



KIM REYNOLDS, GOVERNOR
ADAM GREGG, LT. GOVERNOR

IOWA BOARD OF MEDICINE
KENT NEBEL, J.D., EXECUTIVE DIRECTOR
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OPEN MINUTES OF THE AUGUST 27-28, 2020 BOARD MEETING

THURSDAY, AUGUST 27, 2020

MEMBERS PRESENT

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

MEMBERS ABSENT

None

STAFF PRESENT

Kent M. Nebel, J.D., Executive Director
Joseph A. Fraioli, J.D., Legal Director
Don J. Woodhouse, M.D., Medical Director
Aaron Kephart, Investigator
Anne Schleppehorst, Investigator
Brandi Allen, Investigator
Dave McGlaughlin, Investigator
Jennifer Huisman, Investigator
Jerome Hill, Investigator
Laura Wood, Investigator
Emily Zalasky, Monitoring Coordinator
Amy Van Maanen, Iowa Physician Health Program Coordinator
Annie Hoffman, Licensure Director
Cheryl Gravett, Licensing Specialist
Jaime Dunbar, Licensing Specialist
Melissa Nelsen, Licensing Specialist
Judy Hojati, Renewal Coordinator
Kari Rolls, Administrative Assistant
Shantel Billington, Office Manager
Anagha Dixit, Assistant Attorney General
Steven Ervin, Information Technology Support

At 10:51 a.m., Warren Gall, M.D., Chair, called the meeting to order.

At 10:52 a.m., on a motion by Nikhil Wagle, M.D., seconded by Trudy Caviness, 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. Trudy Caviness, Diane Cortese, Patricia Fasbender, D.O., Warren Gall, M.D., Ronald Kolegraff, M.D., Mary Jo Romano, Joyce Vista-Wayne, M.D., and Nikhil Wagle, M.D., all voted aye in a roll call vote to approve the motion.

At 5:20 p.m., Closed Session went to recess. The Closed Session resumed on Friday, August 28, 2020, at 8:02 a.m.

FRIDAY, AUGUST 28, 2020

MEMBERS PRESENT

Warren Gall, M.D., Chair
Ronald Kolegraff, M.D., Vice-Chair
Nikhil Wagle, M.D., Secretary
Trudy Caviness
Diane Cortese
Patricia Fasbender, D.O.
Joyce Vista-Wayne, M.D.

MEMBERS ABSENT

Mary Jo Romano

STAFF PRESENT

Kent M. Nebel, J.D., Executive Director
Joseph A. Fraioli, J.D., Legal Director
Don J. Woodhouse, M.D., Medical Director
Aaron Kephart, Investigator
Anne Schlepffhorst, Investigator
Brandi Allen, Investigator
Dave McGlaughlin, Investigator
Jerome Hill, Investigator
Emily Zalasky, Monitoring Coordinator
Amy Van Maanen, Iowa Physician Health Program Coordinator
Kari Rolls, Administrative Assistant
Chrissy Greco, Assistant to Executive Director
Anagha Dixit, Assistant Attorney General
Steven Ervin, Information Technology Support

Closed Session resumed at 8:02 a.m.

At 8:39 a.m., while still in closed session, all members present voted in favor of a motion by Nikhil Wagle, M.D., seconded by Patricia Fasbender, D.O., to meet in an open session. In open session, the Board took the following actions:

The Board received information which indicates that individuals at SBN Consultants in Bloomfield, Iowa, have engaged in the practice of medicine in Iowa without an Iowa medical license in violation of the laws and rules governing the practice of medicine in Iowa. The information received indicates that individuals at SBN Consultants have engaged in the diagnosis and treatment of medical conditions for citizens in Iowa, including, but not limited

to, telling the public that the facility can cure the Corona Virus. The Board determined that individuals at SBN Consultants are actively testing hair samples using a “Qest Machine”, and performing urine, and saliva testing, and then recommending treatment options. The Board also determined that Old Cabin Retreats is providing Heat treatment, oxygen/oxygen chamber, Quantum feedback, Omni Mat, Massage Table, and Magna Wave to individuals in Iowa. The Board also determined that John Henry and Eddy Ginerich have held themselves out as medical practitioners. The Board is also concerned that SBN Consultants and Old Cabin Retreats may be engaging in fraudulent practices. The Board determined that it lacks jurisdiction, and will instead refer the case to the county attorney.

On a motion by Nikhil Wagle, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 01-2020-135, with **no formal action**.

Joseph A. Fraioli, J.D., Legal Director, updated the Board that we have won the John Doe v. Iowa Board of Medicine case in District Court.

PUBLIC SESSION

Public in Attendance	
Courtney Clausen	Student - University of Northern Iowa
Senator David Hartsuch	Physician & Petitioner - concerning Hydroxychloroquine & Draft Response from the Board
Tony Leys	Des Moines Register
Rowdy Templer	Tuesday Club - Stanhope, Iowa
Dr. Hamed Tewfik	Physician - Iowa City
Linda Thiesen	University of Iowa
Dennis Tibben	Iowa Medical Society

On a motion by Joyce Vista-Wayne, M.D., seconded by Nikhil Wagle, M.D., all Board members voted to approve the agenda

A Petition to consider Joint statement concerning Hydroxychloroquine & Draft Response from the Board was discussed out of order of the agenda due to the amount of public comments and discussion on the topic.

Public comments were made by Senator David Hartsuch, Rowdy Templer and Dr. Hamed Tewfik regarding the Petition to consider Joint statement concerning Hydroxychloroquine & Draft Response from the Board.

Board members Joyce Vista-Wayne and Ronald Kolegraff provided their feedback to the public comments.

Anagha Dixit, Assistant Attorney General for the Board, clarified the course her office took in preparing the Joint Statement.

Staffing update - Mr. Nebel stated that Chief Investigator interviewees have been selected and interviews will begin soon.

He also noted that applications have been received and will be reviewed for the IPHP case manager position.

On a motion by Warren Gall, M.D., seconded by Trudy Caviness, the Board approved the open and closed minutes for the July 9-10, 2020 Board meeting.

Administrative Rules - On February 7, 2020, the Board of Medicine voted in open session to consider a petition submitted to the Board by the Iowa Medical Cannabidiol Board pursuant to Iowa Code section 124E.5, requesting the addition of Intellectual disability (ID) with aggression and/or self-injury to the definition of debilitating medical conditions. The Board voted 4 to 3 to approve and notice the addition of this condition as submitted in the petition.

The Board was set to vote to adopt this rule and declined. As a result, the condition will not be added and the former Notice will expire.

A judicial update was given by Anagha Dixit, Assistant Attorney General on the following items:

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. The Court heard oral arguments on the motions in July. The Board is awaiting a decision.

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.

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 filed their response brief at the end of July. Dr. Yates will have an opportunity to respond to our brief in August and then the Court will hear oral arguments on the case before issuing a decision.

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.

Iowa Physician Health Program - An update was given by Amy Van Maanen, Coordinator and the monthly statistics for the program were provided to the Board members.

Legislative Update was given by Mr. Nebel, regarding HF 2627 - Professional Licensure,
which was signed into law by Governor Reynolds on June 25, 2020.

Interstate Medical Licensure Compact Update was given by Warren Gall, M.D. He spoke about concerns from the Iowa Board's licensure staff regarding difficulties in communicating with the compact director, as well as timelines and details of background checks for applicants. As a result, the executive committee of the compact has agreed to set up a yearly licensure summit to address these issues.

At 10:34 a.m., on a motion by Nikhil Wagle, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members voted to adjourn the public session.

On a motion by Diane Cortese, seconded by Trudy Caviness, all Board members present voted to accept the combined Statement of Charges and Settlement Agreement for Susannah P. Friemel, M.D., file 02-2017-622. Nikhil Wagle, M.D., recused.

On a motion by Nikhil Wagle, M.D., seconded by Trudy Caviness, all Board members present voted to accept the Stipulated Order: Voluntary Surrender for Anthony A. Onuigbo, M.D., file 02-2017-531.

On a motion by Nikhil Wagle, M.D., seconded by Trudy Caviness, all Board members present voted to accept the combined Statement of Charges and Settlement Agreement for Alexandar Jovanovich, M.D., file 02-2019-193.

On a motion by Nikhil Wagle, M.D., seconded by Trudy Caviness, all Board members present voted to accept the combined Statement of Charges and Settlement Agreement for Vuong A. Nayima, D.O., file 03-2020-044.

On a motion by Nikhil Wagle, M.D., seconded by Trudy Caviness, all Board members present voted to file Statement of Charges against Roy W. Overton, III, D.O., file 03-2019-382.

On a motion by Nikhil Wagle, M.D., seconded by Trudy Caviness, all Board members present voted to close file 02-2019-100, with no formal action.

On a motion by Nikhil Wagle, M.D., seconded by Trudy Caviness, all Board members present voted to leave open file 02-2019-030.

On a motion by Nikhil Wagle, M.D., seconded by Trudy Caviness, all Board members present voted to leave open file 02-2018-053.

On a motion by Nikhil Wagle, M.D., seconded by Trudy Caviness, all Board members present voted to leave open file 02-2018-210.

On a motion by Nikhil Wagle, M.D., seconded by Trudy Caviness, all Board members present voted to leave open file 02-2018-358.

On a motion by Nikhil Wagle, M.D., seconded by Trudy Caviness, all Board members present voted to close file 02-2015-134, with no formal action.

On a motion by Nikhil Wagle, M.D., seconded by Trudy Caviness, all Board members present voted to close file 02-2015-352, with no formal action.

On a motion by Nikhil Wagle, M.D., seconded by Trudy Caviness, all Board members present voted to close file 02-2019-348, with no formal action. Joyce Vista-Wayne, M.D., recused.

On a motion by Nikhil Wagle, M.D., seconded by Trudy Caviness, all Board members present voted to close file 02-2019-206, with no formal action.

On a motion by Nikhil Wagle, M.D., seconded by Trudy Caviness, all Board members present voted to close file 03-2019-128, with no formal action.

On a motion by Ronald Kolegraff, M.D., seconded by Trudy Caviness, all Board members present voted to leave open file 02-2017-052.

On a motion by Ronald Kolegraff, M.D., seconded by Trudy Caviness, all Board members present voted to leave open file 02-2018-415.

On a motion by Ronald Kolegraff, M.D., seconded by Trudy Caviness, all Board members present voted to leave open file 02-2019-307.

On a motion by Ronald Kolegraff, M.D., seconded by Trudy Caviness, all Board members present voted to leave open file 02-2019-317.

On a motion by Ronald Kolegraff, M.D., seconded by Trudy Caviness, all Board members present voted to affirm its original decision to close file 02-2018-590, with no formal disciplinary action.

On a motion by Ronald Kolegraff, M.D., seconded by Trudy Caviness, all Board members present voted to affirm its original decision to close file 02-2019-259, with no formal disciplinary action.

On a motion by Ronald Kolegraff, M.D., seconded by Trudy Caviness, all Board members present voted to leave open file 03-2018-434.

On a motion by Ronald Kolegraff, M.D., seconded by Trudy Caviness, all Board members present voted to leave open file 02-2019-523.

On a motion by Ronald Kolegraff, M.D., seconded by Trudy Caviness, all Board members present voted to close file 03-2019-597, with no formal action.

On a motion by Ronald Kolegraff, M.D., seconded by Trudy Caviness, all Board members present voted to close file 03-2019-607, with no formal action.

On a motion by Ronald Kolegraff, M.D., seconded by Trudy Caviness, all Board members present voted to affirm its original decision to close file 03-2019-492, with no formal disciplinary action.

On a motion by Ronald Kolegraff, M.D., seconded by Trudy Caviness, all Board members present voted to leave open file 02-2018-400.

On a motion by Warren Gall, M.D., seconded by Trudy Caviness, all Board members present voted to close file 02-2019-366, with no formal action.

On a motion by Warren Gall, M.D., seconded by Trudy Caviness, all Board members present voted to affirm its original decision to close file 03-2018-272, with no formal disciplinary action.

On a motion by Warren Gall, M.D., seconded by Trudy Caviness, all Board members present voted to close file 02-2012-162, with no formal action.

On a motion by Warren Gall, M.D., seconded by Trudy Caviness, all Board members present voted to close file 02-2012-477, with no formal action.

On a motion by Warren Gall, M.D., seconded by Trudy Caviness, all Board members present voted to close file 02-2016-629, with no formal action.

On a motion by Warren Gall, M.D., seconded by Trudy Caviness, all Board members present voted to close file 02-2019-656, with no formal action.

On a motion by Warren Gall, M.D., seconded by Trudy Caviness, all Board members present voted to close file 02-2020-182, with no formal action.

On a motion by Warren Gall, M.D., seconded by Trudy Caviness, all Board members present voted to close file 02-2020-200, with no formal action.

On a motion by Warren Gall, M.D., seconded by Trudy Caviness, all Board members present voted to close file 02-2019-687, with no formal action. Joyce Vista-Wayne, M.D., recused.

On a motion by Warren Gall, M.D., seconded by Trudy Caviness, all Board members present voted to close file 02-2018-550, with no formal action.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to close file 02-2020-046 with no formal action. Warren Gall, M.D., recused.

On a motion by Warren Gall, M.D., seconded by Trudy Caviness, all Board members present voted to leave open file 02-2018-046.

On a motion by Warren Gall, M.D., seconded by Trudy Caviness, all Board members present voted to close file 02-2019-270, with no formal action.

On a motion by Warren Gall, M.D., seconded by Trudy Caviness, all Board members present voted to close file 02-2018-107, with no formal action.

On a motion by Warren Gall, M.D., seconded by Trudy Caviness, all Board members present voted to close file 02-2018-546, with no formal action.

On a motion by Warren Gall, M.D., seconded by Trudy Caviness, all Board members present voted to close file 02-2019-201, with no formal action.

On a motion by Warren Gall, M.D., seconded by Trudy Caviness, all Board members present voted to close file 02-2019-116, with no formal action.

On a motion by Warren Gall, M.D., seconded by Trudy Caviness, all Board members present voted to close file 02-2020-003, with no formal action.

On a motion by Warren Gall, M.D., seconded by Trudy Caviness, all Board members present voted to close file 03-2020-070, with no formal action.

On a motion by Warren Gall, M.D., seconded by Trudy Caviness, all Board members present voted to close file 02-2020-071, with no formal action.

On a motion by Warren Gall, M.D., seconded by Trudy Caviness, all Board members present voted to close file 02-2020-122, with no formal action.

On a motion by Patricia Fasbender, D.O., seconded by Trudy Caviness, all Board members present voted to close file 02-2020-123, with no formal action.

On a motion by Patricia Fasbender, D.O., seconded by Trudy Caviness, all Board members present voted to close file 02-2019-496, with no formal action.

On a motion by Patricia Fasbender, D.O., seconded by Trudy Caviness, all Board members present voted to leave open file 02-2020-191.

On a motion by Patricia Fasbender, D.O., seconded by Trudy Caviness, all Board members present voted to leave open file 03-2020-106.

On a motion by Patricia Fasbender, D.O., seconded by Trudy Caviness, all Board members present voted to close file 02-2020-076, with no formal action.

On a motion by Patricia Fasbender, D.O., seconded by Trudy Caviness, all Board members present voted to close file 02-2019-608, with no formal action.

On a motion by Patricia Fasbender, D.O., seconded by Trudy Caviness, all Board members present voted to leave open file 02-2016-307.

On a motion by Patricia Fasbender, D.O., seconded by Trudy Caviness, all Board members present voted to leave open file 02-2019-454.

On a motion by Patricia Fasbender, D.O., seconded by Trudy Caviness, all Board members present voted to close file 02-2019-642, with no formal action.

On a motion by Patricia Fasbender, D.O., seconded by Trudy Caviness, all Board members present voted to close file 03-2020-201, with no formal action.

On a motion by Patricia Fasbender, D.O., seconded by Trudy Caviness, all Board members present voted to close file 02-2020-128, with no formal action.

On a motion by Patricia Fasbender, D.O., seconded by Trudy Caviness, all Board members present voted to close file 02-2019-228, with no formal action.

On a motion by Patricia Fasbender, D.O., seconded by Trudy Caviness, all Board members present voted to close file 02-2020-035, with no formal action.

On a motion by Patricia Fasbender, D.O., seconded by Trudy Caviness, all Board members present voted to close file 02-2020-078, with no formal action.

On a motion by Patricia Fasbender, D.O., seconded by Trudy Caviness, all Board members present voted to close file 02-2019-690, with no formal action.

On a motion by Patricia Fasbender, D.O., seconded by Trudy Caviness, all Board members present voted to close file 02-2019-411, with no formal action.

On a motion by Patricia Fasbender, D.O., seconded by Trudy Caviness, all Board members present voted to close file 02-2019-614, with no formal action.

On a motion by Patricia Fasbender, D.O., seconded by Trudy Caviness, all Board members present voted to close file 02-2020-193, with no formal action.

On a motion by Patricia Fasbender, D.O., seconded by Trudy Caviness, all Board members present voted to close file 02-2018-387, with no formal action.

On a motion by Patricia Fasbender, D.O., seconded by Trudy Caviness, all Board members present voted to close file 02-2018-388, 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 accept the Screening Committee Report and its recommendations.

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

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

At 11:06 a.m., all members present voted in favor of a motion by Warren Gall, M.D., seconded by Ronald Kolegraff, M.D., to adjourn the meeting.