



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 – NOVEMBER 7-8, 2019**

#### **A G E N D A**<sup>1, 2, 3, 4, 5</sup>

**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, NOVEMBER 7, 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)

9:00 a.m. - **MONITORING COMMITTEE** - Board Room  
Chair Kolegraff, Cortese, Wilson, Vista-Wayne

9:00 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 - **NONE**

#### **B. Committee Reports**

1. Screening
2. Monitoring
3. Licensure

#### **C. Review of Closed Minutes**

1. September 19-20, 2019 - Board Meeting
2. October 24, 2019 - Teleconference
3. May 9, 2019 - Teleconference
4. July 30, 2018 - 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. Frederick Mosley, M.D. Doctor requested appearance @ 11:00 a.m.

**BOARD-CLOSED SESSION - Board Room**

Chair Ulveling, Cortese, Gall, Kolegraff, Romano, Vista-Wayne, Wagle, Wilson

**HEARING - Board Room**

Cortese, Gall, Kolegraff, Romano, Ulveling, Vista-Wayne, Wagle, Wilson

**FULL BOARD-CLOSED SESSION - Board Room**

Chair Ulveling, Cortese, Gall, Kolegraff, Romano, Vista-Wayne, Wagle, Wilson

**FULL BOARD-OPEN SESSION - Board Room**

Chair Ulveling, Cortese, Gall, Kolegraff, Romano, Vista-Wayne, Wagle, Wilson

**A. Vote on Closed Session Cases**

**ADJOURN**

**FRIDAY, NOVEMBER 8, 2019**

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

Chair Ulveling, Cortese, Gall, Kolegraff, Romano, Vista-Wayne, Wagle, Wilson

**BOARD-CLOSED SESSION - Board Room**

Chair Ulveling, Cortese, Gall, Kolegraff, Romano, Vista-Wayne, Wagle, Wilson

**BOARD-OPEN SESSION - Board Room**

Chair Ulveling, Cortese, Gall, Kolegraff, Romano, Vista-Wayne, Wagle, Wilson

**A. Vote on Closed Session Cases**

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

Chair Ulveling, Cortese, Gall, Kolegraff, Romano, Vista-Wayne, Wagle, Wilson

**A. Introduction of Public Present**

**B. Opportunity for Public Comments<sup>5</sup>**

*(Public may make comments now or when specific agenda items are addressed.)*

**C. Board Minutes for Consideration of Approval**

1. September 19-20, 2019 - Board Meeting (open & closed)
2. October 24, 2019 - Teleconference (open & closed)
3. May 9, 2019 - Teleconference (open & closed)
4. July 30, 2018 - Teleconference (open & closed)

**D. Chair’s Report**

**E. Executive Director’s Report**

**F. Administrative Rules**

**1. Pain Management Rules (ARC 4714C) – Adopted**

- a. Standards of practice - CDC guideline for chronic pain management

**2. Medical Cannabidiol Rules (ARC 4653C) Autism - Severe, Intractable Autism Self-Injurious or Aggressive Behaviors – Consider Adoption**

- a. Published 9/11/19

- b. Public Hearing held 10/01/19 **(One comment received)**
- 3. **Prescribing Psychologists - (ARC 4663C) – Consider Adoption**
  - a. Published 9/25/19
  - b. Public Hearing held 10/15/19 (No comments received)
- 4. **Health Equity Initiative for Rules - Chapter 24.2(5) Complaints - Discussion**
  - a. Write a new rule to facilitate better communication during the complaint process in an effort to promote health equity and eliminate health disparities within the State of Iowa.
  - b. This rule would include all individuals who fall under Federal Law Title VI of the Civil Rights Act of 1964, Title VI regulations and the LEP Executive Order 13166. This new rule would provide access to necessary services, which will further assist individuals while they are completing the complaint process.
- 5. **Medical Cannabidiol Vaping Rule – Discuss concerns in light of recent events.**
  - a. CDC article - Outbreak of Lung Injury Associated with E-Cigarette Use, or Vaping.

## **G. Legislation**

- 1. **Licensing Sanctions Against Individuals Who Default/Are Delinquent on Student Loan Debt or Related Service Obligation - SF 304 – Consider Notice**
  - 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 – Consider Notice**
  - 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. **Mandatory Abuse Reporter Training - HF 731 – Consider Notice**
  - 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.
- 4. **Electronic Prescription Mandate – Update**
  - a. Requires the electronic transmission of all prescriptions as of January 1, 2020.

## **H. Interstate Medical Licensure Compact – Update**

### **I. Iowa Physician Health Program Report - Amy Van Maanen, Coordinator**

- 1. Year-to-date program statistics and update
- 2. Website update presentation

### **J. 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. The Iowa Supreme Court has granted Dr. Irland's request for further review. The Iowa Supreme Court will hear oral argument on the case sometime in the next session. This session ends June 30, 2020.

2. Request for Declaratory Order - Domenico Calcaterra, M.D. - After the Board denied his Petition for Declaratory Order, Dr. Calcaterra sought judicial review. The Board filed a motion to dismiss. Dr. Calcaterra 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. The district court granted Dr. Calcaterra's request for a stay, and remanded the petition for declaratory order back to the Board. The Board issued a declaratory order finding that statements of charges are public documents. Dr. Calcaterra has renewed his petition for judicial review of this declaratory order. The district court will now set a schedule for briefing and argument.
3. Robinson v. Board of Medicine-- David Robinson, M.D., entered a settlement agreement with the Board in 2016. In 2019, the Board terminated the terms of his probation. Dr. Robinson requested that the Board rescind the 2016 settlement agreement, and the Board declined to do so. Dr. Robinson has now sought judicial review of this agency action in district court.

**10:00 a.m.**

**K. Board Education - Presentation by Dr. Abramoff – AI demonstration of eye scan.**

**L. 2020 IMS Legislative Priorities – Update**

**M. Strategic Plan 2019-2021 – Discussion and input from the Board**

**N. Committee Reports** *(Reviewed in closed session and presented in open session for approval.)*

1. Licensure.
2. Monitoring
3. Screening

**O. Staffing - Update on Medical Director Position and Licensure Director Position.**

**P. ARTICLES/REPORTS**

1. [2018 Physician Census Highlights and Full Report.](#)
2. [Opioid Monthly Summary – September, 2019.](#)
3. [HHS Announces Guide for Appropriate Tapering or Discontinuation of Long-Term Opioid Use](#)
4. [Chronic Pain Patients Shouldn't Have Opioids Abruptly Tapered, Says New Guidance](#)
5. [FSMB is Seeking your Active Participation in the Policy-Making Process](#)
6. [Interstate Medical Licensure By the Numbers](#)
7. [How IMGs Have Changed the Face of American Medicine](#)
8. [Letter from International Society of Hair Restoration Surgery](#)

**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.)

<b>Board Meetings</b>	<b>Board Office Closings</b>
December 19-20	November 11-Veterans Day
	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](mailto: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.*