



December 16, 2016

**TO: Administrative Rules Review Committee, Iowa Legislature
Administrative Rules Coordinator, Office of the Governor of Iowa**

FR: Mark Bowden, Iowa Board of Medicine

RE: Report on waivers or variances granted or denied, July 1-December 31, 2016

Pursuant to Iowa Code § 17A.9A(5), the Iowa Board of Medicine provides the following report on waivers or variances from the requirements of a rule during the second six months (July-December) of calendar year 2016. These actions were taken pursuant to Iowa Code § 17A.9A and have been dutifully reported to the Iowa Administrative Code Editor's Office and posted at <https://art.iowa.gov/art/index.php> for public access. In addition, these actions are recorded in the Board's minutes, which are available to the public at <http://www.medicalboard.iowa.gov/>

The Board received two petitions for waiver of requirements of a rule from July 1, 2016, through December 31, 2016. The Board found that its action to grant two waivers would not prejudice the substantial legal rights of others because any individual has the option under Board rules to request a waiver of these requirements. Further, the Board determined that any precedent was set only inasmuch that the Board would make the same determination for any and all applicants who meet the exact factors considered by the Board.

The Board, as a part of its ongoing review of administrative rules pursuant to Iowa Code § 17A7(2), will determine in the 2017 fiscal year if the licensure requirements waived should be amended.

The following are actions taken by the Board from July 1, 2016, through December 31, 2016, on petitions for a waiver or variance:

IAC-653 9.7(1)e(1) USMLE Exam – Applicants who took the United States Medical Licensure Exam (USMLE) must have passed all components of the exam within a ten-year period. Board certification by the ABMS or AOA is required if the applicant was not able to pass Steps 1, 2, and 3 within the required time.

Yehudith Assouline Dayan, M.D.

Date of order: 09/16/2016

Actions: Granted waiver and issued medical license MD-43809

Basis: Applicant exceeded the 10-year limit. She has held a special license to practice at the University of Iowa Hospitals and Clinics since 2013. She passed all steps of the USMLE on the first attempt.

IAC-653 9.15(2)d Active Practice – If the physician has not engaged in active practice in the past three years in any jurisdiction of the United States or Canada, the applicant is required to demonstrate competency by an evaluation; pass the Special Licensure Exam; complete retraining; or complete a reentry or monitoring program.

Daniel Baumgart, M.D.

Date of order: 09/16/2016

Actions: Granted waiver and medical license MD-32998 was reinstated

Basis: Physician held an active Iowa license until December 1, 2013, with no disciplinary action. Board recognized his continuing medical education, practice history and positive letters of recommendation.