



STATE OF IOWA

KIM REYNOLDS, GOVERNOR
ADAM GREGG, LT. GOVERNOR

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 – FEBRUARY 18-19, 2021

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 Romano, Joyce Vista-Wayne, M.D.

THURSDAY, FEBRUARY 18

7:30 a.m. - **EXECUTIVE COMMITTEE** - Chair Gall, Cortese, Kolegraff, Romano, 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 Romano, Fasbender, Gall, Wagle

BOARD – OPEN SESSION

BOARD – CLOSED SESSION

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. December 10-11, 2020 Board Meeting
2. January 14, 2021 teleconference

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, FEBRUARY 19

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

BOARD-CLOSED SESSION

BOARD-OPEN SESSION

9:00 a.m. - BOARD-PUBLIC SESSION

Public session will begin at 9:00 a.m., Friday, February 19th.

Members of the public may participate in the public session by calling the teleconference 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 – Oral Report

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

1. December 10-11, 2020 Board Meeting
2. January 14, 2021 teleconference

G. Legislative Update

1. HSB 75 - A bill for an act relating to disciplinary hearings conducted by professional licensing boards.
2. HF 53 - A bill for an act relating to informed consent for medication abortions, and providing penalties.
3. HF 88 - A bill for an act relating to the provision of audio-only telehealth or telemedicine by health care professionals.
4. SF 78 - A bill for an act adopting the psychology interjurisdictional compact.
5. HF 115 - A bill for an act relating to emergency care policy and procedure requirements applicable to an ambulatory surgical center.
6. SF 125 - A bill for an act relating to immunization information requested on a medical examiner investigation form.
7. HF 132 - A bill for an act relating to online continuing education courses for maintaining a professional license.
8. HF 133 - A bill for an act relating to the extension of deadlines for the completion of continuing education requirements.
9. HF 217 - A bill for an act relating to exemptions from required immunizations and vaccinations.
10. HSB 51 - A bill for an act relating to the refilling of a prescription in emergency situations.
11. HSB 71 - A bill for an act relating to the authority of a dentist relating to the prescribing and administration of certain immunizations and vaccines.
12. HSB 168 - Dental & medical school admissions - Requires the Regents to adopt a policy that 75% of admissions into the UI medical and dental schools be lowans or persons who attended college in Iowa. Requires annual reports from the UI Hospitals and Clinics on the residency of graduates and on residency programs.
13. SF 212 - Allows terminally-ill patients to request medication that can be self-administered to end their lives. Establishes procedures and requirements. Requires the DPH to develop checklists for providers. Includes provisions on the effect on wills and insurance.
14. HF 327- An Act relating to treatment or intervention involving a minor diagnosed with gender dysphoria, and providing for licensee discipline and civil.
15. HF 403 - An Act creating the living infants fairness and equality Act and providing for licensee discipline and civil and criminal penalties.

H. Administrative Rules

1. Waiver Rule Revisions – [Vote to Adopt](#)
 - a. Public Hearing held 1.20.2021 – no comments received.
2. Supervision of Executive Director – [Vote to Adopt](#)
 - a. Public Hearing held 1.20.2021 – no comments received.
3. Use of Criminal Convictions in Eligibility Determinations and Initial Licensing Decisions NIA 5473C – Update - no action needed
 - a. Set to publish on 02.24.2021
 - b. Public hearing set for 3.16.2021

I. **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 since appealed and both parties have filed all their briefs. We are awaiting a decision from the appellate courts.
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. Dr. Yates filed a notice of appeal and his attorney is still waiting on admission into the Supreme Court pro hac vice because he is a Florida based attorney.
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. Dr. Doe's brief will be due early February and the Board's a month later.
5. **Lajeunesse v. Board of Medicine** There are two pending District Court actions related to this matter. Michael Lajeunesse was a complainant whose case was closed by the Board and he is attempting to have the Board's decision judicially reviewed. The Board has filed a motion to dismiss in both cases as closing cases and not pursuing charges or investigating is not subject to judicial review. We are waiting on court orders in both matters.
6. **Irland v. Board of Medicine – Mark Irland, M.D.** Dr. Irland was issued a confidential order and filed a Motion to Dismiss at the administrative level, which was denied. He filed a judicial review in response and the Board filed a motion to dismiss his judicial review. Oral arguments on the matter were heard on February 3, 2021. As of the date of writing this summary, we have no received a decision on the Board's motion to dismiss.

J. **Iowa Physician Health Program** – December/January stats

K. **Interstate Medical Licensure Compact** - Update

L. **Board Education** - [Recommended Trainings](#)

1. [IMS COVID-19 Quick Connect Webinar](#) - Friday, February 26 @ 12:00 PM – Via Zoom.
2. [Des Moines University Implicit Bias Webinar](#) - February 23, 2021, 12 pm CT, Race, Implicit Bias, and Social Determinants: How Do They Impact Children’s Health and What Can We Do About It? **Available credit - 1.00 CE Contact Hour(s)**
3. [AMA Advancing Social Justice - with Accredited Continuing Education Webinar](#)
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 must be in open session to adjourn.*)

2021 BOARD CALENDAR		
BOARD MEETINGS	BOARD TELECONFERENCES	STATE HOLIDAYS OBSERVED – OFFICE CLOSED
April 15-16 June 3-4 July 22-23 September 9-10 October 21-22 December 9-10	March 11 May 13 June 24 August 19 September 30	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.