STATE OF IOWA

PUBLIC AGENDA
REGULARLY SCHEDULED MEETING – AUGUST 1-2, 2019
TELECONFERENCE LINE FOR PUBLIC SESSION ON AUGUST 2, 2019 AT 9:00 a.m.
CALL: (866) 685-1580 - CODE: 971-913-4151

AGENDA

BOARD MEMBERS: Chair; Kyle Ulveling, M.D., Vice Chair; Ronald Kolegraff, M.D.; Secretary, Diane Cortese, Warren Gall, M.D.; M.D.; Mary Jo Romanco; Joyce Vista-Wayne, M.D.; Nikhil Wagle, M.D; Brian Wilson, D.O.

THURSDAY, AUGUST 1, 2019

7:30 a.m. - EXECUTIVE COMMITTEE - Medical Conference Room B
Chair Ulveling, Cortese, Gall, Kolegraff, Romanco

8:00 a.m. - SCREENING COMMITTEE - Board Room
Chair Wilson, Wagle, Vista-Wayne (Open Public Member, *Open Physician Member)

9:30 a.m. - MONITORING COMMITTEE - Board Room
Chair Kolegraff, Cortese, Wilson, Vista-Wayne

9:30 a.m. - LICENSURE COMMITTEE - Medical Conference Room B
Chair Gall, Romanco, Ulveling, Wagle

FULL BOARD-OPEN SESSION - Board Room
Chair Ulveling, Cortese, Gall, Kolegraff, Romanco, Vista-Wayne, Wagle, Wilson

FULL BOARD-CLOSED SESSION - Board Room
Chair Ulveling, Cortese, Gall, Kolegraff, Romanco, Vista-Wayne, Wagle, 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. April 11-12, 2019 - Board Meeting
2. May 29, 2019 - Teleconference
3. July 18, 2019 - Teleconference

LUNCH BREAK

BOARD-CLOSED SESSION - Board Room
Chair Ulveling, Cortese, Gall, Kolegraff, Romanco, Vista-Wayne, Wagle, Wilson

BOARD-OPEN SESSION - Board Room
Chair Ulveling, Cortese, Gall, Kolegraff, Romanco, Vista-Wayne, Wagle, Wilson
A. Unlicensed Practice of Medicine Cases
   1. None

B. Vote on Closed Session Cases

ADJOURN

FRIDAY, AUGUST 2, 2019

7:30 a.m. - BOARD-OPEN SESSION - Board Room
   Chair Ulveling, Cortese, Gall, Kolegraff, Romanco, Vista-Wayne, Wagle, Wilson

BOARD-CLOSED SESSION - Board Room
   Chair Ulveling, Cortese, Gall, Kolegraff, Romanco, Vista-Wayne, Wagle, Wilson

BOARD-OPEN SESSION - Board Room
   Chair Ulveling, Cortese, Gall, Kolegraff, Romanco, Vista-Wayne, Wagle, Wilson

A. Vote on Closed Session Cases

9:00 a.m. - BOARD-PUBLIC SESSION - Board Room
   Chair Ulveling, Cortese, Gall, Kolegraff, Romanco, Vista-Wayne, Wagle, Wilson

A. Introduction of Public Present

B. Opportunity for Public Comments
   (Public can make comments now or when specific agenda items are addressed.)

C. Board Minutes for Consideration of Approval
   1. April 11-12, 2019 Board Meeting (Open & Closed)
   2. May 29, 2019 Teleconference (Open & Closed)
   3. July 18, 2019 Teleconference (Open & Closed)

D. Chair’s Report

E. Executive Director’s Report

F. Administrative Rules

   1. Pain Management Rules (ARC 4382C) - Consider Adoption
      a. Standards of practice - CDC guideline for chronic pain management
      b. A public hearing was held on 5/3/19
      c. Public comments were received by Iowa Osteopathic Medical Association, Iowa
         Occupational Therapy Association, MercyOne Opioid Task Force, P. Edwards, M.D. and
         Michelle Jones, MSW - Sr. Director of PA State Public Affairs
      d. Administrative Rules Committee Meeting was held May 14, 2019

   2. Genetic Counselor Rules (ARC 4468) - Update
      a. Became effective 5/15/19
      b. Will begin issuing licenses 8/5/19

   3. Medical Cannabidiol (ARC 4445C) - Consider Adoption
      a. Notice filed in Support of adding Corticobasal Degeneration to list of Debilitating Conditions
b. Notice published 5/22/19  
c. Public hearing was held 6/11/19  
d. No public comments received

4. **Medical Cannabidiol Rules - New Petitions - Notice**  
a. At their April 16, 2019 meeting, the Cannabidiol Board recommended removing the word "pediatric" from the condition, simplifying the condition to "severe, intractable autism with self-injurious or aggressive behaviors."

b. New Petition - Severe Intractable Autism with Self Injurious or Aggressive Behaviors  
c. New Petition - Adult Autism with Aggression and Self Injury

5. **Electronic Prescription Mandate - Update**  
a. Requires the electronic transmission of all prescriptions as of January 1, 2020

6. **Prescribing Psychologists - IBM New Rules - Discussion**  
a. Rules for supervising physician  
b. Rules for collaborating physician  
c. Comments received

G. Legislation

1. **Licensing Sanctions Against Individuals Who Default/Are Delinquent on Student Loan Debt or Related Service Obligation - SF 304 - Draft Rules**  
a. Signed by the Governor March 22, 2019  
b. Prohibits the suspension or revocation of a license issued by the board to a person who is in default or is delinquent on repayment or a service obligation under federal or state postsecondary educational loans or public or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency.

2. **Military and Veteran Benefits - HF 288 - Draft Rules**  
a. Signed by the Governor April 8, 2019  
b. Licensing Boards must establish procedures by January 1, 2020, to expedite the licensing of an individual who is licensed in a similar profession or occupation in another state and who is the spouse of an active duty member of the military forces of the United States.

3. **Operation of Health Boards - HF766 - Appropriations - Update**  
a. Signed by the Governor May 3, 2019  
b. Places supervision of the Executive Directors for Medicine, Dental, Nursing and Pharmacy under the Director of the Iowa Department of Public Health.

4. **Mandatory Abuse Reporter Training - HF 731 - Update**  
a. Signed by the Governor May 8, 2019  
b. Maintains that every mandatory reporter must complete 2 hours of training within six months of employment or self-employment, unless otherwise specified by federal regulations, and requires one hour of additional training every 3 years.

5. **Prescribing Practitioner to Register with PMP - HF 2377 - Update**  
a. Signed by the Governor May 14, 2019  
b. Requires prescribing practitioners to register for the program at the same time they apply to the board to register or renew registration to prescribe controlled substances.
6. **Medical Cannabidiol - Severe or Chronic Pain - HF 732 - Discussion**
   a. Letters from the Governor and Senators regarding Interim Study Committee

H. **CDC Response to Board's letter regarding federal opioid funding threatening Prescription Drug Monitoring Program - Discussion**

I. **Interstate Medical Licensure Compact - Update**

J. **Federation of State Medical Boards - Update**
   1. Update from annual meeting

K. **Iowa Physician Health Program Report - Amy Van Maanen, Coordinator**
   1. Year-to-date program statistics and update

L. **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 Supreme Court has not yet ruled on Dr. Irland's request.

   2. Request for Declaratory Order - Domenico Calceterra, M.D. - After the Board denied his Petition for Declaratory Order, Dr. Calceterra was seeking judicial review. The Board filed a motion to dismiss. Dr. Calceterra has requested a stay of the Board's decision to deny his petition, and for the court to order the Board to remove his disciplinary documents and press releases from its website. Hearings were held in district court on May 9 and May 15. The court denied the State's motion to dismiss and remanded the petition for declaratory order back to the Board.

   3. LaJeunesse v. Board of Medicine - Michael LaJeunesse was convicted of attempted murder. Polk County Medical Examiner Dr. Gregory Schmunk gave testimony at Mr. LaJeunesse's criminal trial. LaJeunesse filed a complaint against Dr. Schmunk with the Board. The Board closed the complaint without investigation. LaJeunesse filed a petition for judicial review, which was dismissed. He subsequently filed what he called a malpractice suit against the Board, Mark Bowden, Jim Graham, and Dr. Schmunk. The State and Polk County have filed motions to dismiss the case, and a hearing was held on May 31.

   4. Board of Medicine v. Dr. Leroy Yates - A hearing on the Second Amended Statement of Charges and Emergency Adjudicative Order issued by the Board against Dr. LeRoy Yates was held before the Board on June 12, 13, and 14. Board Chair, Kyle Ulveling as well as members Analisa Haberman, Brian Wilson, Ron Cheney, Mary Jo Romanco, and Warren Gall heard the case. Administrative Law Judge Kristine Dreckman assisted the Board.

M. **Discussion on Dry Needling**

N. **Vote on 2020 Board Calendar Dates**

O. **Board Education** - Independent Review of the Use of Chaperones to Protect Patients in Australia

P. **Discussion and vote to approve 2020 Fees and Budget Report - Shantel Billington**

Q. **Approve new Board logo**

R. **Committee Reports** *(Reviewed in closed session and presented in open session for approval.)*
S. Plan for approaching Governor regarding appointments to fill Board vacancies.

T. Welcome Louise Minor, Licensure Director and Joe Fraioli, Legal Director.

U. Recognition of retirement and years of service for Dr. John Olds, Medical Advisor.

V. ARTICLES/REPORTS

BOARD-CLOSED SESSION - Board Room
Chair Ulveling, Cortese, Gall, Kolegraff, Romanco, Vista-Wayne, Wagle, Wilson

LUNCH BREAK

BOARD-CLOSED SESSION - Board Room
Chair Ulveling, Cortese, Gall, Kolegraff, Romanco, Vista-Wayne, Wagle, Wilson

BOARD-OPEN SESSION - Board Room
Chair Ulveling, Cortese, Gall, Kolegraff, Romanco, Vista-Wayne, Wagle, Wilson

A. Vote on Closed Session Cases

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

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<th>Board Meetings</th>
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<td>September 19-20</td>
<td>September 2 - Labor Day</td>
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<td>November 7-8</td>
<td>November 11-Veterans Day</td>
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<td>December 19-20</td>
<td>November - 28-29 Thanksgiving</td>
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<td>December 25 - Christmas</td>
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(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.