



JANUARY 2023

OPEN MINUTES

January 25, 2023:

MEMBERS PRESENT: Warren Gall, M.D., Chair
Joyce Vista-Wayne, M.D., Vice-Chair
Patricia Fasbender, D.O., Secretary
Jason Meyers, M.D.
Rose Mitchell
Vickie Pyevich, M.D.
Chad Stadsvold, D.O.

MEMBERS ABSENT: Eugene Cherny, M.D.

STAFF PRESENT: Jill Stuecker, Division Director
Dennis J. Tibben, MPA, Executive Director
Joseph A. Fraioli, J.D., Legal Director
Anne Schlepfforst, Chief Investigator
Brandi Allen, Investigator
Dave McGlaughlin, Investigator
Jerome Hill, Investigator
Laura Wood, Investigator
Michelle DeLong, Investigator
Natalie Anderson, Investigator
Jennifer Ware, Director of Licensure
Chloe Carpenter, Licensure
Marvin Firch, Monitoring Coordinator
Kari Rolls, Administrative Assistant
Kaitie Westphal, Enforcement Support
Chrissy Greco, Assistant to Executive Director
Katie Carl, Assistant Attorney General

At 10:57 a.m., Joseph A. Fraioli, J.D., Legal Director, called the meeting to order.

At 10:57 a.m., on a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., all members present voted to meet in closed session, pursuant to Iowa Code section 21.5(1)(a), to review or discuss records which are required or authorized by state or

federal law to be kept confidential; pursuant to Iowa Code section 21.5(1)(d), to discuss whether to initiate licensee disciplinary investigations or proceedings; and pursuant to Iowa Code section 21.5(1)(f), to discuss the decision to be rendered in a contested case conducted according to the provisions of chapter 17A. Patricia Fasbender, D.O., Warren Gall, M.D., Jason Meyers, M.D., Rose Mitchell, Vickie Pyevich, M.D., Chad Stadvold, D.O., and Joyce Vista-Wayne, M.D., all voted aye in a roll call vote to approve the motion.

At 4:02 p.m., while still in closed session, all members present voted in favor of a motion by Rose Mitchell, seconded by Jason Meyers, M.D., to meet in an open session. In open session, the Board took the following actions:

Chad Stadvold, D.O., advised the Board that the **Screening Committee** reviewed 28 cases, closed 26 and two (2) left open.

On a motion by Rose Mitchell, seconded by Jason Meyers, M.D., all Board members present voted to **accept** the Screening Committee Report and its recommendations.

Joyce Vista-Wayne, M.D., advised the Board that the **Monitoring Committee** had two (2) ordered appearances; one (1) appeared and the Committee granted the request to remove the chronic pain restriction; and the other was left open.

On a motion by Warren Gall, M.D., seconded by Chad Stadvold, D.O., all Board members present voted to **accept** the Monitoring Committee Report and its recommendations.

Patricia Fasbender, D.O., advised the Board that the **Licensure Committee** reviewed three (3) cases; granted two permanent licenses and one (1) was left open.

On a motion by Chad Stadvold, D.O., seconded Jason Meyers, M.D., all Board members present voted to **accept** the Licensure Committee Report and its recommendations.

On a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., all Board members present voted to **accept** the combined Statement of Charges and Settlement Agreement for Nicholas J. Kuiper, D.O., files 03-2018-207, 03-2018-296, 03-2018-509, 03-2018-643, 03-2019-648, and 03-2021-043.

On a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., all Board members present voted to **accept** the combined Statement of Charges and Settlement Agreement for John P. Duque, M.D., file 02-2021-305.

On a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 03-2021-518, with **no formal action**.

On a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., all Board members present voted to **leave open** file 02-2022-196.

On a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., all Board members present voted to **leave open** file 02-2017-061.

On a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2021-558, with **no formal action**.

On a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., all Board members present voted to **affirm** its original decision to **close** file 02-2022-439, **with no formal disciplinary action**.

On a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., all Board members present voted to **affirm** its original decision to **close** file 02-2022-448, **with no formal disciplinary action**.

On a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., all Board members present voted to **affirm** its original decision to **close** file 02-2022-438, **with no formal disciplinary action**.

On a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., all Board members present voted to **affirm** its original decision to **close** file 02-2022-572, **with no formal disciplinary action**.

On a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 03-2019-391, with **no formal action**.

On a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2018-580, with **no formal action**.

On a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 03-2020-124, with **no formal action**.

On a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 03-2020-052, with **no formal action**.

On a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., all Board members present voted to **leave open** file 02-2020-476.

On a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2022-505, with **no formal action**.

On a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2018-567, with **no formal action**.

On a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2019-267, with **no formal action**.

On a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2022-585, with **no formal action**.

On a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2019-403, with **no formal action**.

On a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2020-059, with **no formal action**.

On a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 03-2022-455, with **no formal action**.

On a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2013-193, with **no formal action**.

On a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2013-272, with **no formal action**.

On a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2020-432, with **no formal action**.

On a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., all Board members present voted to **leave open** file 02-2022-621.

On a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 03-2018-434, with **no formal action**.

On a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 03-2021-007, with **no formal action**.

On a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., all Board members present voted to **leave open** file 03-2021-566.

On a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., all Board members present voted to **leave open** file 02-2021-371.

On a motion by Patricia Fasbender, D.O., seconded by Chad Stadsvold, D.O., all Board members present voted to **leave open** file 02-2021-257. Joyce Vista-Wayne, M.D., recused.

On a motion by Patricia Fasbender, D.O., seconded by Chad Stadsvold, D.O., all Board members present voted to **leave open** file 02-2021-560. Joyce Vista-Wayne, M.D., recused.

On a motion by Patricia Fasbender, D.O., seconded by Chad Stadsvold, D.O., all Board members present voted to **leave open** file 02-2022-093. Joyce Vista-Wayne, M.D., recused.

On a motion by Rose Mitchell, seconded by Warren Gall, M.D., all Board members present voted to **close** file 02-2021-558, with **no formal action**. Patricia Fasbender, D.O., recused.

On a motion by Rose Mitchell, seconded by Warren Gall, M.D., all Board members present voted to **close** file 02-2019-260, with **no formal action**. Vickie Pyevich, M.D., recused.

On a motion by Rose Mitchell, seconded by Warren Gall, M.D., all Board members present voted to **close** file 02-2021-364, with **no formal action**. Patricia Fasbender, D.O., recused.

Dennis J. Tibben, MPA, Executive Director, provided a staffing update.

At 4:12 p.m., Open Session went to recess. The open session resumed on Friday, January 26, 2023, at 9:45 a.m.

January 26, 2023:

MEMBERS PRESENT: Warren Gall, M.D., Chair
Joyce Vista-Wayne, M.D., Vice-Chair
Patricia Fasbender, D.O., Secretary
Jason Meyers, M.D.
Rose Mitchell
Vickie Pyevich, M.D.
Chad Stadsvold, D.O.

MEMBERS ABSENT: Eugene Cherny, M.D.

STAFF PRESENT: Jill Stuecker, Division Director
Dennis J. Tibben, MPA, Executive Director
Joseph A. Fraioli, J.D., Legal Director
Anne Schlepphorst, Chief Investigator
Brandi Allen, Investigator
Dave McGlaughlin, Investigator
Jerome Hill, Investigator
Michelle DeLong, Investigator
Natalie Anderson, Investigator
Jennifer Ware, Director of Licensure
Chloe Carpenter, Licensure
Natalie Lyons, IPHP Case Manager
Marvin Firch, Monitoring Coordinator
Kari Rolls, Administrative Assistant
Kaitie Westphal, Enforcement Support
Chrissy Greco, Assistant to Executive Director
Katie Carl, Assistant Attorney General

At 9:45 a.m., Joseph A. Fraioli, J.D., Legal Director, called the meeting to order.

At 10:00 a.m., public session was called to order. Roll Call was taken to establish a quorum.

Public in attendance:

Representing:

Sherry Muller	Self
Jackie Sayers	Senate Democrats
Jessica Schiillow	Her Children
Senator Janet Peterson	Iowa Legislature
Lyz Lenz	Media
Kevin Kruse	Iowa Anesthesiology
Andrew Funk	Iowa Pharmacy Board
Kady Reese	Iowa Medical Society

Dennis Tibben, Executive Director, gave Executive Director's Report.

Dennis Tibben, Executive Director, legislative update on Lobbying and Board Representation and Executive Branch Agency Realignment.

Administrative Rules update was given by Joseph Fraioli, Legal Director.

On a motion by Rose Mitchell, seconded by Joyce Vista-Wayne, M.D., all members present approved the open and closed minutes from the December 2022 Board Meeting.

On a motion by Patricia Fasbender, D.O., seconded by Joyce Vista-Wayne, M.D., all members voted to Notice the Veteran Spouse and Licensure by Verification Rule.

On a motion by Rose Mitchell, seconded by Warren Gall, M.D., all members present voted to Adopt Bronchodilator canisters, bronchodilator canisters and spacers, and/or opioid antagonists—authorized facilities Rule

Presentations were given by Anureet Walia, MD, University of Iowa Hospitals and Clinics, and Andrew Funk, Pharm.D., CPM, Iowa Board of Pharmacy, regarding updates to the CDC Prescribing Guidelines and opioid dispensing trends in Iowa.

At 12:03 p.m., on a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., all members present voted to adjourn the meeting.