



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
JULY 20-21, 2017
BOARD MEETING
OPEN MINUTES**

THURSDAY, JULY 20, 2017:

MEMBERS PRESENT: Kyle Ulveling, M.D., Chair
KellyAnn Light-McGroary, M.D., Vice Chair
Diane Cortese, Secretary
Nicole Gilg Gachiani, M.D.
Warren Gall, M.D.
Teresa Garman
Ronald Kolegraff, M.D.
Mary Jo Romano
Charles Wadle, D.O.
Brian Wilson, D.O.

STAFF PRESENT: Mark Bowden, Executive Director
Kent Nebel, Director of Legal Affairs
John Olds, M.D., Medical Advisor
Jim Graham, Chief Investigator
Aaron Kephart, Investigator
Brandi Allen, Investigator
Cathy McCullough, Investigator
Dave McGlaughlin, Investigator
Jennifer Huisman, Investigator
Steve Garrison, Investigator
Mary Knapp, Enforcement Monitor
Natalie Sipes, Director of Licensure
Kari Rolls, Administrative Assistant
Julie Bussanmas, Assistant Attorney General
Jordan Esbrook, Assistant Attorney General

At 10:58 a.m., Kyle Ulveling, M.D., Chair, called the meeting to order. Dr. Ulveling advised that the case files may be discussed out of order to accommodate Board members who are scheduled to be absent on Friday (July 21).

Mark Bowden, Executive Director, briefed the Board about several items on the agenda of the public session on Friday (July 21), including a one-hour presentation on the Iowa Physician Health Program and the appearance of a complainant who wanted to address the board concerning his complaint against a physician.

At 11:04 a.m., on a motion by KellyAnn Light-McGroary, M.D., seconded by Charles Wadle, D.O., all members present voted to meet in closed session pursuant to Iowa Code Sections 21.5(1) “a,” “d” and “f” to review or discuss records which are required or authorized by state or federal law to be kept confidential, discuss the contents of a licensing examination or whether to initiate licensee disciplinary investigations or proceedings, and discuss the decision to be rendered in a contested case. Diane Cortese, Nicole Gilg Gachiani, M.D., Warren Gall, M.D., Teresa Garman, Ronald Kolegraff, M.D., KellyAnn Light-McGroary, M.D., Mary Jo Romanco, Kyle Ulveling, M.D., Charles Wadle, D.O., and Brian Wilson, D.O., all voted aye in a roll call vote to approve the motion.

At 5:28 p.m., while still in closed session, all members present voted in favor of a motion by KellyAnn Light-McGroary, M.D., seconded by Nicole Gilg Gachiani, M.D., to meet in an open session. In open session, the Board took the following actions:

On a motion by Ronald Kolegraff, M.D., seconded by Charles Wadle, D.O., all Board members present voted to **accept** the combined Statement of Charges and Settlement Agreement for J. Patrick Bertroche, D.O., file 03-2016-654.

On a motion by Ronald Kolegraff, M.D., seconded by Mary Jo Romanco, all Board members present voted to **leave open** file 02-2014-243.

On a motion by Ronald Kolegraff, M.D., seconded by Mary Jo Romanco, all Board members present voted to **leave open** file 02-2015-213.

On a motion by Ronald Kolegraff, M.D., seconded by Teresa Garman, all Board members present voted to **leave open** file 02-2014-468.

On a motion by Ronald Kolegraff, M.D., seconded by Diane Cortese, all Board members present voted to **file Statement of Charges** against Robert D. Cunard, M.D., file 02-2014-603.

On a motion by Ronald Kolegraff, M.D., seconded by Nicole Gilg Gachiani, M.D., all Board members present voted to **close** file 02-2015-257, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Warren Gall, M.D., all Board members present voted to **affirm** its original decision to **close** file 03-2016-367, with **no formal disciplinary action**.

On a motion by Ronald Kolegraff, M.D., seconded by KellyAnn Light-McGroary, M.D., all Board members present voted to **affirm** its original decision to **close** file 02-2016-224, with **no formal disciplinary action**.

On a motion by Ronald Kolegraff, M.D., seconded by Brian Wilson, D.O., all Board members present voted to **affirm** its original decision to **close** file 03-2016-445, with **no formal disciplinary action**.

On a motion by Ronald Kolegraff, M.D., seconded by Charles Wadle, D.O., all Board members present voted to **affirm** its original decision to **close** file 02-2014-646, with **no formal disciplinary action**.

On a motion by Ronald Kolegraff, M.D., seconded by Mary Jo Romanco, all Board members present voted to **affirm** its original decision to **close** file 03-2016-254, **with no formal disciplinary action**.

On a motion by Ronald Kolegraff, M.D., seconded by Teresa Garman, all Board members present voted to **affirm** its original decision to **close** file 02-2016-265, **with no formal disciplinary action**.

On a motion by Ronald Kolegraff, M.D., seconded by Diane Cortese, all Board members present voted to **close** file 02-2014-135, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Ronald Kolegraff, M.D., all Board members present voted to **leave open** file 02-2013-101.

On a motion by Brian Wilson, D.O., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 03-2017-149, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Ronald Kolegraff, M.D., all Board members present voted to **leave open** file 02-2017-165.

On a motion by Brian Wilson, D.O., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2016-361, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2016-362, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Ronald Kolegraff, M.D., all Board members present voted to **leave open** file 02-2016-369.

On a motion by Brian Wilson, D.O., seconded by Ronald Kolegraff, M.D., all Board members present voted to **leave open** file 03-2015-452.

On a motion by Brian Wilson, D.O., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 03-2016-710, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 03-2016-340, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 03-2016-341, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2015-556, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2016-360, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2016-452, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2016-249, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2017-124, with **no formal action**. Kyle Ulveling, M.D., recused.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2017-118, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2017-266, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2017-100, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **leave open** file 02-2017-075.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **leave open** file 02-2016-139.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 03-2017-166, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2016-160, with **no formal action**. Ronald Kolegraff, M.D., and Brian Wilson, D.O., recused.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2016-161, with **no formal action**. Ronald Kolegraff, M.D., and Brian Wilson, D.O., recused.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2016-711, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2017-005, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2016-261, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2015-543, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **leave open** file 03-2015-141.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 03-2016-547, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **leave open** file 02-2016-642.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2017-127, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2014-508, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 03-2014-509, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2017-019, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 03-2017-104, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 03-2017-037, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 03-2017-040, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **leave open** file 02-2017-041.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2017-183, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 03-2017-229, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 03-2017-241, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2017-156, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2017-128, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **leave open** file 02-2017-138.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2015-673, with **no formal action**.

On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2017-164, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2017-029, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2017-007, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 03-2017-089, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 03-2016-666, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2016-707, with **no formal action**. KellyAnn Light-McGroary, M.D., recused.

On a motion by Warren Gall, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **leave open** file 02-2017-008.

On a motion by Warren Gall, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 03-2017-054, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2017-035, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2017-032, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 03-2015-375, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 03-2017-251, with **no formal action**.

On a motion by Charles Wadle, D.O., seconded by Mary Jo Romanco, all Board members present voted to **accept** the Screening Committee Report and its recommendations.

On a motion by Charles Wadle, D.O., seconded by Mary Jo Romanco, all Board members present voted to **accept** the Monitoring Committee Report and its recommendations.

On a motion by Charles Wadle, D.O., seconded by Mary Jo Romanco, all Board members present voted to **accept** the Licensure Committee Report and its recommendations.

Kyle Ulveling, M.D., Chair, discussed the plan/agenda for Friday (July 21) and reported that the Executive Committee will be meet at 7:30 a.m. Friday (July 21). Dr. Ulveling requested that all Board members be in the Board room by 8:20 a.m. so that the public session could start at 8:30 a.m. as scheduled.

At 5:36 p.m., on a motion by Kyle Ulveling, seconded by KellyAnn Light-McGroary the Board voted to adjourn the meeting until Friday, July 21, 2017.

FRIDAY, JULY 21, 2017:

MEMBERS PRESENT: Kyle Ulveling, M.D., Chair
KellyAnn Light-McGroary, M.D., Vice Chair
Diane Cortese, Secretary
Nicole Gilg Gachiani, M.D.
Warren Gall, M.D.
Teresa Garman
Ronald Kolegraff, M.D.
Mary Jo Romano
Charles Wadle, D.O.
Brian Wilson, D.O.

STAFF PRESENT: Mark Bowden, Executive Director
Kent Nebel, Director of Legal Affairs
John Olds, M.D., Medical Advisor
Jim Graham, Chief Investigator
Aaron Kephart, Investigator
Brandi Allen, Investigator
Cathy McCullough, Investigator
Dave McGlaughlin, Investigator
Jennifer Huisman, Investigator
Steve Garrison, Investigator
Mary Knapp, Enforcement Monitor
Natalie Sipes, Director of Licensure
Kari Rolls, Administrative Assistant
Chrissy Greco, Assistant to Executive Director
Julie Bussanmas, Assistant Attorney General

At 8:31 a.m., Kyle Ulveling, M.D., chair, called the meeting to order, asked the public in attendance to introduce themselves, and thanked them for attending.

Public in attendance

Noreen O'Shea	Iowa Academy of Family Physicians
Tom Benzoni	Iowa Osteopathic Medicine Association
David Asprey	Physician Assistant - University of Iowa
Jennifer Harbison	University of Iowa Healthcare
Linda Thiesen	University of Iowa
Dennis Tibben	Iowa Medical Society
Thomas Bonus	Iowa Medical Society
Sandi Conlin	Iowa Medical Society
Paula Noonan	Polk County Medical Society
John Stoebe	University of Iowa
Susan Koehler	Physician Assistant - Iowa Board of Physician Assistants
Ed Freidman	Physician Assistant - Iowa Association of Rural Health Clinics
Sara Allen	Cornerstone Government Affairs
Michael Rodriguez	

Opportunity for public comment.

The following individuals made comments to the Board at this time:

Michael Rodriguez spoke about his personal medical case.

Noreen O'Shea, Ed Friedman, Tom Benzoni, Jennifer Harbison and David Asprey and Susan Koehler expressed their positions about ARC 3069C.

Board Minutes for Consideration of Approval

1. June 1-2, 2017 meeting - Open and Closed
2. June 30, 2017, teleconference – Open and Closed

On a motion by Charles Wadle, D.O., seconded by Diane Cortese, the Board approved the open and closed minutes, as presented.

Executive Director's Report

Mr. Bowden briefly reviewed the agency's FY2018 expense budget, which had been accepted by the Board at a teleconference meeting on June 30. The budget for fiscal year 2018 (July 1, 2017 through June 30, 2018) is \$4,497,612, down from \$4,609,861 in FY2017. The budget is based on anticipated licensure fees to be collected in FY2018 and includes roll-over funds from the FY2017. The Board does not anticipate a licensure fee increase in FY2018. The Board has not increased licensure fees since FY2007 and it reduced several fees in FY2014. The fee schedule will be formally reviewed at the Board meeting on September 14-15.

Mr. Bowden reported that January 1 through June 30, 2017, the Board reviewed 415 investigative cases, filed charges against eight licensees, held one disciplinary hearing and issued a disciplinary order related to that case, and approved eight settlement agreements in lieu of hearings. In the same period, the Board issued 51 confidential letters of concern to licensees who have been the subject of investigations for competency or conduct complaints, or who had issues in their applications for licensure. In addition, the Board waived certain requirements for licensure for one applicant and denied waivers for two other licensure applicants. The Board approved two rulemaking actions: adoption of ARC 2950C (amendments to 653 IAC Chapter 17 – Licensure of Acupuncturists) and notice of intended action to adopt ARC 3069C (amendments to 653 IAC Chapter 21 – Physician Supervision of a Physician Assistant).

Mr. Bowden reported that Board members Warren Gall, M.D., Nicole Gilg-Gachiani, M.D., and Ronald Kolegraff, M.D., will participate in the 12th annual United States Medical Licensing Examination Orientation September 28 at the National Board of Medical Examiners' office in Philadelphia, PA. The workshop gives state medical board members an overview of the USMLE program and, how exam content is developed.

Mr. Bowden reported that Board investigators Steven Garrison and Laura Woods have been selected to pursue certification by a nationally recognized program that will hold a training session August 7-9 in Kansas City. Sponsored by the Administrators in Medicine and the Federation of State Medical Boards, the Certified Medical Board Investigator program provides training and coursework to strengthen and support individual professional development. The Board's other investigators (five) have earned certification.

The Iowa Physician Health Program

Raymond Harre, M.D., co-chair of the Iowa Physician Health Committee, and Amy VanMaanen, coordinator of the Iowa Physician Health Program, presented an update and overview of the

program, which was established in 1996 to support physicians who self-report mental health issues, physical disabilities or substance use disorders which may impair their ability to practice safely. Dr. Harre and Ms. Van Maanen explained changes in processes and procedures for administering the program and the Committee's work. Ms. Van Maanen reported that the program had 48 participants and 14 under review on June 30, 2017.

Administrative rules

- **ARC 3069C** - amendments for 653 IAC Chapter 21, "Physician Supervision of a Physician Assistant. These amendments establish a written supervisory agreement. The notice of intended action was published in the Iowa Administrative Bulletin on May 24, 2017. A public hearing was held on June 13, 2017, and the rulemaking was reviewed by the Administrative Rules Review Committee on June 13, 2017.

Dr. Ulveling reported that the Executive Committee recommended the adoption ARC3069 with amendments offered by the Executive Committee. The amendments were distributed to all in attendance at the public session. Dr. Ulveling then invited persons in attendance at the meeting to make comments on the rulemaking.

The following individuals expressed their position regarding ARC3069C: Noreen O'Shea, Ed Friedman, Tom Benzoni, Jennifer Harbison and David Asprey and Susan Koehler.

With the Executive Committee's motion to adopt ARC3069C as presented with amendments, the Board voted approved the motion. The rulemaking will be submitted for publication in the Iowa Administrative Bulletin on August 16, 2017, and is scheduled to become effective September 20, 2017.

- **For consideration of Notice of Intended Action - Amendments for 653 IAC Chapter 8, "Fees."** These amendments update Chapter 8 to recognize an existing online service fee and existing service fees associated with licensure through the Interstate Medical Licensure Compact's license process. The amendments also update the descriptions of data lists. With the Executive Committee's motion to initiate the rulemaking as presented, the Board voted approved the motion. The rulemaking will be submitted for publication in the Iowa Administrative Bulletin on August 16, 2017, and a public hearing on the amendments is scheduled for 10:00 a.m. Tuesday, September 5, 2017, at the Board's office.
- **For consideration of Notice of Intended Action - Amendments for 653 IAC Chapter 9, "Permanent Physician Licensure."** These amendments update Chapter 9 to add the Interstate Medical Licensure Compact's license process and to retire the Board's rule on expedited licensure. The amendments also update language throughout the chapter. With the Executive Committee's motion to initiate the rulemaking as presented, the Board voted approved the motion. The rulemaking will be submitted for publication in the Iowa Administrative Bulletin on August 16, 2017, and a public hearing on the amendments is scheduled for 10:00 a.m. Tuesday, September 5, 2017, at the Board's office.
- **For consideration of Notice of Intended Action - Amendments for 653 IAC Chapter 13, "Standards of Practice and Principles of Medical Ethics."** These rules would implement 2017 Iowa Acts, Senate File 471, concerning limitations on and prerequisites for an abortion. Because of litigation over the legislation, the Board determined not to initiate rulemaking at this time.
- **Update on SF2188** - Report on Medicine-Psychology subcommittees' work on joint rules to implement 2016 Iowa Acts, Senate File 2188, authorizing certain psychologists to prescribe psychotropic medicines. Charles Wadle, D.O., chair of Board's subcommittee, reported the groups have made progress in drafting the rules, and discussion continues on key issues,

including the accreditation of programs psychologists would use to gain the required education in psychopharmacology, and the testing of psychologists who complete the required master's degree in psychopharmacology. Dr. Wadle said there will meeting of the subcommittees on August 18.

- **Update on HF524** - Status of rulemaking by the Iowa Department of Public Health and Board of Medicine. Mr. Bowden reported that the Health Department on June 15 sent a memorandum to all Iowa-licensed physicians to describe the new legislation, including the requirements for certifying patients who have illnesses that qualify for use of medical cannabidiol. Mr. Bowden reported that the Governor's Office is receiving applications from physicians who are interested in serving on a newly created Cannabidiol Advisory Board to make recommendations on qualifying illnesses and dosages. Mr. Bowden said staff will begin drafting rules that would implement the Board of Medicine's responsibilities to review and approve or reject the Advisory Board's recommendations. The draft rules will be reviewed by the Executive Committee on September 14.
- **Ongoing review of rules** - Pursuant to Iowa Code 17A.7(2), the Board of Medicine completed a comprehensive and ongoing review of the Board's administrative rules, found under Section 653 of the Iowa Administrative Code. This summary report captures all adopted amendments between January 1, 2012, and June 30, 2017, and identifies potential amendments by topic that may be initiated for adoption by the Board in FY2018 (July 1, 2017, through June 30, 2018). On a motion by Nicole Gilg Gachiani, M.D., seconded by KellyAnn Light-McGroary, M.D., the Board approved the summary report as presented. The report will be filed with the Governor's Office and the Administrative Rules Review Committee and will be posted on the Board's website.
- **FY2018 regulatory plan** - The Board of Medicine annually (by August 1) submits to the Governor's Office and the Administrative Rules Review Committee a plan listing each potential rule that the agency may issue in proposed or final form in the current fiscal year or thereafter. The FY2018 plan (July 1, 2017, through June 30, 2018) was presented to the Board for review. On a motion by Charles Wadle, D.O., seconded by Nicole Gilg Gachiani, M.D., the Board approved the FY2018 regulatory plan, as presented. The report will be posted on the Board's website.
- **Rule waivers** - Concluding the administrative rules portion of public session, Mr. Bowden reviewed a report, pursuant to Iowa Code 17A.9A(5), concerning rules waivers granted or denied by the Board between January 1 and June 30, 2017. The report was submitted to the Administrative Rules Review Committee and the Governor's Office on July 13, 2017, and is available on the Board's website.

Interstate Medical Licensure Compact

Mr. Bowden provided an update on the Compact and reviewed the Board's responsibilities as a member board of a state of principal license. Physicians designate their state of principal license and member boards determine if the physician meets the nine qualifications for licensure through the Compact. If the licensure staff members, in evaluating a physician's qualifications, determines the physician does not meet qualification, then those applications are presented to the Board for formal action.

Upon review of staff recommendations on three applicants for letters of qualification for expedited licensure through the Compact, the Board concluded the following:

- On a motion by KellyAnn Light-McGroary, M.D., seconded by Brian Wilson, M.D., the Board voted to approve a letter of qualification that finds **Stephen M. Ellestad, D.O.**, is not eligible for licensure through the Compact.
- On a motion by Nicole Gilg Gachiani, M.D., seconded by KellyAnn Light-McGroary, M.D., the Board voted to approve a letter of qualification that expresses that **Mark C. Menadue, D.O.**, is not eligible for licensure through the Compact.
- On a motion by KellyAnn Light-McGroary, M.D., seconded by Ronald Kolegraff, M.D., the Board voted to approve a letter of qualification that expresses that **Hang Thanh Vu, M.D.**, is not eligible for licensure through the Compact.

Judicial Review

Julie Bussanmas, Assistant Attorney General and counsel for the Board, provided updates on Board cases under judicial review:

- **Rabi v. BOM (Iowa Supreme Court)** – Firas Rabi, M.D., filed a notice of appeal challenging the District Court decision affirming the Board’s disciplinary order from February 2015. Dr. Rabi filed his brief on January 12, 2017. The Board filed its brief in March. Dr. Rabi has now filed his reply brief. The case was transferred to the Iowa Court of Appeals and submitted without oral argument. Awaiting decision.
- **Cronin v. BOM** – Kristi Ann Cronin of Marshall County has filed a lawsuit against various current and former employees of the Board. The suit has not yet been served on The Board. The Iowa District Court dismissed the case for failure to timely serve defendants.
- **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 filed when the Board disciplined him in 2012 for his conviction of health care fraud and mail fraud. Monitoring case.

Federation of State Medical Boards

The Board reviewed two reports issued by the FSMB:

- Summary of FSMB meeting to address the reporting and information-sharing and gap in health care regarding the responsibility of physicians, hospitals and health organizations, insurers and the public to provide reports to state medical boards of information related to patient safety, physician impairment and professional misconduct.
- Report on the June 10-14, 2017, annual meeting of the American Medical Association.

Correspondence, reports & articles included in Board materials include the following:

- *AMA - 2016 physician benchmark survey*
- *Chronic Lyme Disease Treatments Linked to Serious Infections, Medscape, June 22, 2017*
- *Opioid epidemic is swamping hospitals, Washington Post, June 20, 2017*
- *Opioid prescriptions dropped for the first time in the modern drug crisis, Washington Post, July 6, 2017*
- *NPDB Reporting Requirements Shift for Employed Physicians, June 12, 2017*
- *Physician depression, suicide slowly coming out of the shadows, Chicago Tribune, June 6, 2017*
- *Probe by state medical licensing boards may keep physicians from seeking mental health treatment, June 15, 2017*
- *Georgia medical board ends sex abuse study without revamping rules, Atlanta Journal-Constitution, June 26, 2017*
- *Acupuncture and complex connections between body and mind, JAMA, June 27, 2017*
- *Effect of Acupuncture and Clomiphene in Chinese Women With Polycystic Ovary Syndrome, JAMA, June 27, 2017*
- *Effect of Electroacupuncture on Urinary Leakage, JAMA, June 27, 2017*
- *Top 10 most in demand physicians, Merritt Hawkins 2017 data*

Committee Reports

Licensure - Natalie Sipes, Director of Licensure, provided the following report on behalf of the committee:

- Five license applications referred to the committee by staff were reviewed. The committee determined to issue one permanent license and leave open four applications to obtain additional information or to allow the applicant to withdraw. The committee approved three letters of warning and reviewed a request to amend a letter of warning issued in 2016.

Three requests for waiver of licensure requirements were presented to the Board:

- **Petition for Waiver** - Tamer Abdelrhman, M.D., requested waiver of Iowa Administrative Code 653-9.3(1)c(3) which states that international medical school graduates must have 24 months of continuous, progressive, accredited training in a program approved by the Board. The Board approves training accredited by Accreditation Council for Graduate Medical Education, American Osteopathic Association, Royal College of Physicians and Surgeons of Canada, and the College of Family Physicians of Canada. Dr. Abdelrhman participated in an alternative pathway to board certification by the American Board of Radiology. **On a motion by Nicole Gilg, M.D., seconded by KellyAnn Light-McGroary, M.D., the Board approved the request for waiver of licensure requirement 653-9.3(1)c(2) for Dr. Abdelrhman.**
- **Petition for Waiver** - Shahid Hussain, M.D., requested waiver of Iowa Administrative Code 653-9.3(1)c(3) which states that international medical school graduates must have 24 months of continuous, progressive, accredited training in a program approved by the Board. The Board approves training accredited by Accreditation Council for Graduate Medical Education, American Osteopathic Association, Royal College of Physicians and Surgeons of Canada, and the College of Family Physicians of Canada. Dr. Hussain participated in an alternative pathway to board certification by the American Board of Radiology. **On a motion by Charles Wadle, D.O., seconded by Nicole Gilg, M.D., the Board approved the request for waiver of licensure requirement 653-9.3(1)c(2), Dr. Hussain.**
- **Petition for Waiver** - Anupama Wadhwa, M.D., requested waiver of Iowa Administrative Code 653-9.3(1)c(3) which states that international medical school graduates must have 24 months of continuous, progressive, accredited training in a program approved by the Board. The Board approves training accredited by Accreditation Council for Graduate Medical Education, American Osteopathic Association, Royal College of Physicians and Surgeons of Canada, and the College of Family Physicians of Canada. Dr. Wadhwa participated in an alternative pathway to board certification by the American Board of Anesthesia. **On a motion by Ronald Kolegraff, M.D., seconded by Teresa Garman, the Board approved the request for waiver of licensure requirement 653-9.3(1)c(2), for Dr. Wadhwa, M.D.**

Monitoring - Charles Wadle, D.O., committee chair, provided the following report:

- Ten cases were reviewed. Three cases were left open, one case remains to be reviewed in closed session.

Screening - Nicole Gilg Gachiani, M.D., committee chair, provided the following report:

- Twenty four complaints were reviewed. One case was left open pending further investigation.

The reports were approved during an open session on Thursday but reviewed again for information only on Friday, July 21, 2017.

The open session/public engagement ended at 12:06 p.m.

These minutes were prepared by Secretary 3 Chrissy Greco and Administrative Assistant 2 Kari Rolls.