



KIM REYNOLDS, GOVERNOR
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IOWA BOARD OF MEDICINE
KENT NEBEL, J.D., EXECUTIVE DIRECTOR
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PUBLIC A G E N D A^{1, 2, 3, 4, 5}

REGULARLY SCHEDULED MEETING – DECEMBER 10-11, 2020

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, DECEMBER 10, 2020

7:30 a.m. - **EXECUTIVE COMMITTEE**

Chair Gall, Cortese, Kolegraff, Romanco, Vista-Wayne

7:30 a.m. - **SCREENING COMMITTEE**

Chair Wagle, Caviness, Fasbender

9:00 a.m. - **MONITORING COMMITTEE**

Chair Kolegraff, Caviness, Cortese, Vista-Wayne

9:00 a.m. - **LICENSURE COMMITTEE**

Chair Romanco, Fasbender, Gall, Wagle

BOARD – OPEN SESSION

BOARD – CLOSED SESSION

A. Iowa Physician Health Committee

1. Notices of non-compliance

B. Committee Reports

1. Screening
2. Monitoring
3. Licensure

C. Review of Closed Minutes

1. November 19, 2020 teleconference
2. October 22-23, 2020 Board meeting

LUNCH BREAK

FULL BOARD – CLOSED SESSION

FULL BOARD – OPEN SESSION

A. Unlicensed Practice of Medicine Cases

1. None

B. Vote on Closed Session Cases

FRIDAY, DECEMBER 11, 2020

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

BOARD-CLOSED SESSION

HEARING

8:00 a.m. - Sharon L. McRae, M.D.

BOARD-CLOSED SESSION

BOARD-OPEN SESSION

10:00 a.m. - BOARD-PUBLIC SESSION

The public may participate in the public session by calling the conference line below:

CALL: (866) 685-1580 USE CODE: 971-913-4151

- A. Roll call to establish a quorum
- B. Vote to approve agenda
- C. Introduction of Public Present
- D. Opportunity for Public Comments⁵
(Public can make comments now or when specific agenda items are addressed.)
- E. Executive Director's Report
- F. Budget Discussion
- G. Board Minutes for Consideration of Approval (Open & Closed)
 - 1. November 19, 2020 teleconference
 - 2. October 22-23, 2020 Board meeting
- H. Vote to approve Ruling on Petition for Declaratory Order
- I. Legislative Update – Nothing to discuss
- J. Administrative Rules
 - 1. Eligibility for Licensure - HF 2627
 - a. Rules approved by the Board on 10.23.2020; waiting for other Boards to complete approval process so that rules can be filed simultaneously, pursuant to a request by the Legislative Services Agency.
 - 2. Waiver Rule Revisions
 - a. Notice of Intended Action Filed 12.3.2020
 - b. Public Hearing set for 1.20.2021 at 1:00 p.m.
 - 3. Supervision of Executive Director
 - a. Notice of Intended Action Filed 12.3.2020
 - b. Public Hearing set for 1.20.2021 at 2:00 p.m.
- 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. The Court heard oral arguments on the motions in July. The Court denied those motions in November. We have filed a notice of appeal and our brief is due in December.

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.

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. The parties both briefed the issues and an oral argument was held in District Court. The Board's decision was affirmed. As of the date of writing this summary, Dr. Yates has not filed a notice of appeal of that decision.

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 parties briefed the issue and had oral arguments. The Board's decision was affirmed and Dr. Doe has filed a notice of appeal. The parties will now need to re-brief for the appellate courts.

L. Iowa Physician Health Program - Nothing to Discuss

M. Interstate Medical Licensure Compact - Update

N. Discussion - Draft a letter from the Board to the Governor to fill vacancies for Board members and alternatives.

O. Board Education - **Recommended Health Equity Trainings**

1. **FSMB Course to Examine Implicit Bias in Medical Regulation, Dec. 16 – 1:30-2:30**

"Ensuring Fairness in Medical Regulation: Can Implicit Bias Be Overcome?"

Speakers, Bryant T. Marks, Sr., PhD, and Cheryl Walker-McGill, MD, MBA

Research has shown that implicit bias is prevalent among health care professionals, it has harmful effects on patient health, and it is a contributing factor to health disparities. As medical regulators, we strive for impartiality and justice in our work, but do we have the capacity to be truly objective? What are the unseen barriers to achieving justice? During this session, Dr. Bryant Marks will discuss the concept of implicit bias, describe how it can manifest in medical regulation and the dangers it poses to fair outcomes.

About the FSMB's Virtual Education Program

The Virtual Education Program was developed after the FSMB's 2020 Annual Meeting was cancelled in March due to the COVID-19 pandemic. Continuing Medical Education (CME) credits will be available for participation.

Previous presentations were recorded and are now available online for CME credit:

- **[Session 1: "Where Will the Empowered Health Care Consumer Lead Us?"](#)**
- **[Session 2: "Achieving Regulatory Excellence in a World of Advanced Technologies and Complex Risks"](#)**
- **[Session 3: "Physician Sexual Misconduct: New Policies and Approaches"](#)**
- **[Session 4: "New Pandemic-Related Developments in Telemedicine"](#)**

2. **AMA Advancing Social Justice - with Accredited Continuing Education Webinar**

Webinar info - Please join Graham McMahan, 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

2021 BOARD CALENDAR		
BOARD MEETINGS	BOARD TELECONFERENCES	STATE HOLIDAYS OBSERVED – OFFICE CLOSED
February 18-19 April 15-16 June 3-4 July 22-23 September 9-10 October 21-22 December 9-10	January 14 March 11 May 13 June 24 August 19 September 30	January 1 – New Year's Day January 18 - MLK Day May 31 - Memorial Day July 5 - Independence Day September 6 - Labor Day November 11 - Veterans Day November 25-26 - Thanksgiving December 24 – Christmas December 31 - New Year's Day

(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.