theresa Weeg, Dr. Olds, Mark Bowden and Kent Nebel will meet with the lawyer of the physician to discuss the cases as to the date of hearing, deadlines, and exhibits needed. The peer review contract is still being reviewed.

## **F. Iowa Physician Health Program (IPHP)**

### **1. Coordinator's Report**

Deb Anglin provided her report and read a letter from a candidate who had completed the program and said it help change his life.

The Iowa Physician Health Committee (IPHC) held their last meeting on 10/16/09. The members met with eleven program participants (one initial appearances and ten annual appearances), and discussed the cases of seven other participants.

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

IPHP is currently working with: 51 (DA) + 27 (MK)=78 (103)

Active Participants with contracts: 45 (DA) +27 (MK)=72 (23 substance abuse, 20 dual diagnosis, 22 mental health, 7 physical)

Self reports in 2009: 14 (35)

Individuals with contracts pending: 2

Current Self Reports in initial stage: 4

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

Contracts nullified 1/1/09-12/31/09: 2

Offered contract, didn't follow through with licensure 1/1/09-12/31/09: 3

Surrendered licenses since 1/1/09: 0

IPHP case closed after individual put under board order: 2

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

Discharged, no longer has license: 1

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

Self reports, no impairment since 1/1/09: 3

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

### **2. Approval of New Committee Members**

To be discussed at the December meeting.

## **G. Licensure Committee Report**

### **1. Committee Report (Open Session) (3)**

Paul Thurlow, Chair of the Licensure Committee, updated the Board on the license portability grant project. The grant provides major implications for physicians as it allows for a short time and effort to process their applications providing they meet the guidelines.

**On a motion by Colleen Stockdale, M.D., and a second by Yasyn Lee, M.D., the Board voted to support the license portability grant initiative once again.**

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

The minutes are respectfully submitted by Teena Turnbaugh, Iowa Board of Medicine, secretary.