



STATE OF IOWA

KIM REYNOLDS, GOVERNOR
ADAM GREGG, LT. GOVERNOR

IOWA BOARD OF MEDICINE
KENT NEBEL, J.D., EXECUTIVE DIRECTOR

PUBLIC AGENDA

REGULARLY SCHEDULED MEETING – DECEMBER 19-20, 2019

AGENDA^{1, 2, 3, 4, 5}

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, DECEMBER 19, 2019

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

Appearances

BOARD-OPEN SESSION - Board Room

Chair Ulveling, Cortese, Gall, Kolegraff, Romano, Vista-Wayne, Wagle, Wilson

BOARD-CLOSED SESSION - Board Room

Chair Ulveling, Cortese, Gall, Kolegraff, Romano, Vista-Wayne, Wagle, Wilson

Appearances

LUNCH BREAK

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. November 7-8, 2019 - Board Meeting

HEARING - Board Room

Cortese, Gall, Kolegraff, Romano, Ulveling, Vista-Wayne, Wagle, Wilson

BOARD-CLOSED SESSION - Board Room

Chair Ulveling, Cortese, Gall, Kolegraff, Romano, Vista-Wayne, Wagle, Wilson

BOARD-OPEN SESSION - Board Room

Chair Ulveling, Cortese, Gall, Kolegraff, Romano, Vista-Wayne, Wagle, Wilson

A. Unlicensed Practice of Medicine Cases

1. None

B. Vote on Closed Session Cases

ADJOURN

FRIDAY, DECEMBER 20, 2019

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

Chair Ulveling, Cortese, Gall, Kolegraff, Romanco, Vista-Wayne, Wagle, Wilson

1. Medical Director Interviews

BOARD-OPEN SESSION - Board Room

Chair Ulveling, Cortese, Gall, Kolegraff, Romanco, Vista-Wayne, Wagle, Wilson

A. Vote on Closed Session Cases

10:30 a.m. - BOARD-PUBLIC SESSION - Board Room

Chair Ulveling, Cortese, Gall, Kolegraff, Romanco, Vista-Wayne, Wagle, Wilson

A. Introduction of Public Present

B. Opportunity for Public Comments⁵

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

C. Board Minutes for Consideration of Approval

1. November 7-8, 2019 - Board Meeting (open & closed)

D. Chair's Report

E. Executive Director's Report

F. Administrative Rules

1. **CBD Program Statistics – First Year – 2019**

2. **Medical Cannabidiol Rules (ARC 4653C) Autism - Severe, Intractable Autism with Self-Injurious or Aggressive Behaviors – Consider Adoption**

- 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)**

3. **CBD THC Levels – Discussion**

- a. Physician recommendations for quantities over limits

4. **Medical Cannabidiol Vaping Rule – Discussion**

- a. Powerpoint submitted for consideration

G. Strategic Plan – Discussion

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
2. Committee appointment recommendations from IPHC

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 has granted Dr. Irland's request for further review. The Iowa Supreme Court will hear oral argument on the case sometime in the next session. This session ends June 30, 2020.
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. The district court has set a briefing schedule in this matter and oral arguments will be heard before the court on January 17, 2020.
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 court has set a briefing schedule in this matter and oral arguments will be heard before the court on January 24, 2020.

10:30 a.m.

M. Board Education – James Earle - Iowa PA Society Legislative Committee Chair, will speak to the Board regarding legislative and rule changes regarding access to care and PA practice in the state.

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

1. Licensure
2. Monitoring
3. Screening

O. Staffing - Update on Medical Director Position and Licensure Director Position.

P. ARTICLES/REPORTS

1. NDEWS Network -Toxicology - Drug Misuse in America, 2019
2. Evidence Pours More Cold Water on The False Narrative That Prescriptions Caused the Opioid Crisis, November, 2019.
3. Attorney General's statement on hemp and CBD products, July, 2019.
4. Federation of State Medical Boards Stem Cell Workgroup Report, April, 2018.

BOARD-CLOSED SESSION - Board Room

Chair Ulveling, Cortese, Gall, Kolegraff, Romanco, Vista-Wayne, Wagle, Wilson

LUNCH BREAK

BOARD-CLOSED SESSION - Board Room

Chair Ulveling, Cortese, Gall, Kolegraff, Romanco, Vista-Wayne, Wagle, Wilson

BOARD-OPEN SESSION - Board Room

Chair Ulveling, Cortese, Gall, Kolegraff, Romanco, Vista-Wayne, Wagle, Wilson

A. Vote on Closed Session Cases

ADJOURN

Board Meetings	Board Office Closings
December 19-20	Christmas Day – December 25
2020	2020
February 6-7	New Year's Day - January 1
March 26-27	Dr. Martin Luther King, Jr.'s Birthday - January 20
May 14-15	Memorial Day - May 25
July 9-10	Independence Day - July 3
August 27-28	Labor Day - September 7
October 22-23	Veterans Day - November 11
December 10-11	Thanksgiving Day - November 26
	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

(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.