



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<sup>1, 2, 3, 4, 5</sup>**  
**REGULARLY SCHEDULED MEETING – JUNE 3-4, 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, JUNE 3, 2021**

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 - One

**B. Committee Reports**

1. Screening
2. Monitoring
3. Licensure

**C. Review of Closed Minutes**

1. April 15-16, 2021 Board Meeting
2. May 13, 2021 Teleconference

**LUNCH BREAK**

**FULL BOARD – CLOSED SESSION**

**FULL BOARD – OPEN SESSION - Board Room**

**A. Unlicensed Practice of Medicine Cases**

1. None

**B. Vote on Closed Session Cases**

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**FRIDAY, JUNE 4, 2021**

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

**BOARD-CLOSED SESSION**

## **BOARD-OPEN SESSION**

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

**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 Comments<sup>5</sup>**

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

#### **E. Executive Director's Report**

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

1. April 15-16, 2021 Board Meeting
2. May 13, 2021 Teleconference

#### **G. Legislative Update**

1. SF 296 - Allows pharmacists to test and treat flu, strep and COVID for patients over the age of six. Allows pharmacists to give patients over 18 COVID and other vaccinations, according to protocols developed by the DPH. Allows a pharmacist to give flu or other shots to patients at least six years old under a public emergency. Allows a pharmacist to have collaborative practice agreement and for a health carrier to pay a pharmacist through that agreement. Includes provisions on COVID shots.
2. HF 764 - A bill for an act relating to disciplinary hearings conducted by professional licensing boards. (Formerly HSB 75.)
3. 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.)
4. HF 592 - A bill for an act relating to noneconomic damage awards against health care providers. (Formerly HF 517.)
5. HF 763 - A bill for an act relating to emergency care policy and procedure requirements applicable to an ambulatory surgical center. (Formerly HF 115.)
6. HF 431 - A bill for an act relating to the provision of audio-only telehealth or telemedicine by health care professionals. (Formerly HF 88.)

#### **H. Administrative Rules**

1. Use of Criminal Convictions in Eligibility Determinations and Initial Licensing Decisions – Update

#### **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 in District Court 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. The case has been routed to the Supreme Court and we will have oral arguments sometime this fall or spring of next year.

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' brief is due by June 3<sup>rd</sup> and then the Board's brief will be due 30 days after that.
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. All briefs have been submitted and we are now scheduled for an oral argument in front of the Court of Appeals on June 22<sup>nd</sup> at 1:30.
5. 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 in District Court, in which he filed an amended petition after the court had already dismissed the matter, has closed. His judicial review – all the briefing is complete and we are scheduled to have oral arguments June 4<sup>th</sup>. His writ against the District Court has been dismissed. His other appeal is proceeding to the briefing stage.
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. The District Court sided with the Board and dismissed the appeal. Dr. Irland filed a notice of appeal. Dr. Irland's brief is due on June 3<sup>rd</sup> and the Board's response will be due 30 days later.

**J. Iowa Physician Health Program – monthly stats**

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

**L. Board Education - Recommended Trainings**

1. [Des Moines University - Care of Gender Non-Conforming Children & Adolescents](#)  
Speaker - Katie Larson Ode, M.D. - Clinical Associate Professor of Pediatrics and Endocrinology, University of Iowa Stead Family Children's Hospital. Katie Larson Ode, MD is a faculty pediatric endocrinologist at the University of Iowa. She specializes in working with individuals who are gender non-conforming or transgender from birth to 18 years of age. She received her medical degree from the University of Wisconsin and was trained as a pediatrician at the prestigious Case Western University in Cleveland, Ohio. Additionally, she conducts research in various fields within endocrinology, including infant growth and Cystic Fibrosis related Diabetes Mellitus.
  - Self guided - Available credit: 0.75 CE Contact Hour(s)
  - Target audience - Healthcare professionals and medical students.
  - Objectives
    - State the medical definition of gender.
    - Properly use preferred name and pronouns.
    - Describe standard of care treatment for gender dysphoria in pediatric patients.

**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.*)

| <b>2021 BOARD CALENDAR</b>                                     |  |  |
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| <b>BOARD MEETINGS</b>  | <b>BOARD TELECONFERENCES</b>                   | <b>STATE HOLIDAYS OBSERVED – OFFICE CLOSED</b>   |
| July 22-23<br>September 9-10<br>October 21-22<br>December 9-10 | May 13<br>June 24<br>August 19<br>September 30 | July 5 - Independence Day<br>September 6 - Labor Day<br>November 11 - Veterans Day<br>November 25-26 - Thanksgiving<br>December 24 – Christmas<br>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](mailto: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.*