



OPEN MINUTES SEPTEMBER 9-10, 2021 BOARD MEETING

THURSDAY, SEPTEMBER 9, 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 Romanco
Chad Stadvold, D.O.

MEMBERS ABSENT:

Diane Cortese
Joyce Vista-Wayne, M.D.

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
Michelle DeLong, Investigator
Emily Zalasky, Monitoring Coordinator
Annie Hoffman, Licensure Director
Amanda Lockwood, Licensing Specialist
Cheryl Gravett, Licensing Specialist
Jaime Dunbar, Licensing Specialist
Melissa Nelsen, Licensing Specialist
Natalie Lyons, Iowa Physician Health Program Case Manager
Kari Rolls, Administrative Assistant
Anagha Dixit, Assistant Attorney General
Steven Ervin, Information Technology Support

At 10:22 a.m., Warren Gall, M.D., Chair, called the meeting to order.

Joseph A. Fraioli, J.D., Legal Director, gave the Board a hearing update: The Olson hearing has been continued; the Snodgrass hearing is set for March 4, 2022; and the Isaac hearing is set for April 28, 2022 – April 29, 2022.

At 10:31 a.m., on a motion by Ronald Kolegraff, M.D., seconded by Nikhil Wagle, M.D., 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 Romanco, Chad Stadvold, D.O., and Nikhil Wagle, M.D., all voted aye in a roll call vote to approve the motion.

At 2:17 p.m., while still in closed session, all members present voted in favor of a motion by Ronald Kolegraff, M.D., seconded by Patricia Fasbender, D.O., to meet in an open session. In open session, the Board took the following actions:

On a motion by Mary Jo Romanco, seconded by Ronald Kolegraff, M.D., all Board members present voted to **accept** the combined Statement of Charges and Settlement Agreement for Richard V. Andrews, M.D., file 02-2021-276.

On a motion by Mary Jo Romanco, seconded by Ronald Kolegraff, M.D., all Board members present voted to **accept** the combined Statement of Charges and Settlement Agreement for Eromosele A. Otoadese, M.D., file 02-2019-278.

On a motion by Mary Jo Romanco, seconded by Ronald Kolegraff, M.D., all Board members present voted to **accept** the combined Statement of Charges and Settlement Agreement for Eromosele A. Otoadese, M.D., file 02-2020-105.

On a motion by Mary Jo Romanco, seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2018-046, with **no formal action**.

On a motion by Mary Jo Romanco, seconded by Ronald Kolegraff, M.D., all Board members present voted to **leave open** file 02-2016-373.

On a motion by Mary Jo Romanco, seconded by Ronald Kolegraff, M.D., all Board members present voted to **leave open** file 02-2019-012.

On a motion by Mary Jo Romanco, seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 03-2019-566, with **no formal action**.

On a motion by Mary Jo Romanco, seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 03-2020-299, with **no formal action**.

On a motion by Patricia Fasbender, D.O., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2020-416, with **no formal action**.

On a motion by Patricia Fasbender, D.O., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2019-587, with **no formal action**. Nikhil Wagle, M.D., recused.

On a motion by Patricia Fasbender, D.O., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2019-588, with **no formal action**. Nikhil Wagle, M.D., recused.

On a motion by Patricia Fasbender, D.O., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2020-218, with **no formal action**. Nikhil Wagle, M.D., recused.

On a motion by Patricia Fasbender, D.O., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2020-217, with **no formal action**. Nikhil Wagle, M.D., recused.

On a motion by Patricia Fasbender, D.O., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2020-219, with **no formal action**. Nikhil Wagle, M.D., recused.

On a motion by Patricia Fasbender, D.O., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2020-221, with **no formal action**. Nikhil Wagle, M.D., recused.

On a motion by Patricia Fasbender, D.O., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2019-241, with **no formal action**. Warren Gall, M.D., and Anagha Dixit, Assistant Attorney General, recused.

On a motion by Patricia Fasbender, D.O., seconded by Ronald Kolegraff, M.D., all Board members present voted to **leave open** file 03-2020-537.

On a motion by Warren Gall, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2019-379, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2020-009, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2020-538, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2021-080, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2020-434, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2019-199, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2020-072, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 03-2020-079, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 03-2020-367, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2021-169, with **no formal action**. Mary Jo Romanco recused.

On a motion by Warren Gall, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2020-239, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2020-240, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 01-2021-226, with **no formal action**.

On a motion by Patricia Fasbender, D.O., seconded by Trudy Caviness, all Board members present voted to **leave open** file 02-2020-151. Ronald Kolegraff, M.D., recused.

On a motion by Warren Gall, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 01-2021-254, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 01-2021-272, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2021-194, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 06-2021-244, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2021-188, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 03-2021-189, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 03-2021-190, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2021-320, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **leave open** file 03-2018-509.

On a motion by Nikhil Wagle, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **leave open** file 03-2021-043.

On a motion by Nikhil Wagle, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2017-566, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2021-204, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 01-2021-262, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2021-228, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2017-388, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2018-369, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2019-673, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2021-005, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 03-2021-075, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 01-2019-637, with **no formal action**.

On a motion by Trudy Caviness, seconded by Ronald Kolegraff, M.D., all Board members present voted to **leave open** file 02-2020-199.

On a motion by Trudy Caviness, seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2021-233, with **no formal action**.

On a motion by Trudy Caviness, seconded by Ronald Kolegraff, M.D., all Board members present voted to **close** file 02-2021-115, with **no formal action**.

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

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

At 2:26 p.m., all members present voted in favor of a motion by Nikhil Wagle, M.D., seconded by Trudy Caviness, to adjourn the meeting.

FRIDAY, SEPTEMBER 10, 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 Romanco
Chad Stadvold, D.O.

MEMBERS ABSENT:

Diane Cortese
Joyce Vista-Wayne, M.D.

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
Dave McGlaughlin, Investigator
Emily Zalasky, Monitoring Coordinator
Annie Hoffman, Licensure Director
Amanda Lockwood, Licensing Specialist
Natalie Lyons, Iowa Physician Health Program Case Manager
Chrissy Greco, Assistant to the Executive Director
Shantel Billington, Office Manager / Financial Manager
Tessa Register, Assistant Attorney General
Steven Ervin, Information Technology Support

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

Roll call was taken. Diane Cortese and Joyce Vista-Wayne, M.D. were absent.

On a motion by Nikhil Wagle, M.D., seconded by Mary Jo Romanco, all members present voted to approve the agenda.

Public present via Zoom:

Name	Represents
Jill Eggenburger	Amelia Eggenburger - Daughter
Kevin Kruse	Iowa Anesthesiologists
Tony Leys	Des Moines Register
Sherri Marceau	Self
Dennis Tibbens	Iowa Medical Society

Sherry Miller Marceau attended, representing herself. She recapped her concerns with the physician who continues to practice after a conviction of sexually assaulting her as a child. She told the Board she is still waiting for a response to her complaint and thanked the Board. Mr. Nebel reiterated that the Board could not legally comment regarding her concerns.

Mr. Nebel gave his Executive Director Report-it can be found [HERE](#) on the website. He welcomed the newest Board member, Dr. Chad Stadvold, D.O. to the Board.

On a motion by Mary Jo Romanco, seconded by Trudy Caviness, all members present voted to approve the minutes for the July 22-23, 2021 Board Meeting and the August 19, 2021 Teleconference.

Judicial Review was submitted 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 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

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. The parties have filed their briefs and we are awaiting routing and a decision.

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.

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.

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.

The Iowa Physician Health Program

Monthly statistics were provided by Emily Zalasky, IPHP Program Coordinator.

Interstate Medical Licensure Compact Updates

Mary Jo Romanco stated that the Compact continues the internal process of reviewing other states and due diligence of their processes.

Dr. Warren Gall, M.D., announced the Compact's Annual Meeting in November 2021.

At 9:22 a.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.