



NOVEMBER 7-8, 2019 – BOARD MEETING OPEN MINUTES

THURSDAY, NOVEMBER 7, 2019

MEMBERS PRESENT: Kyle Ulveling, M.D., Chair
Ronald Kolegraff, M.D., Vice-Chair
Warren Gall, M.D.
Mary Jo Romanco
Joyce Vista-Wayne, M.D.
Nikhil Wagle, M.D.

MEMBERS ABSENT: Diane Cortese, Secretary
Brian Wilson, D.O.

STAFF PRESENT: Kent Nebel, Executive Director
Jim Graham, Chief Investigator
Aaron Kephart, Investigator
Anne Schlepphorst, Investigator
Brandi Allen, Investigator
Dave McGlaughlin, Investigator
Jennifer Huisman, Investigator
Jerome Hill, Investigator
Laura Wood, Investigator
Mary Knapp, Enforcement Monitor
Kari Rolls, Administrative Assistant
Chrissy Greco, Assistant to the Executive Director

At 10:05 a.m., Kyle Ulveling, M.D., Chair, called the meeting to order.

At 10:06 a.m., on a motion by Nikhil Wagle, M.D., seconded by Joyce Vista-Wayne, M.D., all members present voted to meet in closed session, pursuant to Iowa Code Sections 21.5(1)(a), 21.5(1)(d) and 21.5(1)(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. Warren Gall, M.D., Ronald Kolegraff, M.D., Mary Jo Romanco, Kyle Ulveling, M.D., Joyce Vista-Wayne, M.D., and Nikhil Wagle, M.D., all voted aye in a roll call vote to approve the motion.

At 11:04 a.m., while still in closed session, all members present voted in favor of a motion by Nikhil Wagle, M.D., seconded by Mary Jo Romano, to meet in an open session. In open session, the Board took the following actions:

Frederick J. Mosley, M.D., requested to appear before the Board to discuss his work with Work Partners, a company that contracts with employers to provide medical triage services for workers who are injured on the job and the Board's decision that such services constitute the practice of medicine in Iowa. After further review and discussion, the Board **affirmed** its decision that such services constitute the practice of medicine in Iowa.

On a motion by Nikhil Wagle, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **affirm** its original decision that such services constitute the practice of medicine, file 01-2017-412.

At 11:48 a.m., on a motion by Mary Jo Romano, seconded by Nikhil Wagle, M.D., all members present voted to meet in closed session, pursuant to Iowa Code Sections 21.5(1)(a), 21.5(1)(d) and 21.5(1)(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. Warren Gall, M.D., Ronald Kolegraff, M.D., Mary Jo Romano, Kyle Ulveling, M.D., Joyce Vista-Wayne, M.D., and Nikhil Wagle, M.D., all voted aye in a roll call vote to approve the motion.

At 3:26 p.m., closed session went to recess. The closed session resumed on Friday, November 8, 2019, at 7:30 a.m.

FRIDAY, NOVEMBER 8, 2019

MEMBERS PRESENT: Kyle Ulveling, M.D., Chair
Ronald Kolegraff, M.D., Vice-Chair
Warren Gall, M.D.
Mary Jo Romano
Joyce Vista-Wayne, M.D.
Nikhil Wagle, M.D.

MEMBERS ABSENT: Diane Cortese, Secretary
Brian Wilson, D.O.

STAFF PRESENT: Kent Nebel, Executive Director
Jim Graham, Chief Investigator
Aaron Kephart, Investigator
Anne Schlepfforst, Investigator
Brandi Allen, Investigator
Dave McGlaughlin, Investigator
Jerome Hill, Investigator
Laura Wood, Investigator
Amy Van Maanen, Iowa Physician Health Program Coordinator
Kari Rolls, Administrative Assistant
Chrissy Greco, Assistant to Executive Director
Jordan Esbrook, Assistant Attorney General

Closed session resumed at 7:30 a.m.

At 8:38 a.m., while still in closed session, all members present voted in favor of a motion by Nikhil Wagle, M.D., seconded by Ronald Kolegraff, M.D., to meet in an open session. In open session, the Board took the following actions:

On a motion by Nikhil Wagle, M.D., seconded by Warren Gall, M.D., all Board members present voted to **accept** the July 30, 2018, Board teleconference open minutes as presented.

On a motion by Nikhil Wagle, M.D., seconded by Warren Gall, M.D., all Board members present voted to **accept** the May 9, 2019, Board teleconference open and closed minutes as presented.

On a motion by Nikhil Wagle, M.D., seconded by Warren Gall, M.D., all Board members present voted to **accept** the September 19-20, 2019, Board meeting open and closed minutes as presented.

On a motion by Nikhil Wagle, M.D., seconded by Warren Gall, M.D., all Board members present voted to **accept** the October 24, 2019, Board teleconference open and closed minutes as presented.

On a motion by Joyce Vista-Wayne, M.D., seconded by Mary Jo Romano, all Board members present voted to **leave open** file 03-2017-265.

On a motion by Joyce Vista-Wayne, M.D., seconded by Mary Jo Romano, all Board members present voted to **leave open** file 03-2017-414.

On a motion by Joyce Vista-Wayne, M.D., seconded by Mary Jo Romano, all Board members present voted to **leave open** file 02-2018-481.

On a motion by Joyce Vista-Wayne, M.D., seconded by Mary Jo Romano, all Board members present voted to **leave open** file 02-2019-099.

On a motion by Joyce Vista-Wayne, M.D., seconded by Mary Jo Romano, all Board members present voted to **leave open** file 02-2018-054.

On a motion by Joyce Vista-Wayne, M.D., seconded by Mary Jo Romano, all Board members present voted to **leave open** file 03-2017-364.

On a motion by Joyce Vista-Wayne, M.D., seconded by Mary Jo Romano, all Board members present voted to **leave open** file 03-2017-403.

On a motion by Joyce Vista-Wayne, M.D., seconded by Mary Jo Romano, all Board members present voted to **leave open** file 03-2017-641.

On a motion by Joyce Vista-Wayne, M.D., seconded by Mary Jo Romanco, all Board members present voted to **leave open** file 02-2019-030.

On a motion by Joyce Vista-Wayne, M.D., seconded by Mary Jo Romanco, all Board members present voted to **leave open** file 03-2019-250.

On a motion by Joyce Vista-Wayne, M.D., seconded by Mary Jo Romanco, all Board members present voted to **leave open** file 02-2017-052.

On a motion by Joyce Vista-Wayne, M.D., seconded by Mary Jo Romanco, all Board members present voted to **leave open** file 02-2018-415.

On a motion by Joyce Vista-Wayne, M.D., seconded by Mary Jo Romanco, all Board members present voted to **leave open** file 02-2019-307.

On a motion by Joyce Vista-Wayne, M.D., seconded by Mary Jo Romanco, all Board members present voted to **leave open** file 02-2019-317.

On a motion by Warren Gall, M.D., seconded by Mary Jo Romanco, all Board members present voted to **leave open** file 02-2017-531.

On a motion by Warren Gall, M.D., seconded by Mary Jo Romanco, all Board members present voted to **close** file 03-2018-584, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Mary Jo Romanco, all Board members present voted to **affirm** its original decision to **close** file 02-2018-430, **with no formal disciplinary action**.

On a motion by Warren Gall, M.D., seconded by Mary Jo Romanco, all Board members present voted to **affirm** its original decision to **close** file 02-2017-462, **with no formal disciplinary action**.

On a motion by Warren Gall, M.D., seconded by Mary Jo Romanco, all Board members present voted to **affirm** its original decision to **close** file 03-2014-522, **with no formal disciplinary action**.

On a motion by Warren Gall, M.D., seconded by Mary Jo Romanco, all Board members present voted to **affirm** its original decision to **close** file 02-2017-067, **with no formal disciplinary action**.

On a motion by Warren Gall, M.D., seconded by Mary Jo Romanco, all Board members present voted to **affirm** its original decision to **close** file 03-2016-648, **with no formal disciplinary action**.

On a motion by Warren Gall, M.D., seconded by Mary Jo Romanco, all Board members present voted to **close** file 02-2018-644, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Mary Jo Romanco, all Board members present voted to **close** file 02-2019-182, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Mary Jo Romanco, all Board members present voted to **close** file 02-2019-242, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Mary Jo Romanco, all Board members present voted to **close** file 02-2019-253, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Mary Jo Romanco, all Board members present voted to **close** file 02-2019-442, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Mary Jo Romanco, all Board members present voted to **leave open** file 02-2018-053.

On a motion by Warren Gall, M.D., seconded by Mary Jo Romanco, all Board members present voted to **leave open** file 02-2018-210.

On a motion by Warren Gall, M.D., seconded by Mary Jo Romanco, all Board members present voted to **leave open** file 02-2018-358.

On a motion by Kyle Ulveling, M.D., seconded by Mary Jo Romanco, all Board members present voted to **close** file 02-2019-056, with **no formal action**.

On a motion by Kyle Ulveling, M.D., seconded by Mary Jo Romanco, all Board members present voted to **leave open** file 02-2017-440.

On a motion by Kyle Ulveling, M.D., seconded by Mary Jo Romanco, all Board members present voted to **leave open** file 02-2017-644.

On a motion by Kyle Ulveling, M.D., seconded by Mary Jo Romanco, all Board members present voted to **leave open** file 02-2019-193.

On a motion by Kyle Ulveling, M.D., seconded by Mary Jo Romanco, all Board members present voted to **close** file 02-2018-194, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Mary Jo Romanco, all Board members present voted to **close** file 02-2017-372, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Mary Jo Romano, all Board members present voted to **close** file 03-2017-299, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Mary Jo Romano, all Board members present voted to **close** file 02-2017-264, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Mary Jo Romano, all Board members present voted to **close** file 02-2019-524, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Mary Jo Romano, all Board members present voted to **close** file 02-2019-055, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Mary Jo Romano, all Board members present voted to **close** file 03-2019-477, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Mary Jo Romano, all Board members present voted to **close** file 02-2018-398, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Mary Jo Romano, all Board members present voted to **close** file 02-2018-370, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Mary Jo Romano, all Board members present voted to **close** file 03-2018-230, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Mary Jo Romano, all Board members present voted to **close** file 03-2018-305, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Mary Jo Romano, all Board members present voted to **close** file 02-2018-283, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Mary Jo Romano, all Board members present voted to **close** file 02-2019-162, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Mary Jo Romano, all Board members present voted to **close** file 02-2019-225, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Mary Jo Romano, all Board members present voted to **leave open** file 02-2018-542.

On a motion by Ronald Kolegraff, M.D., seconded by Mary Jo Romano, all Board members present voted to **close** file 02-2019-150, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Mary Jo Romano, all Board members present voted to **close** file 02-2018-435, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Mary Jo Romano, all Board members present voted to **close** file 02-2019-197, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Mary Jo Romano, all Board members present voted to **leave open** file 03-2019-128.

On a motion by Ronald Kolegraff, M.D., seconded by Mary Jo Romano, all Board members present voted to **leave open** file 02-2019-291.

On a motion by Ronald Kolegraff, M.D., seconded by Mary Jo Romano, all Board members present voted to **close** file 02-2019-509, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Mary Jo Romano, all Board members present voted to **close** file 02-2019-269, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Mary Jo Romano, all Board members present voted to **close** file 02-2019-324, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Mary Jo Romano, all Board members present voted to **close** file 02-2019-062, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Mary Jo Romano, all Board members present voted to **close** file 02-2018-410, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Mary Jo Romano, all Board members present voted to **close** file 02-2019-029, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Mary Jo Romano, all Board members present voted to **close** file 02-2019-155, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Mary Jo Romano, all Board members present voted to **close** file 02-2019-152, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Mary Jo Romano, all Board members present voted to **close** file 02-2019-072, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Mary Jo Romano, all Board members present voted to **close** file 03-2019-073, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Mary Jo Romanco, all Board members present voted to **close** file 02-2018-553, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Mary Jo Romanco, all Board members present voted to **close** file 02-2019-326, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Mary Jo Romanco, all Board members present voted to **close** file 03-2018-382, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Mary Jo Romanco, all Board members present voted to **close** file 03-2018-364, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Mary Jo Romanco, all Board members present voted to **close** file 03-2019-381, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Mary Jo Romanco, all Board members present voted to **close** file 02-2019-048, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Mary Jo Romanco, all Board members present voted to **close** file 02-2019-017, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Mary Jo Romanco, all Board members present voted to **leave open** file 02-2015-134.

On a motion by Nikhil Wagle, M.D., seconded by Mary Jo Romanco, all Board members present voted to **leave open** file 02-2015-352.

On a motion by Nikhil Wagle, M.D., seconded by Mary Jo Romanco, all Board members present voted to **close** file 02-2018-127, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Mary Jo Romanco, all Board members present voted to **close** file 02-2019-312, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Mary Jo Romanco, all Board members present voted to **close** file 02-2019-457, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Mary Jo Romanco, all Board members present voted to **close** file 02-2019-011, with **no formal action**.

PUBLIC SESSION

At 9:06 a.m., Board Chair, Kyle Ulveling, M.D., called the public session to order.

Public in Attendance	
Brittney Engel	Med Pharm Iowa
Tim Coonan	Davis Brown Law Firm
Joe Nash	
Linda Thiesen	University of Iowa
Dennis Tibben	Iowa Medical Society

After introductions of the Board members and the public in attendance, Dr. Ulveling offered the public a chance to speak on any general items not on the agenda, as well as any items listed on the agenda.

Board Minutes for Consideration

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)

Chair’s Report

Dr. Ulveling said that he had nothing new to report since the last meeting.

[Executive Director’s Report on website](#)

Mr. Nebel discussed the Medical Director position and asked for Board member volunteers to serve on a subcommittee to be present for the interviews once he narrowed down the number of candidates. Dr. Gall, Mary Jo Romanco and Dr. Vista-Wayne volunteered to serve on the subcommittee.

Administrative Rules

Pain Management Rules (ARC 4714C)

Mr. Nebel informed the Board that he was waiting for some material regarding standards of practice - CDC guideline for chronic pain management from an outside source and would bring it to the December, 2019, Board meeting.

Medical Cannabidiol Rules - (ARC 4653C) Autism - Severe, Intractable Autism with Self-Injurious or Aggressive Behaviors.

On a motion by Mary Jo Romanco, seconded by Nikhil Wagle, M.D., all Board members present voted to send the rule back to the CBD Board in order to have them **amend** the definition of “autism” in the list of debilitating medical conditions for the use of medical cannabidiol.

Prescribing Psychologists - (ARC 4663C)

On a motion by Kyle Ulveling, M.D., seconded by Warren Gall, M.D., the Board voted four ayes and two nays to **adopt** rules which establish the standards of practice for physicians who supervise or collaborate with psychologists who prescribe medications to patients with mental health conditions.

Health Equity Initiative for Rules

Chrissy Greco, assistant to the executive director, spoke to the Board regarding her role on the Health Equity Drivers Forum with the Iowa Department of Public Health. She shared her thoughts on where to begin implementing health equity within the Board of Medicine, and emphasized the importance of facilitating better communication in an effort to eliminate health disparities within the State of Iowa.

The Board agreed to develop rules, which enhance the Board's efforts regarding health equity, including equitable access to health care services in Iowa and access to, and the use of, the Board's resources.

Medical Cannabidiol Vaping Rule – Discuss concerns in light of recent events.

The Board decided to revisit discussions regarding its concerns about the use of "vaping" for the use of medical cannabidiol due to the recent outbreak of lung injuries associated with the use of E-cigarettes and vaping.

Legislation

Licensing Sanctions Against Individuals Who Default/Are Delinquent on Student Loan Debt or Related Service Obligation - SF 304 – Consider Notice

On a motion by Ronald Kolegraff, M.D., seconded by Warren Gall, M.D., all Board members present voted to **notice** rules which prohibit the Board from suspending or revoking licenses for physicians who default or are delinquent on student loan obligation.

Military and Veteran Benefits - HF 288 – Consider Notice

On a motion by Mary Jo Romanco, seconded by Nikhil Wagle, M.D., all Board members present voted to **notice** rules which create expedited and/or alternative licensing for military and veteran spouses.

Mandatory Abuse Reporter Training - HF 731 – Consider Notice

On a motion by Mary Jo Romanco, seconded by Warren Gall, M.D., all Board members present voted to **notice** rules which amend the mandatory abuse reporter training requirements for child abuse and dependent adult abuse.

Interstate Medical Licensure Compact

Updates were given from Mary Jo Romano and Warren Gall, M.D., regarding their recent teleconferences with the Compact and upcoming annual meeting in Las Vegas. Jaime Dunbar from the licensure staff will also be attending, as well as presenting at the annual meeting.

Iowa Physician Health Program Report

An update was given by Program Coordinator, Amy Van Maanen on year-to-date program statistics and her staff's future travel plans. She said she will have a list of names and recommendations for replacements for her Board's exiting members at the December, 2019 meeting.

Judicial Review

The following update was given by Jordan Esbrook, Assistant Attorney General:

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.

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.

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.

2020 Iowa Medical Society Legislative Priorities

Director of External Affairs, Dennis Tibben, from the Iowa Medical Society, was in attendance and spoke about their 2020 Legislative Priorities, approved by the IMS Board of Directors. He said their top legislative priority in 2020 would be medical liability.

Strategic Plan 2019-2021

Board members reviewed the Draft of the 2019-2021 Strategic Plan. Staff has provided the document with the Board materials and have welcomed any Board member input.

Committee Reports

Licensure

The licensure committee report was given by Dr. Warren Gall. The committee reviewed five applications. One applicant was granted a permanent medical license; one was granted the opportunity to withdraw; two Letters of Warning issued.

On a motion by Ronald Kolegraff, M.D., seconded by Mary Jo Romano, all Board members present voted to approve the licensure committee report as presented.

Monitoring

The monitoring committee report was given by Dr. Ronald Kolegraff. The committee reviewed five physicians who are being monitored by the Board. They approved terminating a court order to monitor two individuals, accepted the monitoring report on two other individuals and denied the request of one individual.

On a motion by Nikhil Wagle, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to approve the licensure committee report as presented.

Screening

The screening committee was presented by Dr. Joyce Vista-Wayne. The committee reviewed 25 cases, closed 20 cases, and left five cases open for further investigation.

On a motion by Ronald Kolegraff, M.D., seconded by Mary Jo Romano, all Board members present voted to approve the screening committee report as presented.

Board Education

A presentation and demonstration was given by Michael Abramoff, M.D. Dr. Abramoff is an ophthalmologist at the University of Iowa who recently received the first FDA approval for an AI system to help provide diabetic retinopathy screenings.

At 11:01 a.m., on a motion by Ronald Kolegraff, M.D., seconded by Nikhil Wagle, M.D., all Board members present voted to adjourn the meeting.