



KIM REYNOLDS, GOVERNOR
ADAM GREGG, LT. GOVERNOR

IOWA BOARD OF MEDICINE
KENT NEBEL, J.D., EXECUTIVE DIRECTOR
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BOARD MEETING OPEN MINUTES **APRIL 15-16, 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 Romanco, Joyce Vista-Wayne, M.D.

THURSDAY, APRIL 15

MEMBERS PRESENT

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

MEMBERS ABSENT

Diane Cortese

STAFF PRESENT

Kent M. Nebel, J.D., Executive Director
Joseph A. Fraioli, J.D., Legal Director
Don J. Woodhouse, M.D., Medical Director
Anne Schlepfforst, Chief Investigator
Aaron Kephart, Investigator
Brandi Allen, Investigator
Dave McGlaughlin, Investigator
Jennifer Huisman, Investigator
Jerome Hill, Investigator
Laura Wood, Investigator
Emily Zalasky, Monitoring Coordinator
Annie Hoffman, Licensure Director
Amy Van Maanen, Iowa Physician Health Program Coordinator
Kari Rolls, Administrative Assistant
Kitty Moore, Enforcement Support
Anagha Dixit, Assistant Attorney General
Jordan Esbrook, Assistant Attorney General
Steven Ervin, Information Technology Support

At 10:43 a.m., Warren Gall, M.D., Chair, called the meeting to order.

At 10:44 a.m., on a motion by Ronald Kolegraff, 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, 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 3:04 p.m., while still in closed session, all members present voted in favor of a motion by Mary Jo Romano, 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 Ronald Kolegraff, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **accept** the combined Statement of Charges and Settlement Agreement for Gregory L. Ingle, D.O., file 03-2019-188.

On a motion by Ronald Kolegraff, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **deny** the State's Motion to Amend Charges for George B. Isaac, M.D., file 02-2015-522. Warren Gall, M.D., and Anagha Dixit, Assistant Attorney General, recused.

On a motion by Ronald Kolegraff, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2017-659, with **no formal action**. Warren Gall, M.D., and Anagha Dixit, Assistant Attorney General, recused.

On a motion by Ronald Kolegraff, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2017-669, with **no formal action**. Warren Gall, M.D., and Anagha Dixit, Assistant Attorney General, recused.

On a motion by Ronald Kolegraff, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2017-670, with **no formal action**. Warren Gall, M.D., and Anagha Dixit, Assistant Attorney General, recused.

On a motion by Ronald Kolegraff, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2018-020, with **no formal action**. Warren Gall, M.D., and Anagha Dixit, Assistant Attorney General, recused.

On a motion by Ronald Kolegraff, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2018-190, with **no formal action**. Warren Gall, M.D., and Anagha Dixit, Assistant Attorney General, recused.

On a motion by Ronald Kolegraff, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2019-158, with **no formal action**. Warren Gall, M.D., and Anagha Dixit, Assistant Attorney General, recused.

On a motion by Ronald Kolegraff, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2019-359, with **no formal action**. Warren Gall, M.D., and Anagha Dixit, Assistant Attorney General, recused.

On a motion by Ronald Kolegraff, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **leave open** file 02-2012-754.

On a motion by Ronald Kolegraff, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **leave open** file 02-2020-277.

On a motion by Ronald Kolegraff, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 03-2019-202, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **leave open** file 02-2019-201.

On a motion by Ronald Kolegraff, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2019-249, with **no formal action**.

On a motion by Trudy Caviness, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 03-2015-564, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2019-344, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2019-681, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2020-084, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2019-471, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 03-2019-579, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **leave open** file 02-2019-080.

On a motion by Nikhil Wagle, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2019-070, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2018-623, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2018-109, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2019-473, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **leave open** file 02-2019-632.

On a motion by Nikhil Wagle, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2020-483, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 03-2020-533, with **no formal action**. Ronald Kolegraff, M.D., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2020-545, with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **leave open** file 02-2020-372.

On a motion by Trudy Caviness, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2021-008, with **no formal action**. Joyce Vista-Wayne, M.D., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2021-012, with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2019-299, with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2020-043, with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **leave open** file 02-2019-012.

On a motion by Joyce Vista-Wayne, M.D., seconded by Mary Jo Romanco, all Board members present voted to **close** file 02-2020-325, with **no formal action**. Jolivette Patricia Fasbender, D.O., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2019-092, with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 03-2020-376, with **no formal action**.

On a motion by Mary Jo Romanco, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2020-228, with **no formal action**.

On a motion by Mary Jo Romanco, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2020-014, with **no formal action**.

On a motion by Mary Jo Romanco, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 03-2019-617, with **no formal action**.

On a motion by Mary Jo Romanco, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2020-399, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2020-401, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2020-283, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **leave open** file 03-2011-559. Patricia Fasbender, D.O., and Anagha Dixit, Assistant Attorney General, recused.

On a motion by Warren Gall, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **leave open** file 03-2017-176. Patricia Fasbender, D.O., and Anagha Dixit, Assistant Attorney General, recused.

On a motion by Warren Gall, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **leave open** file 03-2018-392. Patricia Fasbender, D.O., and Anagha Dixit, Assistant Attorney General, recused.

On a motion by Warren Gall, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **leave open** file 03-2015-705. Patricia Fasbender, D.O., and Anagha Dixit, Assistant Attorney General, recused.

On a motion by Warren Gall, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **leave open** file 03-2016-012. Patricia Fasbender, D.O., and Anagha Dixit, Assistant Attorney General, recused.

On a motion by Warren Gall, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **leave open** file 03-2016-264. Patricia Fasbender, D.O., and Anagha Dixit, Assistant Attorney General, recused.

On a motion by Warren Gall, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **leave open** file 03-2018-290. Patricia Fasbender, D.O., and Anagha Dixit, Assistant Attorney General, recused.

On a motion by Warren Gall, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **leave open** file 03-2018-463. Patricia Fasbender, D.O., and Anagha Dixit, Assistant Attorney General, recused.

On a motion by Warren Gall, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **leave open** file 03-2021-026. Patricia Fasbender, D.O., and Anagha Dixit, Assistant Attorney General, recused.

On a motion by Warren Gall, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2020-293, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Trudy Caviness, all Board members present voted to **accept** the Screening Committee Report and its recommendations.

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

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

At 3:11 p.m., all members present voted in favor of a motion by Ronald Kolegraff, M.D., seconded by Nikhil Wagle, M.D., to adjourn the meeting.

FRIDAY, APRIL 16, 2021

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Diane Cortese

STAFF PRESENT:

Kent M. Nebel, J.D., Executive Director
Joseph A. Fraioli, J.D., Legal Director
Don J. Woodhouse, M.D., Medical Director
Anne Schlepffhorst, Chief Investigator
Chrissy Greco, Assistant to the Executive Director
Aaron Kephart, Investigator
Brandi Allen, Investigator
Dave McGlaughlin, Investigator
Jerome Hill, Investigator
Laura Wood, Investigator
Emily Zalasky, Monitoring Coordinator
Annie Hoffman, Licensure Director
Cheryl Gravett, Licensing Specialist
Jaime Dunbar, Licensing Specialist
Amy Van Maanen, Iowa Physician Health Program Coordinator
Natalie Lyons, Iowa Physician Health Program Case Manager
Kari Rolls, Administrative Assistant
Anagha Dixit, Assistant Attorney General
Steven Ervin, Information Technology Support

At 9:00a.m., Warren Gall, M.D., Board chairperson, called the public session to order.

Roll call was taken. Diane Cortese was absent.

On a motion by Trudy Caviness, seconded by Mary Jo Romano, all Board members present voted to approve the agenda.

Public Present

Name	Representing
Sherry Marceau	Self
Kevin Kruse	Iowa Society of Anesthesiologists

Public Comments were made by Sherri Marceau.

Sherry Muller Marceau spoke about her July 2020 complaint to the Board regarding an incident from 1974, in which a man who was convicted of lascivious act with a child involving herself and several other children. She said that she is still seeking resolve on the complaint she filed and wants answers on how this man was granted a license to practice medicine with his criminal history involving children.

The Executive Director's Report was given by Kent Nebel and can be found on the Board website.

On a motion by Warren Gall, M.D., seconded by Mary Jo Romanco, all Board members in attendance voted to approve 2022 Board Calendar dates.

On a motion by Mary Jo Romanco, seconded by Trudy Caviness, all Board members present voted to approve the Board Minutes for the February 18, 2021 Board meeting and the March 11, 2021 teleconference.

Annual votes for Board positions:

On a motion by Ronald Kolegraff, M.D., seconded by Mary Jo Romanco, all members present voted Warren Gall, M.D., remain in his position as Board Chairperson.

On a motion by Joyce Vista-Wayne, M.D., seconded by Nikil Wagle, M.D., all members present voted Ronald Kolegraff, M.D., remain in his position as Board Vice Chairperson.

On a motion by Ronald Kolegraff, M.D., seconded by Joyce Vista-Wayne, M.D., all members present voted Nikhil Wagle, M.D., remain in his position as Board Secretary.

Mr. Nebel gave updates regarding the following legislation:

- HF 764 - A bill for an act relating to disciplinary hearings conducted by professional licensing boards. (Formerly HSB 75.)
- SF 487 - A bill for an act relating to the operation of state government, including the review of state boards and the regulation of professions and occupations, and including effective date and applicability provisions. (Formerly SSB 1046.)
- HF 592 - A bill for an act relating to noneconomic damage awards against health care providers. (Formerly HF 517.)
- HF 588 - A bill for an act creating a Hoover presidential library tax credit available against the individual and corporate income taxes, the franchise tax, the insurance premiums tax, and the moneys and credit tax.(Formerly HF 255.)
- SF 125 - A bill for an act relating to immunization information requested on a medical examiner investigation form.
- HF 735 - A bill for an act relating to emergency care policy and procedure requirements applicable to an ambulatory surgical center. (Formerly HF 115.)
- HF 133 - A bill for an act relating to the extension of deadlines for the completion of continuing education requirements.
- HF 763 - A bill for an act relating to emergency care policy and procedure requirements applicable to an ambulatory surgical center. (Formerly HF 115.)
- HF 769 - A bill for an act relating to information to be provided, recorded, and reported by health care providers and health professionals relative to vaccinations and immunizations, and providing for licensee discipline. (Formerly HF 632.)
- HF 431 - A bill for an act relating to the provision of audio-only telehealth or telemedicine by health care professionals. (Formerly HF 88.)
- HF 803 - A bill for an act relating to duties performed by physician assistants. (Formerly HSB 255.)

Administrative Rules were presented to the Board by Joseph Fraioli, Legal Director.

- Use of Criminal Convictions in Eligibility Determinations and Initial Licensing Decisions NIA 5473C

A public hearing was held on 3.16.2021. There were no comments received.

On a motion by Nikhil Wagle, M.D., seconded by Ronald Kolegraff, M.D., all Board members in attendance voted to adopt the rule.

- HF 2589 - Standards of Practice - Medical Cannabidiol

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

Judicial Review Update was given by Anagha Dixit, Assistant Attorney General

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.

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.

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's attorney has recently been admitted pro hac vice so the court will now set a briefing schedule for the appeal.

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. All briefs have been submitted and we're awaiting a final decision from the appellate court

Lajeunesse v. Board of Medicine Michael LaJeunesse was a complainant whose case was closed by the Board and he is attempting to have the Board's decision judicially reviewed. His writ before district court was dismissed but he is attempting to re-open the case by filing an amended petition. His judicial review of the Board's declaratory order is proceeding in its merits. There are also two pending cases in the appellate courts both related to this matter, including a writ against the District Court.

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. The District Court sided with the Board and dismissed the appeal. Dr. Irland filed a notice of appeal and the case has moved to appellate court.

Interstate Medical Licensure Compact – Updates were given by Mary Jo Romano and Warren Gall, M.D., who serve as commissioners and represent Iowa in the Compact.

Updates included the following:

There are currently 29 states, D.C. and Guam included in the Compact. There are seven states with pending legislation that are not in the Compact.

Accolades were given to Medical Board staff member, Jaime Dunbar, as she has now processed over 1000 requests for Compact licensure.

On a motion by Ronald Kolegraff, M.D., seconded by Trudy Caviness, all Board members in attendance voted to adjourn the meeting at 9:51 a.m.