



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 – DECEMBER 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., Dalton Hayes, Chad Stadvold, D.O., Joyce Vista-Wayne, M.D.

**THURSDAY, DECEMBER 9, 2021**

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

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

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

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

**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 30, 2021 Teleconference
2. October 21-22, 2021 Board Meeting

**FULL BOARD – CLOSED SESSION**

**FULL BOARD – OPEN SESSION**

**A. Unlicensed Practice of Medicine Cases**

1. None

**B. Vote on Closed Session Cases**

**RULES COMMITTEE REVIEW** - Chair Kolegraff, Wagle, Gall

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.

**FRIDAY, DECEMBER 10, 2021**

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

**BOARD-CLOSED SESSION**

**8:30 a.m. - HEARING - Richard L. Dowell, D.O.**

Chair Gall, Caviness, Cortese, Fasbender, Hayes, Kolegraff, Stadsvold, Vista-Wayne, Wagle

**BOARD-OPEN SESSION**

**10:00 a.m. - BOARD-PUBLIC SESSION**

Join Zoom Meeting

<https://us02web.zoom.us/j/89325395637?pwd=SkdKM281Z1RUOE1YZzBrdkVITktzZz09>

Meeting ID: 893 2539 5637

Passcode: 605063

Phone number 1 312 626 6799

Meeting ID: 893 2539 5637

Passcode: 605063

- 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>**
- E. Executive Director's Report**
- F. Board Minutes for Consideration of Approval (Open & Closed)**
  1. October 21-22, 2021 Board Meeting
  2. September 30, 2021 Teleconference
- 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. Colby v. Board of Medicine – Dennis Colby, M.D., lost a contested case earlier this fall and has filed a petition for judicial review. We are still in the briefing stage at District Court.
  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. The Board was successful at District Court is defending the judicial review. It is now under review by appellate court.
  4. 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.
  5. 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.

6. 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. Oral arguments were held in October and we are still waiting on a decision.

**J. Iowa Physician Health Program**

1. Monthly stats
2. Review letter and vote to approve IPHP Committee recommendation for Lori Beireis, D.O.
3. Review memo and vote to approve reappointment of Martin Carpenter, M.D.
4. Review letter and vote to approve IPHP Committee recommendation for Thad Abrams, M.D.

**K. Board of Pharmacy e-prescribing rules and statistics**

**L. Board member term limits discussion.**

**M. Buprenorphine guidelines discussion.**

**N. Interstate Medical Licensure Compact – Update**

**O. FSMB Annual Survey Findings**

**P. Board Education - Recommended Trainings**

[A Physician's Practical Guide to Culturally Competent Care Web site](#) offers CME/CE credit and equips health care professionals with awareness, knowledge, and skills to better treat the increasingly diverse U.S. population they serve.

**BOARD-CLOSED SESSION**

**BOARD-OPEN SESSION**

1. Vote on Closed Session Cases

**ADJOURN**

2022 BOARD CALENDAR		
BOARD MEETINGS	BOARD TELECONFERENCES	STATE HOLIDAYS OBSERVED
January 27-28 March 24-25 May 19-20 July 14-15 September 8-9 October 27-28 December 15-16	February 17 April 21 June 16 August 11 October 6 November 17	January 1 - New Year's Day January 17 - MLK Day May 30 - Memorial Day July 4 - Independence Day September 5 - Labor Day November 11 - Veterans Day November 24-25 - Thanksgiving December 26 - Christmas

*(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.*