



KIM REYNOLDS, GOVERNOR  
ADAM GREGG, LT. GOVERNOR

IOWA BOARD OF MEDICINE  
KENT NEBEL, J.D, EXECUTIVE DIRECTOR  
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## **PUBLIC AGENDA**

REGULARLY SCHEDULED MEETING – FEBRUARY 6-7, 2020

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

**BOARD MEMBERS:** Chair; Kyle Ulveling, M.D., Vice Chair; Ronald Kolegraff, M.D.; Secretary, Diane Cortese, Warren Gall, M.D.; M.D.; Mary Jo Romano; Joyce Vista-Wayne, M.D.; Nikhil Wagle, M.D; Brian Wilson, D.O.

### **THURSDAY, FEBRUARY 6, 2020**

7:30 a.m. - **EXECUTIVE COMMITTEE** - Medical Conference Room B

Chair Ulveling, Cortese, Gall, Kolegraff, Romano

8:00 a.m. - **SCREENING COMMITTEE** - Board Room

Chair Wilson, Wagle, Vista-Wayne (Open Public Member, \*Open Physician Member)

9:00 a.m. - **MONITORING COMMITTEE** - Board Room

Chair Kolegraff, Cortese, Wilson, Vista-Wayne

9:00 a.m. - **LICENSURE COMMITTEE** - Medical Conference Room B

Chair Gall, Romano, Ulveling, Wagle

### **BOARD – OPEN SESSION**

### **BOARD – CLOSED SESSION**

#### **A. Iowa Physician Health Committee**

1. Notices of non-compliance – None

#### **B. Committee Reports**

1. Screening
2. Monitoring
3. Licensure

#### **C. Review of Closed Minutes**

1. November 7-8, 2019 – Board meeting
2. December 12, 2019 – Teleconference
3. December 19-20, 2019 – Board meeting
4. January 16, 2020 – Teleconference

### **BOARD-CLOSED SESSION**

### **BOARD-OPEN SESSION**

### **BOARD-CLOSED SESSION**

### **BOARD-OPEN SESSION**

## A. Unlicensed Practice of Medicine Cases

1. Janet Jones

## B. Vote on Closed Session Cases

### ADJOURN

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### FRIDAY, FEBRUARY 7, 2020

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

#### BOARD-CLOSED SESSION

#### BOARD-OPEN SESSION

## A. Vote on Closed Session Cases

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

## A. Introduction of Public Present

## B. Opportunity for Public Comments<sup>5</sup>

*(Public can make comments now or when specific agenda items are addressed.)*

## C. Board Minutes for Consideration of Approval (Open & Closed)

1. November 7-8, 2019 – Board meeting
2. December 12, 2019 – Teleconference
3. December 19-20, 2019 – Board meeting
4. January 16, 2020 – Teleconference

## D. Chair's Report

## E. Executive Director's Report

## F. Proposed Legislation - Discussion

1. **HF 2042** - A bill for an act relating to the information provided a patient prior to prescribing a controlled substance for acute or chronic pain.
2. **HF 2026** - A bill for an act relating to requirements for physicians providing services at an ambulatory surgical center, and providing penalties.
3. **HF2122** - A bill for an act relating to the information to be disclosed by a health care provider as part of a referral of a patient to an ambulatory surgical center, and providing penalties.
4. **HF 2140** - A bill for an act relating to patient education prior to the prescription of an opioid.
5. **HSB 568** - A bill for an act relating to the rulemaking process for executive branch agencies and including transition provisions.
6. **SSB 3071** - A bill for an act relating to the practice and licensure of physician assistants.
7. **HSB 522** - A bill for an act relating to midwife licensure, providing for fees, and making penalties applicable
8. **SF 123** - A bill for an act relating to collaborative pharmacy practice allowing pharmacists to provide patient care and drug therapy management services.
9. **HSB 583** - (Also listed **SF2019**) A bill for an act relating to the practice of pharmacy, including the prescription and administration of vaccines.
10. **HF 2086** - A bill for an act requiring the state medical director to provide a written certification to certain patients applying for a medical cannabidiol registration card.
11. **HF 2044** - A bill for an act relating to persons authorized to certify patients to receive a medical cannabidiol registration card.
12. **HF 2011** - A bill for an act relating to a deferred judgment and the denial, suspension, or revocation of a professional license, driver's license, or boating license.
13. **HF 2010** - A bill for an act relating to the elimination of the child support licensing sanctions process.
14. **HF 2084** - A bill for an act relating to the adoption of the interstate curing disease compact.

15. **HF 2025** - A bill for an act relating to health professional practice requirements.
16. **SSB 3050** - A bill for an act relating to controlled substances, including amending the controlled substance schedules, removing certain references to marijuana, making penalties applicable, and including effective date provisions.
17. **SF 2113** - (Also listed **HF 2138** & **HSB 501**) - A bill for an act relating to insurance coverage for prescription insulin drugs.
18. **HF 2085** - A bill for an act relating to newborn screening for tongue tie and lip tie.
19. **HF 2064** - A bill for an act relating to preexisting condition protections and including applicability provisions.
20. **HF 2009** - A bill for an act relating to reimbursement for services provided in an emergency department to Medicaid members.
21. **SF 2015** - Sudden Cardiac Arrest in Student Athletes.
22. **HF 2089** - A bill for an act relating to continuity of care and nonmedical switching by health carriers, health benefit plans, and utilization review organizations, and including applicability provisions.
23. **SF 2040** - A bill for an act relating to the treatment of the partner of a patient with a sexually transmitted infection.
24. **HF 2094** - A bill for an act adopting the psychology interjurisdictional compact.
25. **SF 2062** - A bill for an act relating to maternal and child health.
26. **SF 2063** - A bill for an act relating to an exception to the application for and receipt of a certificate of need.
27. **SSB3040** - County Medical Examiner Reporting Requirements.
28. **SF 2116** - A bill for an act providing for periodic comprehensive reviews of agency fees.
29. **SF 2114** - A bill for an act relating to the granting of professional licenses, certificates, and registrations to persons licensed in other states.

## **G. Administrative Rules**

1. **Medical Cannabidiol Rules (ARC 4653C) Autism – Severe, Intractable Autism with Self-Injurious or Aggressive Behaviors – Discussion**
  - a. New Definition Discussion - Severe Autism with intractable irritability and aggression, refractory to applied behavioral analysis and prevailing acceptable standard pharmacological treatments.
  - b. Published 9/11/19
  - c. Public Hearing held 10/01/19 **(One comment received)**
2. **PTSD – Adding this to the list of debilitating medical conditions for the use of medical cannabidiol – Consider Notice**
3. **Intellectual Disability (ID) with Aggression and/or Self-Injury – Adding this to the list of debilitating medical conditions for the use of medical cannabidiol – Consider Notice**
4. **Licensing Sanctions Against Individuals Who Default/Are Delinquent on Student Loan Debt or Related Service Obligation – ARC 4806C – Consider Adoption**
  - a. Prohibits the suspension or revocation of a license issued by the board to a person who is in default or is delinquent on repayment or a service obligation under federal or state postsecondary educational loans or public or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency.
  - b. Public hearing held 1/8/2020 – No comments received
5. **Military and Veteran Benefits – ARC 4805C – Consider Adoption**
  - a. Licensing Boards must establish procedures by January 1, 2020, to expedite the licensing of an individual who is licensed in a similar profession or occupation in another state and who is the spouse of an active duty member of the military forces of the United States.
  - b. Public hearing held 1/8/2020 – No comments received
6. **Mandatory Abuse Reporter Training – ARC 4820C – Consider Adoption**

- a. Maintains that every mandatory reporter must complete 2 hours of training within six months of employment or self-employment, unless otherwise specified by federal regulations, and requires one hour of additional training every 3 years.
- b. Public hearing held 1/8/2020 – No comments received

## **H. Future Hearing Date Options – 2020**

### **I. FSMB Annual Meeting April 30 – May 2, 2020 – San Diego - Discussion**

### **J. Interstate Medical Licensure Compact – Update**

### **K. Iowa Physician Health Program Report – Amy Van Maanen, Coordinator**

1. Year-to-date program statistics and update

### **L. Judicial Review – Anagha Dixit, Assistant Attorney General**

1. Irland v. Board of Medicine - Mark B. Irland, M.D., was seeking judicial review of a confidential letter of warning issued by the Board, contending it is an illegal and unconstitutional agency action. The Court of Appeals affirmed the district court's dismissal of Dr. Irland's petition for judicial review. The Iowa Supreme Court granted Dr. Irland's request for further review and held oral arguments on January 23, 2020. The case was submitted and we expect a decision within the next few months.
2. Request for Declaratory Order - Domenico Calcaterra, M.D. - After the Board denied his Petition for Declaratory Order, Dr. Calcaterra sought judicial review. The Board filed a motion to dismiss. Dr. Calcaterra requested a stay of the Board's decision to deny his petition, and for the court to order the Board to remove his disciplinary documents and press releases from its website. The district court granted Dr. Calcaterra's request for a stay, and remanded the petition for declaratory order back to the Board. The Board issued a declaratory order finding that statements of charges are public documents. Dr. Calcaterra has renewed his petition for judicial review of this declaratory order. Parties briefed the matter and had oral arguments on the matter on January 17, 2020. The case has been submitted to Judge Hanson.
3. 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. Then a new briefing schedule will be assigned to the case and new date for oral arguments in District Court.
4. Yates v. Board of Medicine - Leroy L. Yates, JR, M.D., lost a contested case on December 12, 2019. Within the 30 days he had to appeal the matter he filed a Petition for Judicial Review in District Court. However, he filed his Petition in an already resolved scheduling matter that was before the District Court. The Board has filed a notice to the District Court that this matter needs to be removed from that case and filed as a new case. The Board has also filed a Motion for a More Specific Statement and requested proper service once the case has been properly filed.

### **M. Committee Reports** *(Reviewed in closed session and presented in open session for approval.)*

1. Licensure
2. Monitoring
3. Screening

## **BOARD-CLOSED SESSION**

## **BOARD-OPEN SESSION**

### **A. Vote on Closed Session Cases**

## **ADJOURN**

<b>Board Meetings - 2020</b>	<b>Board Office Closings</b>
March 26-27	Memorial Day - May 25
May 14-15	Independence Day - July 3
July 9-10	Labor Day - September 7
August 27-28	Veterans Day - November 11
October 22-23	Thanksgiving Day - November 26
December 10-11	Friday after Thanksgiving - November 27
	Christmas Day - December 25

***(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.***