



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^{1, 2, 3, 4, 5}
REGULARLY SCHEDULED MEETING – OCTOBER 21-22, 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., Chad Stadvold, D.O., Joyce Vista-Wayne, M.D.

THURSDAY, OCTOBER 21, 2021

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

7:30 a.m. - **SCREENING COMMITTEE** - Chair Wagle, Caviness, Fasbender, Stadvold

9:00 a.m. - **MONITORING COMMITTEE** - Chair Kolegraff, Caviness, Cortese, Stadvold, Vista-Wayne

9:00 a.m. - **LICENSURE COMMITTEE** - Chair, Fasbender, Gall, Wagle

BOARD – OPEN SESSION

BOARD – CLOSED SESSION

A. Iowa Physician Health Committee

1. Notices of non-compliance

B. Committee Reports

1. Screening
2. Monitoring
3. Licensure

C. Review of Closed Minutes

1. September 9-10 , 2021 Board Meeting
2. ~~September 30, 2021 Teleconference~~ (Moved to December meeting)

LUNCH BREAK

FULL BOARD – CLOSED SESSION

RULES COMMITTEE REVIEW

653—13.8(148,272C) Standards of practice—medical directors at medical spas—delegation and supervision of medical aesthetic services performed by qualified licensed or certified nonphysician persons or qualified laser technicians. This rule establishes standards of practice for a physician or surgeon or osteopathic physician or surgeon who serves as a medical director at a medical spa.

FULL BOARD – OPEN SESSION - Board Room

A. Unlicensed Practice of Medicine Cases

1. None

B. Vote on Closed Session Cases

FRIDAY, OCTOBER 22, 2021

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

BOARD-CLOSED SESSION

BOARD-OPEN SESSION

9:00 a.m. - PUBLIC SESSION WILL BE HELD VIA ZOOM – SEE INFO BELOW TO JOIN:

Join Zoom Meeting

<https://us02web.zoom.us/j/85901259052?pwd=ekhkNnF5YklncllqMlJRMzdOb3I5Zz09>

Meeting ID: 859 0125 9052

Passcode: 261194

Dial in +1 312 626 6799 US

Meeting ID: 859 0125 9052

Passcode: 261194

- 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**
- F. Board Minutes for Consideration of Approval (Open & Closed)**
 1. September 9-10, 2021 Board Meeting
 2. ~~September 30, 2021 Teleconference~~ (Moved to December meeting)
- G. Administrative Rules – Joseph Fraioli, Legal Director**
 1. Proposed Amendments to Iowa Code §272C.6
- H. Hearing Update – Joseph Fraioli, Legal Director**
- 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. The District Court ruled in the licensee's favor. The case has been heard and submitted to the Supreme Court and we are awaiting a decision.
 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 his application for further review has been denied.
 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.
7. Doe v. Board of Medicine-John Doe, M.D. Dr. Doe filed an emergency temporary injunction to block the Board from filing a statement of charges. The injunction was granted. The Board moved to dismiss the judicial review and dissolve the temporary injunction. The case will be heard before the judge on October 15, 2021.

J. Iowa Physician Health Program – Monthly stats

K. Interstate Medical Licensure Compact - Update from Warren Gall, M.D. and vote to appoint one commissioner to fill recent vacancy.

L. FSMB Leadership Opportunities

The FSMB's member organizations consist of hundreds of knowledgeable and dedicated individuals who are committed to strengthening the field of medical regulation and enhancing public protection. Each year, the FSMB looks forward to inviting involvement from its member boards and others in the organization's policy-making process.

There are a number of ways member boards and other individuals can participate. At this time, the FSMB is seeking the following:

- Nominations for Elected Positions to the FSMB Board of Directors and Nominating Committee
- Nominations for Staff Fellows to the FSMB Board of Directors
- Applications for Appointments to Standing/Special Committees and Workgroups
- Submission of Resolutions for the FSMB House of Delegates

[Please click here for more information on each of these opportunities.](#)

The submission deadline for all leadership positions and award nominations is December 31, 2021.

M. Articles

1. Oregon Physician Who Spread COVID-19 Misinformation Gets License Revoked.
2. Six Physician Specialties Using Telehealth The Most.

N. Board Education - **Recommended Training**

[Complex Medical Conditions In Children: Utilizing Personalized Treatments And Addressing Health Disparities - October 26, 2021 – 1 Hour Live Webinar](#)

Social determinants of health (SDoH), which include such factors as health care access, education level, social environment, and income, play a strong role in individuals' physical and mental well-being, influence the development of chronic disease states and impact both short- and long-term health outcomes. Children with rare and complex medical conditions (CMC) and poorer SDoH face fundamental challenges and disparities in health, including decreased access to quality health care (often leading to delayed diagnoses and treatment), inadequate access to culturally appropriate care and a lack of suitable social and support services. This activity will focus on the connection between SDoH and how they may impact access to care, treatment and health outcomes for children with rare and CMC. Learners will be provided with strategies and resources that can address these negative effects. The importance of access to personalized care that they require to live their healthiest lives will be addressed.

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
December 9-10		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.