



DECEMBER 19-20, 2019 – BOARD MEETING OPEN MINUTES

THURSDAY, DECEMBER 19-20, 2019

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

MEMBERS ABSENT: None

STAFF PRESENT: Kent Nebel, Executive Director
Jim Graham, Chief Investigator
Aaron Kephart, Investigator
Anne Schlepfforst, Investigator
Brandi Allen, Investigator
Dave McGlaughlin, Investigator
Jennifer Huisman, Investigator
Jerome Hill, Investigator
Laura Wood, Investigator
Mary Knapp, Enforcement Monitor
Kari Rolls, Administrative Assistant
Anagha Dixit, Assistant Attorney General

At 10:19 a.m., Kyle Ulveling, M.D., Chair, called the meeting to order.

At 10:20 a.m., on a motion by Warren Gall, M.D., seconded by Mary Jo Romano, 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. Diane Cortese, Warren Gall, M.D., Ronald Kolegraff, M.D., Mary Jo Romano, Kyle Ulveling, M.D., Joyce Vista-Wayne, M.D., Nikhil Wagle, M.D., and Brian Wilson, D.O., all voted aye in a roll call vote to approve the motion.

At 11:56 a.m., all members present voted in favor of a motion by Mary Jo Romanco, seconded by Diane Cortese, to meet in an open session.

At 11:57 a.m., all members present voted in favor of a motion by Warren Gall, M.D., seconded by Joyce Vista-Wayne, M.D., to adjourn the meeting.

FRIDAY, DECEMBER 20, 2019

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

MEMBERS ABSENT: None

STAFF PRESENT: Kent Nebel, Executive Director
Jim Graham, Chief Investigator
Aaron Kephart, Investigator
Anne Schlepphorst, 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
Shantel Billington, Office Manager
Chrissy Greco, Assistant to Executive Director
Anagha Dixit, Assistant Attorney General

At 8:11 a.m., Kyle Ulveling, M.D., Chair, called the meeting to order.

At 8:15 p.m., both Don J. Woodhouse, M.D., and Bill Jagiello, D.O., requested that their interview for Medical Director be held in closed session.

At 8:15 a.m., on a motion by Joyce Vista-Wayne, M.D., seconded by Warren Gall, M.D., all members present voted to meet in closed session, pursuant to Iowa Code Sections 21.5(1)(i), to evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a close session. Diane Cortese, Warren Gall, M.D., Ronald Kolegraff, M.D., Mary Jo Romanco, Kyle Ulveling, M.D., Joyce Vista-Wayne, M.D., Nikhil Wagle, M.D., and Brian Wilson, D.O., all voted aye in a roll call vote to approve the motion.

At 9:27 a.m., all members present voted in favor of a motion by Mary Jo Romano, seconded by Diane Cortese, to meet in an open session.

At 9:28 a.m., on a motion by Joyce Vista-Wayne, M.D., seconded by Mary Jo Romano, 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. Diane Cortese, Warren Gall, M.D., Ronald Kolegraff, M.D., Mary Jo Romano, Kyle Ulveling, M.D., Joyce Vista-Wayne, M.D., Nikhil Wagle, M.D., and Brian Wilson, D.O., all voted aye in a roll call vote to approve the motion.

At 10:26 a.m., all members present voted in favor of a motion by Ronald Kolegraff, M.D., seconded by Nikhil Wagle, M.D., to meet in an open session.

At 10:33, Board Chair, Kyle Ulveling, M.D., called the public session to order.

Public in Attendance	
Erin Bollman	Parent
James Earel	Iowa Physician Assistant Society
Lindsay Gaunt	Parent (Via TC line)
Joe Husak	Iowa Department of Public Health
Kevin Kruse	Iowa Society of Anesthesiologists
Rebecca Lucas	MedPharm Iowa
Jeremy Nelson	Iowa Physician Assistant Society (Via TC line)
Carl Olson	Lobbyist (Via TC line)
Owen Parker	Office of Medical Cannabis
Sue Ravenscroft	Iowa State University
Mary Roberts	Parent & The Village Community
Valerie Stallbaumer	Iowa Association of Oriental Medicine & Acupuncture
Linda Thiesen	University of Iowa
Dennis Tibben	Iowa Medical Society

Board Education

James Earle - Iowa Physician Assistant Society Legislative Committee Chair, spoke to the Board regarding legislative and rule changes regarding access to care and PA practice in the state.

Dennis Tibben of the Iowa Medical Society said IMS has been going through some exercises with the Physician Assistants Society over the past six months and the IMS's stance on this legislation. He noted that IMS appreciated the PA Society reaching out ahead of time and hopes to find consensus before having to fight it out before the Boards or at the legislature.

Valerie Stalbaumer, the president of the Iowa Association of Oriental Medicine & Acupuncture spoke to the Board about dry needling and her association's concerns of other professions using the specialized learned technique taught to acupuncturists.

Executive Director's Report

Iowa CBD Program

First Year (2019) Highlights were discussed and questions and clarifications were addressed by Owen Parker from the Office of Medical Cannabidiol.

Public Comments

Comments regarding Medical Cannabidiol Rules (ARC 4653C) Autism - Severe, Intractable Autism with Self-Injurious or Aggressive Behaviors were made by Mary Roberts and Erin Bollman.

Mary Roberts, a mother of two children with autism, shared her family's struggles and informed the Board that CBD has greatly reduced the amount of pharmaceutical medications her daughter requires, along with the harmful side effects that her daughter has experienced as a result of taking those medications.

Erin Bollman gave a brief history of her son's medical diagnoses of autism, epileptic seizures, self-harm and aggression and a rare genetic mutation. She shared a handout, which included letters and reports from his teachers outlining the improvements in his behavior toward himself and others following his use of CBD.

Owen Wilson and Dr. Ulveling spoke about improving communication prior to Board meetings to mitigate sending this Petition back and forth for amendments.

Carl Olson, Lobbyist, was present via the teleconference line and wondered if someone from the Board of Medicine could attend the Medical Cannabidiol Board meetings in lieu of better communication regarding these topics.

Lindsay Gaunt was present via the teleconference line. Lindsay and filed the original Petition to add severe, intractable pediatric autism with self-injurious or aggressive behaviors, which was approved by the Board at its December 2018 Board meeting. Ms. Gaunt called to get clarification on the recommended amendments.

Administrative Rules

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

The Board recommended amending the definition of "autism" in the list of debilitating medical conditions for the use of medical cannabidiol. The Board proposed the following definition:

“Autism with intractable irritability and aggression refractory to the prevailing acceptable standard treatments”.

Following public comments, the Board members agreed to work with the Medical Cannabidiol Board to amend the Petition.

Medical Cannabidiol Vaping Rule

The Board agreed to continue to monitor the safety 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.

Strategic Plan

On a motion by Nikhil Wagle, M.D., seconded by Mary Jo Romanco, all Board members present voted to approve the Board’s 2019-2021 Strategic Plan.

Iowa Physician Health Program Report

Amy Van Maanen, Coordinator, presented the year-to-date program statistics and update

Amy presented the Board with the Iowa Physician Health Program Committee’s appointment recommendations of Alfred Fleming, M.D., Jeanie McCarville Kerber, LISW, MPA, Ph.D., and Timothy Schurman, M.D.

On a motion by Ronald Kolgraff, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to approve the Iowa Physician Health Program Committee’s recommendations

Future Hearing Dates

Mr. Nebel reminded the Board members of the importance of their availability to serve on these hearings for the protection of the public.

Federation of State Medical Boards Annual Meeting – San Diego, California

Mr. Nebel informed the Board members that the meeting will be held April 30 – May 2, 2020 and told them to let him know if they wished to attend.

Interstate Medical Licensure Compact

Mary Jo Romanco stated that the Compact’s website design continues and implementation is underway.

Kent Nebel added that the Board’s licensure staff, especially Jaime Dunbar, who primarily manages the Compact’s licensure process, are nationally recognized as leaders with regard to licensure under the compact and that he appreciates all that they do.

Warren Gall, M.D. gave an update regarding his attendance at the Rules and Administrative Procedures Committee meeting.

L. Judicial Review - Anagha Dixit, 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 January 23, 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 has set a briefing schedule in this matter and oral arguments will be heard before the court on January 17, 2020.
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. The court has set a briefing schedule in this matter and oral arguments will be heard before the court in March, 2020.

M. Staffing Update

An update on filling the open positions of Licensure Director and Medical Director within the Board was given by Kent Nebel.

Mr. Nebel also congratulated Mary Knapp on her upcoming retirement and thanked her for her service on the Board. He noted that this will open an additional position in the Board's monitoring program.

At 12:16 Kyle Ulveling, M.D., Chair, ended the public session.

Kent Nebel, Executive Director, confirmed with the Board that its view of low-volume prescribing would be the lower 1/3rd of the Bell curve. Mr. Nebel advised the Board that he would forward the Board's opinion to the Iowa Board of Pharmacy.

At 12:28 p.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. Diane Cortese,

Warren Gall, M.D., Ronald Kolegraff, M.D., Mary Jo Romano, Kyle Ulveling, M.D., Joyce Vista-Wayne, M.D., Nikhil Wagle, M.D., and Brian Wilson, D.O., all voted aye in a roll call vote to approve the motion.

Nikhil Wagle, M.D., left the meeting at 1:00 p.m.

At 1:03 p.m., while still in closed session, all members present voted in favor of a motion by Mary Jo Romano, seconded by Diane Cortese, to meet in an open session. In open session, the Board took the following actions:

On a motion by Joyce Vista-Wayne, M.D., seconded by Mary Jo Romano, all Board members present voted to **accept** the Screening Committee Report and its recommendations.

On a motion by Mary Jo Romano, seconded by Diane Cortese, all Board members present voted to **accept** the Monitoring Committee Report and its recommendations.

On a motion by Mary Jo Romano, seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **accept** the Licensure Committee Report and its recommendations.

On a motion by Warren Gall, M.D., seconded by Mary Jo Romano, all Board members present voted to **accept** the November 7-8, 2019, Board meeting open and closed minutes as presented.

On a motion by Diane Cortese, seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **file Statement of Charges** against Mary P. Rosman, D.O., files 03-2017-265 and 03-2017-414.

On a motion by Diane Cortese, seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **leave open** file 02-2018-014.

On a motion by Diane Cortese, seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **accept** the combined Statement of Charges and Settlement Agreement for Scott T. Roethle, M.D., file 02-2018-481.

On a motion by Diane Cortese, seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **accept** the Settlement Agreement for Margaret J. Fehrle, M.D., file 02-2016-082.

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

On a motion by Diane Cortese, seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **file Statement of Charges** against Linda M. Iler, M.D., file 02-2018-581. Kyle Ulveling, M.D., recused.

On a motion by Diane Cortese, seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **file Statement of Charges** against Kang Lu, M.D., file 02-2019-099.

On a motion by Diane Cortese, seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **leave open** file 02-2016-235.

On a motion by Diane Cortese, seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **leave open** file 02-2016-566.

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

On a motion by Diane Cortese, seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **leave open** file 03-2018-643. Kyle Ulveling, M.D., and Brian Wilson, D.O., recused.

On a motion by Diane Cortese, seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **leave open** file 03-2018-207. Kyle Ulveling, M.D., and Brian Wilson, D.O., recused.

On a motion by Diane Cortese, seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **leave open** file 03-2018-296. Kyle Ulveling, M.D., and Brian Wilson, D.O., recused.

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

On a motion by Mary Jo Romanco, seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **affirm** its original decision to **close** file 02-2018-405, **with no formal disciplinary action**.

On a motion by Mary Jo Romanco, seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **affirm** its original decision to **close** file 02-2015-523, **with no formal disciplinary action**.

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

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

On a motion by Mary Jo Romanco, seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **file Statement of Charges** against Richard L. Dowell, D.O., files 03-2019-195, 03-2019-196, 03-2019-469, 03-2019-639 and 03-2019-640.

On a motion by Mary Jo Romanco, seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **close** file 02-2019-291, with **no formal action**.

On a motion by Mary Jo Romanco, seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **leave open** file 03-2015-429. Ronald Kolegraff, M.D., recused.

On a motion by Mary Jo Romanco, seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **leave open** file 03-2017-269. Ronald Kolegraff, M.D., recused.

On a motion by Mary Jo Romanco, seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **leave open** file 03-2018-414. Ronald Kolegraff, M.D., recused.

On a motion by Mary Jo Romanco, seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **leave open** file 02-2017-622.

On a motion by Mary Jo Romanco, seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **leave open** file 02-2017-486.

On a motion by Mary Jo Romanco, seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **leave open** file 02-2018-197.

On a motion by Mary Jo Romanco, seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **close** file 02-2019-098, with **no formal action**.

On a motion by Mary Jo Romanco, seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **close** file 02-2019-085, with **no formal action**.

On a motion by Mary Jo Romanco, seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **close** file 02-2019-086, with **no formal action**.

On a motion by Mary Jo Romanco, seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **close** file 02-2019-087, with **no formal action**.

On a motion by Mary Jo Romanco, seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **close** file 02-2019-088, with **no formal action**.

On a motion by Mary Jo Romanco, seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **close** file 02-2019-148, with **no formal action**.

On a motion by Mary Jo Romanco, seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **close** file 02-2019-431, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **close** file 02-2019-585, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **close** file 01-2019-399, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **close** file 02-2019-022, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **close** file 03-2019-497, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **leave open** file 02-2019-334. Ronald Kolegraff, M.D., recused.

On a motion by Ronald Kolegraff, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **close** file 03-2019-412, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **close** file 02-2019-526, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **close** file 02-2019-328, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **close** file 02-2018-229, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **leave open** file 02-2019-325.

On a motion by Ronald Kolegraff, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **close** file 02-2019-189, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **close** file 02-2019-170, with **no formal action**. Ronald Kolegraff, M.D., recused.

On a motion by Ronald Kolegraff, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **close** file 02-2018-266, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **close** file 02-2018-552 with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **close** file 02-2019-455, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **close** file 02-2019-137, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **close** file 02-2017-132, with **no formal action**. Kyle Ulveling, M.D., recused.

On a motion by Ronald Kolegraff, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **close** file 02-2017-288, with **no formal action**. Kyle Ulveling, M.D., recused.

On a motion by Ronald Kolegraff, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **close** file 03-2019-103, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **close** file 02-2019-093, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **close** file 02-2019-019, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Warren Gall, M.D., all Board members present voted to **close** file 03-2019-207, with **no formal action**. Joyce Vista-Wayne, M.D., recused.

On a motion by Ronald Kolegraff, M.D., seconded by Brian Wilson, D.O., all Board members present voted to **close** file 02-2015-627, with **no formal action**. Joyce Vista-Wayne, M.D., recused.

At 1:09 p.m., all members present voted in favor of a motion by Joyce Vista-Wayne, M.D., seconded by Warren Gall, M.D., to adjourn the meeting.