



FEBRUARY 6-7, 2020 – BOARD MEETING OPEN MINUTES

THURSDAY, FEBRUARY 6, 2020

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.
Brian Wilson, D.O.

MEMBERS ABSENT: Nikhil Wagle, M.D.

STAFF PRESENT: Kent Nebel, Executive Director
Joseph A. Fraioli, J.D., Legal Director
Jim Graham, Chief Investigator
Aaron Kephart, Investigator
Anne Schlepphorst, Investigator
Brandi Allen, Investigator
Dave McGlaughlin, Investigator
Jerome Hill, Investigator
Laura Wood, Investigator
Andrew Rupiper, Compliance Support Coordinator
Kari Rolls, Administrative Assistant
Anagha Dixit, Assistant Attorney General

At 11:28 a.m., Kyle Ulveling, M.D., Chair, called the meeting to order.

At 11:28 a.m., on a motion by Ronald Kolegraff, 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., and Brian Wilson, D.O., all voted aye in a roll call vote to approve the motion.

At 4:19 p.m., while still in closed session, all members present voted in favor of a motion by Joyce Vista-Wayne, 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 Joyce Vista-Wayne, M.D., seconded by Diane Cortese, all Board members present voted to **leave open** file 02-2018-589.

On a motion by Joyce Vista-Wayne, M.D., seconded by Diane Cortese, all Board members present voted to **accept** the Settlement Agreement for Roy A. Doorenbos, M.D., file 02-2017-431.

On a motion by Joyce Vista-Wayne, M.D., seconded by Diane Cortese, all Board members present voted to **close** file 02-2018-054, with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Diane Cortese, all Board members present voted to **leave open** file 02-2018-400.

On a motion by Joyce Vista-Wayne, M.D., seconded by Diane Cortese, all Board members present voted to **file Statement of Charges** against Nicky Shah, M.D., file 02-2018-014.

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

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

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

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

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

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

On a motion by Joyce Vista-Wayne, M.D., seconded by Diane Cortese, 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 Diane Cortese, all Board members present voted to **affirm** its original decision to **close** file 03-2018-115, **with no formal disciplinary action**.

On a motion by Warren Gall, M.D., seconded by Diane Cortese, all Board members present voted to **affirm** its original decision to **close** file 02-2018-465, **with no formal disciplinary action**.

On a motion by Warren Gall, M.D., seconded by Diane Cortese, all Board members present voted to **affirm** its original decision to **close** file 02-2016-432, **with no formal disciplinary action**.

On a motion by Warren Gall, M.D., seconded by Diane Cortese, all Board members present voted to **affirm** its original decision to **close** file 02-2016-433, **with no formal disciplinary action**.

On a motion by Warren Gall, M.D., seconded by Diane Cortese, all Board members present voted to **affirm** its original decision to **close** file 03-2016-434, **with no formal disciplinary action**.

On a motion by Warren Gall, M.D., seconded by Diane Cortese, all Board members present voted to **affirm** its original decision to **close** file 03-2016-435, **with no formal disciplinary action**.

On a motion by Warren Gall, M.D., seconded by Diane Cortese, all Board members present voted to **affirm** its original decision to **close** file 02-2017-255, **with no formal disciplinary action**.

On a motion by Warren Gall, M.D., seconded by Diane Cortese, all Board members present voted to **affirm** its original decision to **close** file 02-2017-429, **with no formal disciplinary action**.

On a motion by Warren Gall, M.D., seconded by Diane Cortese, all Board members present voted to **affirm** its original decision to **close** file 02-2017-428, **with no formal disciplinary action**. Joyce Vista-Wayne, M.D., recused.

On a motion by Warren Gall, M.D., seconded by Diane Cortese, all Board members present voted to **leave open** file 02-2019-325.

On a motion by Brian Wilson, D.O., seconded by Diane Cortese, all Board members present voted to **close** file 02-2018-399, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Diane Cortese, all Board members present voted to **close** file 02-2018-081, with **no formal action**. Joyce Vista-Wayne, M.D., recused.

On a motion by Brian Wilson, D.O., seconded by Diane Cortese, all Board members present voted to **leave open** file 02-2018-048.

On a motion by Brian Wilson, D.O., seconded by Diane Cortese, all Board members present voted to **close** file 02-2017-367, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Diane Cortese, all Board members present voted to **close** file 02-2017-432, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Diane Cortese, all Board members present voted to **close** file 02-2019-480, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Diane Cortese, all Board members present voted to **close** file 02-2019-351, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Diane Cortese, all Board members present voted to **leave open** file 02-2019-662.

On a motion by Brian Wilson, D.O., seconded by Diane Cortese, all Board members present voted to **leave open** file 02-2019-586.

On a motion by Brian Wilson, D.O., seconded by Diane Cortese, all Board members present voted to **leave open** file 03-2019-382.

On a motion by Brian Wilson, D.O., seconded by Diane Cortese, all Board members present voted to **close** file 02-2019-184, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Diane Cortese, all Board members present voted to **close** file 02-2019-384, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Diane Cortese, all Board members present voted to **close** file 02-2019-385, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Diane Cortese, all Board members present voted to **close** file 02-2019-386, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Diane Cortese, all Board members present voted to **close** file 02-2019-444, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Diane Cortese, all Board members present voted to **close** file 02-2019-445, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Diane Cortese, all Board members present voted to **close** file 02-2019-626, with **no formal action**.

On a motion by Brian Wilson, D.O., seconded by Diane Cortese, all Board members present voted to **close** file 02-2019-443, with **no formal action**. Kyle Ulveling, M.D., recused.

On a motion by Brian Wilson, D.O., seconded by Diane Cortese, all Board members present voted to **close** file 02-2019-510, with **no formal action**. Kyle Ulveling, M.D., recused.

On a motion by Brian Wilson, D.O., seconded by Diane Cortese, all Board members present voted to **close** file 03-2019-511, with **no formal action**. Kyle Ulveling, M.D., recused.

On a motion by Brian Wilson, D.O., seconded by Diane Cortese, all Board members present voted to **close** file 03-2019-693, with **no formal action**. Kyle Ulveling, M.D., recused.

On a motion by Brian Wilson, D.O., seconded by Diane Cortese, all Board members present voted to **leave open** file 03-2019-333.

On a motion by Brian Wilson, D.O., seconded by Diane Cortese, all Board members present voted to **close** file 02-2019-084, with **no formal action**.

On a motion by Kyle Ulveling, M.D., seconded by Diane Cortese, all Board members present voted to **close** file 02-2019-335, with **no formal action**.

On a motion by Kyle Ulveling, M.D., seconded by Diane Cortese, all Board members present voted to **close** file 02-2019-316, with **no formal action**. Warren Gall, M.D., recused.

On a motion by Kyle Ulveling, M.D., seconded by Diane Cortese, all Board members present voted to **close** file 03-2019-263, with **no formal action**.

On a motion by Kyle Ulveling, M.D., seconded by Diane Cortese, all Board members present voted to **close** file 02-2019-107, with **no formal action**.

On a motion by Kyle Ulveling, M.D., seconded by Diane Cortese, all Board members present voted to **close** file 02-2019-390, with **no formal action**.

On a motion by Kyle Ulveling, M.D., seconded by Diane Cortese, all Board members present voted to **close** file 02-2019-463, with **no formal action**.

On a motion by Kyle Ulveling, M.D., seconded by Diane Cortese, all Board members present voted to **leave open** file 02-2019-278.

On a motion by Kyle Ulveling, M.D., seconded by Diane Cortese, all Board members present voted to **close** file 02-2019-287, with **no formal action**.

On a motion by Kyle Ulveling, M.D., seconded by Diane Cortese, all Board members present voted to **leave open** file 02-2019-174.

On a motion by Kyle Ulveling, M.D., seconded by Diane Cortese, all Board members present voted to **close** file 02-2018-031, with **no formal action**.

On a motion by Kyle Ulveling, M.D., seconded by Diane Cortese, all Board members present voted to **close** file 02-2019-264, with **no formal action**.

On a motion by Kyle Ulveling, M.D., seconded by Diane Cortese, all Board members present voted to **close** file 03-2019-397, with **no formal action**.

On a motion by Kyle Ulveling, M.D., seconded by Diane Cortese, all Board members present voted to **close** file 03-2019-314, with **no formal action**.

On a motion by Kyle Ulveling, M.D., seconded by Diane Cortese, all Board members present voted to **close** file 02-2019-157, with **no formal action**.

On a motion by Kyle Ulveling, M.D., seconded by Diane Cortese, all Board members present voted to **close** file 02-2018-062, with **no formal action**.

On a motion by Kyle Ulveling, M.D., seconded by Diane Cortese, all Board members present voted to **close** file 02-2019-595, with **no formal action**.

On a motion by Kyle Ulveling, M.D., seconded by Diane Cortese, all Board members present voted to **close** file 02-2019-258, with **no formal action**.

On a motion by Kyle Ulveling, M.D., seconded by Diane Cortese, all Board members present voted to **close** file 02-2019-349, with **no formal action**.

On a motion by Kyle Ulveling, M.D., seconded by Diane Cortese, all Board members present voted to **close** file 02-2019-458, with **no formal action**.

On a motion by Kyle Ulveling, M.D., seconded by Diane Cortese, all Board members present voted to **close** file 02-2019-678, with **no formal action**.

On a motion by Kyle Ulveling, M.D., seconded by Diane Cortese, all Board members present voted to **close** file 02-2019-556, with **no formal action**.

On a motion by Kyle Ulveling, M.D., seconded by Diane Cortese, all Board members present voted to **close** file 02-2019-293, with **no formal action**.

On a motion by Kyle Ulveling, M.D., seconded by Diane Cortese, all Board members present voted to **leave open** file 02-2019-575.

On a motion by Kyle Ulveling, M.D., seconded by Diane Cortese, all Board members present voted to **close** file 02-2019-625, with **no formal action**.

The Board discussed allegations that Chang Cornerstone Clinic did not have a current medical practitioner at the office and patients were being evaluated and treated by the unlicensed Office Manager Janet Jones. The information received indicates that the last known practitioner was an ARNP who had moved to Tennessee in October 2019, and that the office has been without one ever since. The Board determined that there was no/insufficient evidence of wrongdoing and recommended that the case on Janet Jones, file 01-2019-692, **close, no action**.

On a motion by Kyle Ulveling, M.D., seconded by Diane Cortese, all Board members present voted to **close** file 01-2019-692, with **no formal action**.

At 4:31 p.m., on a motion by Mary Jo Romano, seconded by Warren Gall, M.D., all members present voted to meet in closed session, pursuant to Iowa Code Sections 21.5(1)(c), to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation. Diane Cortese, Warren Gall, M.D., Ronald Kolegraff, M.D., Mary Jo Romano, Kyle Ulveling, M.D., Joyce Vista-Wayne, M.D., and Brian Wilson, D.O., all voted aye in a roll call vote to approve the motion.

At 4:38 p.m., all members present voted in favor of a motion by Joyce Vista-Wayne, M.D., seconded by Warren Gall, M.D., to meet in an open session.

At 4:39 p.m., Open Session went to recess. The open session resumed on Friday, February 7, 2020, at 8:45 a.m.

FRIDAY, FEBRUARY 7, 2020

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.
Brian Wilson, D.O.

MEMBERS ABSENT: Nikhil Wagle, M.D.

STAFF PRESENT: Kent Nebel, Executive Director
Joseph A. Fraioli, J.D., Legal Director
Jim Graham, Chief Investigator
Chrissy Greco, Assistant to Executive Director
Dave McGlaughlin, Investigator
Jerome Hill, Investigator
Kari Rolls, Administrative Assistant
Anagha Dixit, Assistant Attorney General

Open session resumed at 8:45 a.m.

At 8:45 a.m., on a motion by Mary Jo Romano, seconded by Diane Cortese, 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., and Brian Wilson, D.O., all voted aye in a roll call vote to approve the motion.

Joyce Vista-Wayne, M.D., and Anagha Dixit, Assistant Attorney General, joined the meeting at 8:50 a.m.

At 8:51 a.m., all members present voted in favor of a motion by Ronald Kolegraff, M.D., seconded by Diane Cortese, to meet in an open session.

On a motion by Mary Jo Romano, seconded by Warren Gall, M.D., all Board members present voted to **leave open** file 02-2019-075.

At 9:05 a.m., Kyle Ulveling, M.D. called public session to order.

Public in Attendance	
Maggie Ballard	Heartland Family Services

Erin Bollman	Parent (Via TC line)
Teresa Butterbaugh	Iowa Relief
Michelle Servedio Elias	PTSD
Jefferson Finch	Sellers, Galenbeck & Nelson
Janet Fiscus	Son with seizure disorder
Phillip Galley	Self/Patient
Dale Heinz	Veteran for PTSD Petition
Joe Hushot	CBD
Amy Kerr	University of Iowa
Peter Komendowski	Partnership for a Healthy Iowa
Mason Kuhn	University of Northern Iowa
Rebecca Lucas	MedPharm Iowa
Jen Melvin	Public
Lonny Miller	CBD Board
Joe Nash	Self
Carl Olson	Lobbyist (Via TC line)
Owen Parker	Office of Medical Cannabidiol
Sagar Patel	Iowa Relief
Amber Points	Have a Heart
Dan Reinsch	Self
Dawn Simmons	Q Sciences
Linda Thiesen	University of Iowa
Dennis Tibben	Iowa Medical Society

Board Minutes for Consideration of Approval (Open & Closed)

On a motion by Mary Jo Romano, seconded by Ronald Kolegraff, M.D., all Board members present voted to approve the November 7-8, 2019, Board meeting minutes as presented.

On a motion by Mary Jo Romano, seconded by Ronald Kolegraff, M.D., all Board members present voted to approve the December 12, 2019, teleconference meeting minutes as presented.

On a motion by Ronald Kolegraff, M.D., seconded by Warren Gall, M.D., all Board members present voted to approve the December 19-20, 2019, Board meeting minutes as presented.

On a motion by Diane Cortese., seconded by Brian Wilson, D.O., all Board members present voted to approve the January 16, 2020, teleconference meeting minutes as presented.

Executive Director's Report

Administrative Rules

Medical Cannabidiol Rules (ARC 4653C) Autism – Severe, Intractable Autism with Self-Injurious or Aggressive Behaviors – No action taken.

PTSD – Adding this to the list of debilitating medical conditions for the use of medical cannabidiol

On a motion by Joyce Vista-Wayne, M.D., seconded by Diane Cortese, Board members voted three yeas to four nays to deny the Petition.

Intellectual Disability (ID) with Aggression and/or Self-Injury – Adding this to the list of debilitating medical conditions for the use of medical cannabidiol

On a motion by Kyle Ulveling, M.D., seconded by Warren Gall, M.D., Board members voted four yeas to three nays to notice the Petition.

Licensing Sanctions Against Individuals Who Default/Are Delinquent on Student Loan Debt or Related Service Obligation – ARC 4806C

On a motion by Ronald Kolegraff, M.D., seconded by Warren Gall, M.D., all Board members present voted to adopt the rule.

Military and Veteran Benefits – ARC 4805C

On a motion by Mary Jo Romano, seconded by Ronald Kolegraff, M.D., all Board members present voted to adopt the rule.

Mandatory Abuse Reporter Training

On a motion by Joyce Vista-Wayne, M.D., seconded by Mary Jo Romano, all Board members present voted to adopt the rule.

Interstate Medical Licensure Compact

Mary Jo Romano told the Board that a licensure review is being conducting on previously submitted letters of qualification issued in the past. Kent Nebel said that a staff member from the Interstate Medical Licensure Compact will be coming to visit the Board to see our processes. He also recognized the Board's licensure staff, particularly, Jamie Dunbar, Licensure Specialist, as

being known leaders in this program and that he is proud of their contribution to the Compact and the very important work they are doing.

Warren Gall, M.D. informed the Board that the Ethics Committee is working to consolidate language to standardize the rules regarding prescribing.

Iowa Physician Health Program Report

Amy Van Maanen, Program Coordinator, provided an update and monthly program statistics to the Board. She spoke about working to update the rules for her program, shared the new brochure and spoke about the mass mailing she is planning to send out the brochures.

Judicial Review – Anagha Dixit, 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 granted Dr. Irland's request for further review and held oral arguments on January 23, 2020. The case was submitted and we expect a decision within the next few months.

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. Parties briefed the matter and had oral arguments on the matter on January 17, 2020. The case has been submitted to Judge Hanson.

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 appendix in this case was filed but Dr. Robinson alleges that the entire investigatory report should be part of the record. The Board has resisted the matter and a hearing was held on the issue on January 28, 2020. The matter has been submitted and awaiting an order. Then a new briefing schedule will be assigned to the case and new date for oral arguments in District Court.

Yates v. Board of Medicine - Leroy L. Yates, JR, M.D., lost a contested case on December 12, 2019. Within the 30 days he had to appeal the matter he filed a Petition for Judicial Review in District Court. However, he filed his Petition in an already resolved scheduling matter that was before the District Court. The Board has filed a notice to the District Court that this matter needs to be removed from that case and filed as a new case. The Board has also filed a Motion for a More Specific Statement and requested proper service once the case has been properly filed.

Committee Reports

The Licensure Committee granted four permanent licenses, allowed one applicant to withdraw their application, issued three confidential letters of warning due to concerns about the applicant and granted one permanent license subject to the terms of a Consent Agreement due to prior disciplinary action in another state.

On a motion by Mary Jo Romanco, seconded by Ronald Kolegraff, M.D., all Board members present voted to accept the Licensure Committee Report and its recommendations.

The Monitoring Committee reviewed eight physicians who are being monitored by the Board and held one personal appearance.

On a motion by Diane Cortese, seconded by Warren Gall, M.D., all Board members present voted to accept the Monitoring Committee Report and its recommendations.

The Screening Committee reviewed 18 cases, closed 16 cases, and left two cases open for further investigation.

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

At 11:56 a.m., all members present voted in favor of a motion by Mary Jo Romanco, seconded by Ronald Kolegraff, M.D., to adjourn the meeting.