



Fields of Opportunities

STATE OF IOWA

KIM REYNOLDS, GOVERNOR
ADAM GREGG, LT. GOVERNOR

IOWA BOARD OF MEDICINE
KENT NEBEL, J.D., EXECUTIVE DIRECTOR

PUBLIC AGENDA

REGULARLY SCHEDULED MEETING - APRIL 11-12, 2019

TELECONFERENCE LINE FOR PUBLIC SESSION ON APRIL 12, 2019 AT 9:00 a.m.

CALL: (866) 685-1580 CODE: 971-913-4151

AGENDA^{1, 2, 3, 4, 5}

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

THURSDAY, APRIL 11, 2019

7:30 a.m. - **EXECUTIVE COMMITTEE** - Medical Conference Room B
Chair Ulveling, Cortese, Gilg Gachiani, Light-McGroary, Romano

8:00 a.m. - **SCREENING COMMITTEE** - Board Room
Chair Kolegraff, Gall, Wilson, (*Public Member)

9:00 a.m. - **MONITORING COMMITTEE** - Board Room
Chair Gilg Gachiani, Cortese, Gall, Wilson

9:00 a.m. - **LICENSURE COMMITTEE** - Medical Conference Room B
Chair Light-McGroary, Kolegraff, Romano, Ulveling, (*Public Member)

FULL BOARD-OPEN SESSION - Board Room

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

FULL BOARD-CLOSED SESSION - Board Room

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

A. Iowa Physician Health Committee

1. Notices of non-compliance

B. Committee Reports

1. Screening
2. Monitoring
3. Licensure

C. Review of Closed Minutes

1. February 7-8, 2019 - Board Meeting

12:00 - Annual Sexual Harassment Training for Board Members

BOARD-CLOSED SESSION - Board Room

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

BOARD-OPEN SESSION - Board Room

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

A. Unlicensed Practice of Medicine Cases

1. None

B. Vote on Closed Session Cases

ADJOURN (Board must be in open session to adjourn.)

FRIDAY, APRIL 12, 2019

7:30 a.m. - BOARD-OPEN SESSION - Board Room

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

BOARD-CLOSED SESSION - Board Room

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

BOARD-OPEN SESSION - Board Room

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

A. Vote on Closed Session Cases

9:00 a.m. - BOARD-PUBLIC SESSION - Board Room

Chair Ulveling, Cortese, Gall, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, 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. February 7-8, 2019 (Open & Closed)

D. Chair's Report

E. Executive Director's Report

F. Administrative Rules

1. Pain Management Rules (ARC 4382C) – Notice Filed

- a. Standards of practice - CDC guideline for chronic pain management
- b. Public hearing scheduled for 5/3/19
- c. Public comments

2. Abortion Rules – Notice Filed

- a. Standard of Practice (See Amendments)

3. Medical Cannabidiol – New Petition

Cannabidiol Board Petition & Order in Support of adding Corticobasal Degeneration to list of Debilitating Conditions

4. Prescribing Psychologists – IBM New Rules - Discussion

- a. Rules for supervising physician
- b. Rules for collaborating physician
- c. Comments received

5. Genetic Counselors Rules (ARC 4095C) - Discussion

G. Proposed Legislation

1. **Prescribing & Dispensing of Self-Administered Hormonal Contraceptives (SF 513) – Discussion**

2. **Operation of Health Boards (HSB253 - House Appropriations Bill) – Discussion**
 - a. House File 710 - Amendment to HF 212
 - b. House Study Bill 253 - Places supervision of the Executive Directors for Medicine, Dental, Nursing and Pharmacy under the Director of the Iowa Department of Public Health.
3. **Legalizing Syringe Exchange Programs (SF 500) – Discussion**
4. **Medicaid Benefits Community Engagement Requirement (SF 434) – Discussion**
 - a. Requires 20 hours of employment, education or community service per week
5. **Medical Cannabidiol - Severe or Chronic Pain (HF 732) – Discussion**
 - a. Replaces “Untreatable pain” with “Severe or chronic pain”

H. Federal Opioid Funding Threatens Prescription Drug Monitoring Program - Discussion

I. Iowa Public Information Board Advisory Opinion - Discussion

J. Interstate Medical Licensure Compact Update

K. Federation of State Medical Boards – Update

1. Annual Meeting, April 25-27, Fort Worth, Texas
2. Board members attending are Drs. Gall, Gilg Gachiani, Uveling and Public member, Romanco

L. Iowa Physician Health Program Report - Amy Van Maanen, Coordinator

1. Year-to-date program statistics and update
2. Committee Appointment – Martin Carpenter, M.D.

M. Judicial Review-Jordan Esbrook, Assistant Attorney General

1. **Irland v. Board of Medicine** - Mark B. Irland, M.D., was seeking judicial review of a confidential letter of warning issued by the Board, contending it is an illegal and unconstitutional agency action. The Court of Appeals affirmed the district court's dismissal of Dr. Irland's petition for judicial review. Dr. Irland has asked for further review from the Iowa Supreme Court, which is discretionary. The Board's resistance to the petition for further review is due April 5, 2019.
2. **Planned Parenthood of the Heartland vs. Kimberly K. Reynolds ex rel. State of Iowa and Iowa Board of Medicine** – The rule was stayed by the Court and has also been struck down by the District Court as unconstitutional under the Iowa Constitution. Governor Reynolds decided not to appeal. This case is concluded.
3. **Request for Declaratory Order – Domenico Calcaterra, M.D.** - After the Board denied his Petition for Declaratory Order, Dr. Calcaterra is seeking judicial review. The Board filed a motion to dismiss and a hearing is set for this motion before Judge Hanson on April 3, 2019.

N. Committee Reports (*Note: Reports are reviewed by the Board in closed session and are presented in open session for acceptance and or approval.*)

1. Licensure
2. Monitoring
3. Screening

N. Vote to approve 2020 Board calendar dates.

O. New Board Appointments from the Governor – Orientation, May 3, 2019

1. Joyce Vista-Wayne, M.D.
2. Dr. Nikhil Wagle, M.D.

P. Vote for Board Appointments & Committees

Q. Recognition of Board Members ending their terms

1. KellyAnn Light McGroary, M.D. – Vice Chair
2. Nicole Gilg Gachiani, M.D.
3. Philip Bear, D.O.

R. ARTICLES

1. *Disruptive Behavior On the Job Linked To Depression, Burnout*, Randy Dotinga February 19, 2019.
2. *FDA Takes Fresh Look At Whether Opioids Are Effective For Chronic Pain*, By Lenny Bernstein and Laurie McGinley, February 25, 2019.
3. *How Medicare Coverage of Genetic Counseling Could Decrease Care Costs and Improve Quality*, Rebecca Sutphen, MD, FACMG, December 26, 2018.
4. *Due Process – Planned Parenthood of the Heartland v. Reynolds*, Harvard Law Review, March 29, 2019.
5. *Medicaid Managed Care Update*, Iowa Medical Society, April 2, 2019.

BOARD-CLOSED SESSION - Board Room

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

BOARD-CLOSED SESSION - Board Room

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

BOARD-OPEN SESSION - Board Room

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

A. Vote on Closed Session Cases

ADJOURN *(Board must be in open session to adjourn.)*

Board Meetings	Board Office Closings
June 13-14	May 27 - Memorial Day
August 1-2	July 4 - Independence Day
September 19-20	September 2 - Labor Day
November 7-8	November 11-Veterans Day
December 19-20	November - 28-29 Thanksgiving
	December 25 - Christmas

(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.

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.