



# STATE OF IOWA

KIM REYNOLDS, GOVERNOR  
ADAM GREGG, LT. GOVERNOR

IOWA BOARD OF MEDICINE  
KENT NEBEL, J.D, EXECUTIVE DIRECTOR  
kent.nebel@iowa.gov

## PUBLIC A G E N D A<sup>1, 2, 3, 4, 5</sup>

### REGULARLY SCHEDULED MEETING – SEPTEMBER 9-10, 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, Chad Stads vold, D.O., Joyce Vista-Wayne, M.D.

#### THURSDAY, SEPTEMBER 9, 2021

7:30 a.m. - EXECUTIVE COMMITTEE - Chair Gall, Cortese, Kolegraff, Romanco, Vista-Wayne

7:30 a.m. - SCREENING COMMITTEE - Chair Wagle, Caviness, Fasbender, Stads vold

9:00 a.m. - MONITORING COMMITTEE - Chair Kolegraff, Caviness, Cortese, Stads vold, 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. July 22-23, 2021 Board Meeting
  - 2. August 19, 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, SEPTEMBER 10, 2021

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

#### BOARD-CLOSED SESSION

#### BOARD-OPEN SESSION

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

**To join the public session via Zoom or telephone, see the information below:**

**Join Zoom Meeting**

<https://us02web.zoom.us/j/84064551429?pwd=d0FPSki2dWMrK2pTUk5KS1Fva1hSdz09>

Meeting ID: 840 6455 1429

Passcode: 863165

**Join by phone:**

+1 312 626 6799 US

Meeting ID: 840 6455 1429

Passcode: 863165

- 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. July 22-23, 2021 Board Meeting
  2. August 19, 2021 Teleconference
- G. 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 will be heard before the Supreme Court on September 15, 2021, at 1:30 P.M
  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. The parties have filed their briefs and we are awaiting routing and a 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. Dr. Doe lost in the Court of Appeals and has filed an application for further review, which we resisted.
  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. He has attempted multiple avenues to have the matter reviewed by a District Court or higher. Most recently, his judicial review of the Board's decision declining to issue a declaratory order was reviewed by the court and the District Court agreed with the Board's ruling. He has appealed this decision.
  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. Final briefs have been submitted and we await routing and a decision.

**H. Iowa Physician Health Program – Monthly stats**

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

**J. Articles**

1. Blanket Calls For Deregulation Wrongly Treat Professions And Occupations Alike, Report Finds.
2. Licensing Examination Attempts and the Estimated Risk of Disciplinary Actions.
3. 2020 Overdose Deaths, by State.
4. Most Common Bad Behaviors From Physicians In The Workplace.

**K. Board Education - Recommended Training**

**Federation of State Medical Board - "Health Equity and Medical Regulation: How Disparities are Impacting U.S. Health Care Quality and Delivery – and Why It Matters"** **The FSMB has indicated that it will continue to encourage state medical boards to proactively address issues related to health inequity.**

At a time when many communities across America are struggling with issues of racial injustice and social unrest, national dialogue about systemic inequities is on the rise. Among the sectors increasingly being discussed is health care, where issues surrounding health equity – and the presence of racism and implicit bias – have been demonstrated.

The FSMB symposium, featuring prominent U.S. policy leaders, will explore these issues and why they are of critical importance to the nation’s medical regulatory system. Topics for discussion will include the impact of racism and implicit bias on health disparities and the need for systemic change to eliminate barriers that prevent access to quality care for at-risk communities. Continuing Medical Education (CME) credit will be available for participation.

Keynote speakers will include Marc Morial, JD, President and Chief Executive Officer of the National Urban League, and Mark McClellan, MD, PhD, Director of the Duke-Robert J. Margolis Center for Health Policy.

Panelists will include Diana Currie, MD; Aletha Maybank, MD, MPH; and Leonard Weather Jr., MD, RPh.

The symposium will be hosted by FSMB Chair Cheryl Walker-McGill, MD, MBA, and the panel discussion will be moderated by FSMB President and CEO Humayun J. Chaudhry, DO, MACP.

**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>		
<b>BOARD MEETINGS</b>	<b>BOARD TELECONFERENCES</b>	<b>STATE HOLIDAYS OBSERVED – OFFICE CLOSED</b>
October 21-22 December 9-10	September 30	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](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.*