



BOARD MEETING OPEN MINUTES **FEBRUARY 18-19, 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., Mary Jo Romanco, Joyce Vista-Wayne, M.D.

THURSDAY, FEBRUARY 18

MEMBERS PRESENT: Warren Gall, M.D., Chair
Ronald Kolegraff, M.D., Vice-Chair
Trudy Caviness
Patricia Fasbender, D.O.
Mary Jo Romanco
Joyce Vista-Wayne, M.D.

MEMBERS ABSENT: Nikhil Wagle, M.D., Secretary
Diane Cortese

STAFF PRESENT: Kent M. Nebel, J.D., Executive Director
Joseph A. Fraioli, J.D., Legal Director
Don J. Woodhouse, M.D., Medical Director
Anne Schlepffhorst, Chief Investigator
Aaron Kephart, Investigator
Brandi Allen, Investigator
Dave McGlaughlin, Investigator
Jerome Hill, Investigator
Laura Wood, Investigator
Emily Zalasky, Monitoring Coordinator
Annie Hoffman, Licensure Director
Cheryl Gravett, Licensing Specialist
Jaime Dunbar, Licensing Specialist
Kari Rolls, Administrative Assistant
Anagha Dixit, Assistant Attorney General
Steven Ervin, Information Technology Support

At 10:48 a.m., Warren Gall, M.D., Chair, called the meeting to order.

At 10:48 a.m., on a motion by Patricia Fasbender, D.O., seconded by Mary Jo Romanco, all members present voted to meet in closed session, pursuant to Iowa Code Sections 21.5(1)(a), 21.5(1)(d) and 21.5(1)(f), to review or discuss records which are required or authorized by state or federal law to be kept confidential, discuss the contents of a licensing examination or whether to initiate licensee disciplinary investigations or proceedings, and discuss the decision to be rendered in a contested case. Trudy Caviness, Patricia Fasbender, D.O., Warren Gall, M.D., Ronald Kolegraff, M.D., Mary Jo Romanco, and Joyce Vista-Wayne, M.D., all voted aye in a roll call vote to approve the motion.

At 2:12 p.m., while still in closed session, all members present voted in favor of a motion by Joyce Vista-Wayne, M.D., seconded by Patricia Fasbender, D.O., to meet in an open session. In open session, the Board took the following actions:

On a motion by Trudy Caviness, seconded by Patricia Fasbender, D.O., all Board members present voted to **accept** the Settlement Agreement & Final Order for Linda M. Iler, M.D., file 02-2018-581.

On a motion by Trudy Caviness, seconded by Patricia Fasbender, D.O., all Board members present voted to **accept** the combined Statement of Charges and Settlement Agreement for Troy E. Adolfson, M.D., file 02-2018-279.

On a motion by Trudy Caviness, seconded by Patricia Fasbender, D.O., all Board members present voted to **leave open** file 06-2020-305.

On a motion by Trudy Caviness, seconded by Patricia Fasbender, D.O., all Board members present voted to **accept** the Settlement Agreement for Adam B. Smith, M.D., files 02-2016-343, 02-2017-352 and 02-2019-545.

On a motion by Trudy Caviness, seconded by Patricia Fasbender, D.O., all Board members present voted to **file Statement of Charges** against Shafik N. Wassef, M.D., file 02-2018-400.

On a motion by Trudy Caviness, seconded by Patricia Fasbender, D.O., all Board members present voted to **approve** the State's Motion to Amend Charges for William E. Olson, M.D., files 02-2016-235, 02-2016-566 and 02-2018-197.

On a motion by Trudy Caviness, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2019-572, with **no formal action**.

On a motion by Trudy Caviness, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2019-523, with **no formal action**.

On a motion by Trudy Caviness, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 03-2017-503, with **no formal action**.

On a motion by Trudy Caviness, seconded by Patricia Fasbender, D.O., all Board members present voted to **leave open** file 02-2019-249.

On a motion by Trudy Caviness, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2020-021, with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2019-344, with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 03-2020-005, with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **leave open** file 02-2020-277.

On a motion by Joyce Vista-Wayne, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2020-307, with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2020-318, with **no formal action**.

On a motion by Mary Jo Romanco, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2019-283, with **no formal action**.

On a motion by Mary Jo Romanco, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2019-284, with **no formal action**.

On a motion by Mary Jo Romanco, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2019-285, with **no formal action**.

On a motion by Mary Jo Romanco, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2019-286, with **no formal action**.

On a motion by Mary Jo Romanco, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2018-595, with **no formal action**.

On a motion by Mary Jo Romanco, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2018-445, with **no formal action**.

On a motion by Mary Jo Romanco, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 03-2018-131, with **no formal action**.

On a motion by Mary Jo Romanco, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 03-2020-289, with **no formal action**.

On a motion by Mary Jo Romanco, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2020-024, with **no formal action**.

On a motion by Mary Jo Romanco, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 03-2019-541, with **no formal action**.

On a motion by Mary Jo Romanco, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 03-2020-140, with **no formal action**.

On a motion by Mary Jo Romanco, seconded by Patricia Fasbender, D.O., all Board members present voted to **leave open** file 02-2014-318.

On a motion by Mary Jo Romanco, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 03-2019-315, with **no formal action**.

On a motion by Mary Jo Romanco, seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2019-138, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2019-380, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2019-339, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2019-342, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 03-2020-324, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2020-331, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2020-319, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2020-323, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 03-2020-235, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 03-2020-068, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 03-2020-427, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2020-291, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 03-2020-415, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2020-351, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2019-450, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2019-451, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2019-452, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2020-049, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2020-342, with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Ronald Kolegraff, M.D., all Board members present voted to accept the Screening Committee Report and its recommendations.

On a motion by Warren Gall, M.D., seconded by Mary Jo Romanco, all Board members present voted to accept the Licensure Committee Report and its recommendations.

On a motion by Ronald Kolegraff, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to accept the Monitoring Committee Report and its recommendations.

Joseph A. Fraioli, J.D., Legal Director, advised the Board that the hearing in the matter of Dr. Isaac, originally scheduled for May 6-7, 2021, has been continued and that a hearing in the matter of Dr. Obamwonyi has been scheduled for May 6, 2021. Mr. Fraioli advised the Board that he is still in need of panel members for a hearing he is trying to schedule for September 2021.

At 2:28 p.m., Open Session went to recess. The open session resumed on Friday, February 19, 2021, at 9:00 a.m.

FRIDAY FEBRUARY 19, 2021:

MEMBERS PRESENT: Warren Gall, M.D., Chair
Ronald Kolegraff, M.D., Vice-Chair
Trudy Caviness
Patricia Fasbender, D.O.
Mary Jo Romanco
Joyce Vista-Wayne, M.D.

MEMBERS ABSENT: Nikhil Wagle, M.D., Secretary
Diane Cortese

STAFF PRESENT: Kent M. Nebel, J.D., Executive Director
Joseph A. Fraioli, J.D., Legal Director
Don J. Woodhouse, M.D., Medical Director
Anne Schlepphorst, Chief Investigator
Aaron Kephart, Investigator
Brandi Allen, Investigator
Dave McGlaughlin, Investigator
Jerome Hill, Investigator
Laura Wood, Investigator
Emily Zalasky, Monitoring Coordinator
Annie Hoffman, Licensure Director
Cheryl Gravett, Licensing Specialist
Jaime Dunbar, Licensing Specialist
Kari Rolls, Administrative Assistant
Anagha Dixit, Assistant Attorney General
Chrissy Greco, Assistant to the Executive Director
Steven Ervin, Information Technology Support

At 9:01 a.m., Warren Gall, M.D., Chair, called the meeting to order.

Roll call was taken to establish a quorum.

On a motion by Warren Gall, M.D., seconded by Patricia Caviness, D.O., all members present voted to approve the agenda

Introduction of the public - via teleconference line:

Name	Representing
Tony Leys	Des Moines Register
Kevin Kruse	
Sherry Muller Marceau	Self
Laura Miller	Iowa Medical Society
Laura Hurtado Peters	
Linda Thiesen	University of Iowa
Dennis Tibbins	Iowa Medical Society

Public comments unrelated to an agenda items:

Sherry Muller Marceau spoke regarding her July 2020 complaint to the Board regarding an incident from 1974, in which a man who was convicted of lascivious act with a child involving herself and several other children. She thanked Mr. Nebel for keeping her in the loop and the Board for investigating her claim. She said that she wants answers on how this man was granted a license to practice medicine with his criminal history involving children.

Mr. Nebel gave an oral Executive Director Report.

On a motion by Patricia Caviness, D.O., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to approve the Board Minutes from the December 10-11, 2020 Board Meeting and the January 14, 2021 teleconference.

An update was given by Director Nebel regarding the following legislation:

- HSB 75 - A bill for an act relating to disciplinary hearings conducted by professional licensing boards.
- HF 53 - A bill for an act relating to informed consent for medication abortions, and providing penalties.
- HF 88 - A bill for an act relating to the provision of audio-only telehealth or telemedicine by health care professionals.
- SF 78 - A bill for an act adopting the psychology interjurisdictional compact.
- HF 115 - A bill for an act relating to emergency care policy and procedure requirements applicable to an ambulatory surgical center.
- SF 125 - A bill for an act relating to immunization information requested on a medical examiner investigation form.
- HF 132 - A bill for an act relating to online continuing education courses for maintaining a professional license.
- HF 133 - A bill for an act relating to the extension of deadlines for the completion of continuing education requirements.
- HF 217 - A bill for an act relating to exemptions from required immunizations and vaccinations.
- HSB 51 - A bill for an act relating to the refilling of a prescription in emergency situations.
- HSB 71 - A bill for an act relating to the authority of a dentist relating to the prescribing and administration of certain immunizations and vaccines.
- HSB 168 - Dental & medical school admissions - Requires the Regents to adopt a policy that 75% of admissions into the UI medical and dental schools be Iowans or persons who attended college in Iowa. Requires annual reports from the UI Hospitals and Clinics on the residency of graduates and on residency programs.
- SF 212 - Allows terminally-ill patients to request medication that can be self-administered to end their lives. Establishes procedures and requirements. Requires

the DPH to develop checklists for providers. Includes provisions on the effect on wills and insurance.

- HF 327- An Act relating to treatment or intervention involving a minor diagnosed with gender dysphoria, and providing for licensee discipline and civil.
- HF 403 - An Act creating the living infants fairness and equality Act and providing for licensee discipline and civil and criminal penalties.

Administrative Rules

On a motion by Mary Jo Romano, seconded by Ronald Kolegraff, M.D. all Board members present voted to adopt HF 2389, which amends Iowa Code chapter 17A to remove the term “variance” and requires that agencies’ rules about waiver procedures refer only to waivers. This proposed rule making reflects the changes required by 2020 Iowa Acts, House File 2389, by removing the word “variance” from the Board of Medicine’s rules.

On a motion by Trudy Caviness, seconded by Joyce Vista-Wayne, M.D., all members present voted to adopt HF 766, section 59 (now codified as Iowa Code section 135.11B), which provides that the Executive Director of the Board of Medicine shall be appointed by the Director of the Department of Public Health.

The judicial update below was given by Anagha Dixit, Assistant Attorney General:

- **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. Parties briefed the matter and had oral arguments on the matter on January 17, 2020. This case received a decision on April 26, 2020. We have since appealed and both parties have filed all their briefs. We are awaiting a decision from the appellate courts.
- **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.
- **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. Dr. Yates filed a notice of appeal and his attorney is still waiting on admission into the Supreme Court pro hac vice because he is a Florida based attorney.
- **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. A hearing was held on the matter over two days in 2019 and Administrative Law Judge Johnathan Gallagher issued his decision on January 16, 2020. A timely petition for judicial review was filed. The parties briefed the issue and had oral arguments. The Board’s decision was affirmed and Dr. Doe has filed a notice of appeal. Dr. Doe’s brief will be due early February and the Board’s a month later.
- **Lajeunesse v. Board of Medicine** There are two pending District Court actions related to this matter. Michael LaJeunesse was a complainant whose case was closed by the Board and he is attempting to have the Board’s decision judicially reviewed. The Board has filed a motion to dismiss in both cases as closing cases and not pursuing charges

or investigating is not subject to judicial review. We are waiting on court orders in both matters.

- **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. As of the date of writing this summary, we have not received a decision on the Board's motion to dismiss.

Interstate Medical Licensure Compact

Update given by Warren Gall, M.D. and Mary Jo Romanco. Marshall Smith will be continuing in the director position, Dr. Gall attended the Rules Committee meeting and an IT and PR director position was being filled.

Iowa Physician Health Program monthly statistics provided by Amy Van Maanen, Program Director, were included with the Board materials.

At 9:33 a.m., all members present voted in favor of a motion by Ronald Kolegraff, M.D., seconded by Patricia Fasbender, D.O., to adjourn the meeting.