



KIM REYNOLDS, GOVERNOR
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IOWA BOARD OF MEDICINE
KENT NEBEL, J.D, EXECUTIVE DIRECTOR
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PUBLIC AGENDA
REGULARLY SCHEDULED MEETING – JULY 9-10, 2020

A G E N D A^{1, 2, 3, 4, 5}

BOARD MEMBERS: Chair; Warren Gall, M.D., Vice Chair; Ronald Kolegraff, M.D., Secretary; Nikhil Wagle, M.D., Trudy Caviness, Diane Cortese, Patricia Fasbender, D.O., Mary Jo Romanco, Joyce Vista-Wayne, M.D.

THURSDAY, JULY 9, 2020

7:30 a.m. - **EXECUTIVE COMMITTEE** – Medical Conference Room B
Chair Gall, Cortese, Kolegraff, Romanco, Vista-Wayne

7:45 a.m. - **SCREENING COMMITTEE** – Board Room
Chair Wagle, Caviness, Fasbender

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

9:00 a.m. - **LICENSURE COMMITTEE** - Medical Conference Room B
Chair Romanco, Fasbender, Gall, Wagle

BOARD – OPEN SESSION - Board Room

BOARD – CLOSED SESSION - Board Room

- 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. May 14-15, 2020 Board meeting
 - 2. June 25, 2020 teleconference

LUNCH BREAK

FULL BOARD – CLOSED SESSION - Board Room

FULL BOARD – OPEN SESSION - Board Room

- A. Unlicensed Practice of Medicine Cases
 - 1. None
- B. Vote on Closed Session Cases

FRIDAY, JULY 10, 2020

7:30 a.m. - BOARD-OPEN SESSION

BOARD-CLOSED SESSION

BOARD-OPEN SESSION

9:30 a.m. - BOARD-PUBLIC SESSION

**Members of the public may participate in the public session by calling the number below:
CALL: (866) 685-1580 USE CODE: 971-913-4151**

A. Introduction of Public Present

B. Opportunity for Public Comments⁵

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

C. Staffing

1. The Monitoring Coordinator position has been filled – Congratulations Emily Zalasky.
2. The Chief Investigator position has been posted.

D. Board Minutes for Consideration of Approval (Open & Closed)

1. May 14-15, 2020 Board meeting
2. June 25, 2020 teleconference

E. Vote to approve Fiscal Year 2021 Budget

F. Executive Director's Report

G. Administrative Rules

1. Physician Supervision of a Physician Assistant 21.4
 - a. Physician Assistant Supervision Statute Mandated Rule Changes

H. Petitions for Medical Cannabidiol

1. Generalized Anxiety Disorder
2. Tourette Syndrome
3. Rare Condition or Disease

I. Legislative Update

1. HF 2627 - Professional Licensure
2. HF 310 - Optometry
3. HF 594 - Relating to Medical Procedures Including Abortion
4. HF 2589 & IDPH Communication regarding mCBD Act & Medical Marijuana

J. Iowa Physician Health Program Report – Amy Van Maanen, Coordinator

1. Monthly statistics
2. Rule revisions

K. Judicial Review – Anagha Dixit, Assistant Attorney General

1. **Calcaterra v. Board of Medicine - Domenico Calcaterra, M.D.** - The Board issued a declaratory order finding that statements of charges are public documents. Dr. Calcaterra 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. This case received a decision on April 26, 2020. We have requested this decision be stayed and reconsidered. Both requests are still pending before the court.

2. **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. The scheduling order has been delayed as we still have not received a decision from the Court.

3. Yates v. Board of Medicine – Leroy L. Yates, JR, M.D., lost a contested case on December 12, 2019. Dr. Yates filed a pro se Petition for Judicial Review, which the court ruled as timely. He has since acquired local Florida counsel. Counsel for Petitioner filed their brief in early July. The Board's response will be due at the end of the month. Oral arguments in this case are currently scheduled for late August.

4. Doe v. Board of Medicine – John Doe, M.D., lost a contested case on January 16, 2020. The Petitioner had been ordered by the Board to attend a confidential comprehensive competency evaluation. A hearing was held on the matter over two days in 2019 and Administrative Law Judge Johnathan Gallagher issued his decision on January 16, 2020. A timely petition for judicial review was filed. The matter was heard in late June and the parties now await a decision.

L. Interstate Medical Licensure Compact Update

M. Board Education

- 1. Recommended Health Equity Training** - Noon to 1:00 – July 13, 2020.
AMA Advancing Social Justice - with Accredited Continuing Education Webinar
Registration is free of charge [here](#).

Webinar info - Please join Graham McMahon, MD, MMSc, President and CEO, ACCME; Aletha Maybank, MD, MPH, Chief Health Equity Officer, American Medical Association; and David Ansell, MD, MPH, Senior Vice President for Community Health Equity at Rush University Medical Center, for a community conversation exploring how we, as educators, can be part of the solution.

BOARD-CLOSED SESSION

LUNCH BREAK

BOARD-CLOSED SESSION

BOARD-OPEN SESSION

1. Vote on Closed Session Cases

ADJOURN

Board Meetings - 2020	Board Office Closings
August 27-28	Labor Day - September 7
October 22-23	Veterans Day - November 11
December 10-11	Thanksgiving Day - November 26
	Friday after Thanksgiving - November 27
	Christmas Day - December 25

(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.