



OPEN MINUTES DECEMBER 9-10, 2021 BOARD MEETING

THURSDAY, DECEMBER 9, 2021:

MEMBERS PRESENT:

Warren Gall, M.D., Chair
Ronald Kolegraff, M.D., Vice-Chair
Nikhil Wagle, M.D., Secretary
Trudy Caviness
Diane Cortese
Patricia Fasbender, D.O.
Dalton Hayes
Chad Stadsvold, D.O.
Joyce Vista-Wayne, M.D.

MEMBERS ABSENT:

None

STAFF PRESENT:

Kent M. Nebel, J.D., Executive Director
Joseph A. Fraioli, J.D., Legal Director
Don J. Woodhouse, M.D., Medical Director
Anne Schleppehorst, Chief Investigator
Aaron Kephart, Investigator
Brandi Allen, Investigator
Dave McGlaughlin, Investigator
Jennifer Huisman, Investigator
Jerome Hill, Investigator
Laura Wood, Investigator
Michelle DeLong, Investigator
Emily Zalasky, Monitoring Coordinator
Annie Hoffman, Licensure Director
Amanda Lockwood, Licensing Specialist
Cheryl Gravett, Licensing Specialist
Jaime Dunbar, Licensing Specialist
Melissa Nelsen, Licensing Specialist
Kari Rolls, Administrative Assistant
Anagha Dixit, Assistant Attorney General
Jordan Esbrook, Assistant Attorney General
Steven Ervin, Information Technology Support

At 11:58 a.m., Warren Gall, M.D., Chair, called the meeting to order.

At 11:59 a.m., on a motion by Nikhil Wagle, M.D., seconded by Ronald Kolegraff, M.D., 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, Diane Cortese, Patricia Fasbender, D.O., Warren Gall, M.D., Dalton Hayes, Ronald Kolegraff, M.D., Chad Stadsvold, D.O., Joyce Vista-Wayne, M.D., and Nikhil Wagle, M.D., all voted aye in a roll call vote to approve the motion.

Nikhil Wagle, M.D., left the meeting at 4:02 p.m.

Nikhil Wagle, M.D., rejoined the meeting at 4:48 p.m.

At 5:12 p.m., Closed Session went to recess. The Closed Session resumed on Friday, December 10, 2021, at 7:31 a.m.

FRIDAY, DECEMBER 10, 2021:

MEMBERS PRESENT:

Ronald Kolegraff, M.D., Vice-Chair
Nikhil Wagle, M.D., Secretary
Trudy Caviness
Diane Cortese
Patricia Fasbender, D.O.
Dalton Hayes
Chad Stadsvold, D.O.
Joyce Vista-Wayne, M.D.

MEMBERS ABSENT:

Warren Gall, M.D., Chair

STAFF PRESENT:

Kent M. Nebel, J.D., Executive Director
Joseph A. Fraioli, J.D., Legal Director
Don J. Woodhouse, M.D., Medical Director
Anne Schlepfforst, Chief Investigator
Aaron Kephart, Investigator
Brandi Allen, Investigator
Dave McGlaughlin, Investigator
Jennifer Huisman, Investigator
Jerome Hill, Investigator
Laura Wood, Investigator
Michelle DeLong, Investigator
Emily Zalasky, IPHP Program Coordinator & Monitoring Coordinator

Jaime Dunbar, Licensing Specialist
Natalie Lyons, Iowa Physician Health Program Case Manager
Kari Rolls, Administrative Assistant
Anagha Dixit, Assistant Attorney General
Chrissy Greco, Assistant to Executive Director
Steven Ervin, Information Technology Support

Closed Session resumed at 7:31 a.m.

At 8:25 a.m., while still in closed session, all members present voted in favor of a motion by Joyce Vista-Wayne, M.D., seconded by Ronald Kolegraff, M.D., to meet in an open session.

At 8:28 a.m., on a motion by Joyce Vista-Wayne, M.D., seconded by Ronald Kolegraff, M.D., all members present voted to meet in closed session, pursuant to Iowa Code Section 272C.6(1), “Disciplinary hearings held pursuant to this chapter shall be heard by the Board sitting as the hearing panel, or by a panel of not less than three Board members who are licensed in the profession, or by a panel of not less than three members appointed pursuant to subsection 2. Notwithstanding chapters 17A and 21 a disciplinary hearing shall be open to the public at the discretion of the licensee”. Trudy Caviness, Diane Cortese, Patricia Fasbender, D.O., Dalton Hayes, Ronald Kolegraff, M.D., Chad Stadvold, D.O., Joyce Vista-Wayne, M.D., and Nikhil Wagle, M.D., all voted aye in a roll call vote to approve the motion.

At 9:23 a.m., while still in closed session, all members present voted in favor of a motion by Nikhil Wagle, M.D., seconded by Joyce Vista-Wayne, M.D., to meet in an open session. In open session, the Board took the following actions:

On a motion by Chad Stadvold, D.O., seconded by Trudy Caviness, all Board members present voted to **approve** the Denial Order for Andrew o. Obamwonyi, M.D., files 02-2014-625 and 02-2016-139. Gall, M.D., Nikhil Wagle, M.D., and Anagha Dixit, AAG, recused.

On a motion by Chad Stadvold, D.O., seconded by Trudy Caviness, all Board members present voted to **leave open** file 03-2018-394. Ronald Kolegraff, M.D., and Anagha Dixit, AAG, recused.

On a motion by Chad Stadvold, D.O., seconded by Trudy Caviness, all Board members present voted to **leave open** file 03-2019-396. Ronald Kolegraff, M.D., and Anagha Dixit, AAG, recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2020-490, with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2012-754, with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2020-277, with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 03-2011-559, with **no formal action**. Patricia Fasbender, D.O., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 03-2015-705, with **no formal action**. Patricia Fasbender, D.O., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 03-2016-012, with **no formal action**. Patricia Fasbender, D.O., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 03-2016-264, with **no formal action**. Patricia Fasbender, D.O., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 03-2017-176, with **no formal action**. Patricia Fasbender, D.O., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 03-2018-290, with **no formal action**. Patricia Fasbender, D.O., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 03-2018-392, with **no formal action**. Patricia Fasbender, D.O., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 03-2018-463, with **no formal action**. Patricia Fasbender, D.O., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 03-2021-170, with **no formal action**. Patricia Fasbender, D.O., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2020-372, with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2019-464, with **no formal action**.

On a motion by Diane Cortese, seconded by Trudy Caviness, all Board members present voted to **close** file 02-2021-031, with **no formal action**.

On a motion by Diane Cortese, seconded by Trudy Caviness, all Board members present voted to **close** file 02-2019-632, with **no formal action**.

On a motion by Diane Cortese, seconded by Trudy Caviness, all Board members present voted to **affirm** its original decision to **close** file 03-2019-164, **with no formal disciplinary action**.

On a motion by Diane Cortese, seconded by Trudy Caviness, all Board members present voted to **affirm** its original decision to **close** file 02-2019-661, **with no formal disciplinary action**.

On a motion by Diane Cortese, seconded by Trudy Caviness, all Board members present voted to **affirm** its original decision to **close** file 02-2020-051, **with no formal disciplinary action**.

On a motion by Diane Cortese, seconded by Trudy Caviness, all Board members present voted to **close** file 03-2021-292, with **no formal action**.

On a motion by Diane Cortese, seconded by Trudy Caviness, all Board members present voted to **close** file 02-2014-478, with **no formal action**.

On a motion by Diane Cortese, seconded by Trudy Caviness, all Board members present voted to **close** file 02-2021-030, with **no formal action**.

On a motion by Patricia Fasbender, D.O., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2021-160, with **no formal action**.

On a motion by Patricia Fasbender, D.O., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2021-250, with **no formal action**.

On a motion by Patricia Fasbender, D.O., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2021-148, with **no formal action**.

On a motion by Patricia Fasbender, D.O., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2018-608, with **no formal action**.

On a motion by Patricia Fasbender, D.O., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2021-269, with **no formal action**. Warren Gall, M.D., recused.

On a motion by Patricia Fasbender, D.O., seconded by Trudy Caviness, all Board members present voted to **leave open** file 03-2016-509. Anagha Dixit, AAG, recused.

On a motion by Patricia Fasbender, D.O., seconded by Trudy Caviness, all Board members present voted to **leave open** file 03-2017-374. Anagha Dixit, AAG, recused.

On a motion by Patricia Fasbender, D.O., seconded by Trudy Caviness, all Board members present voted to **leave open** file 03-2019-702. Anagha Dixit, AAG, recused.

On a motion by Patricia Fasbender, D.O., seconded by Trudy Caviness, all Board members present voted to **leave open** file 03-2020-257. Anagha Dixit, AAG, recused.

On a motion by Patricia Fasbender, D.O., seconded by Trudy Caviness, all Board members present voted to **close** file 03-2020-290, with **no formal action**. Anagha Dixit, AAG, recused.

On a motion by Patricia Fasbender, D.O., seconded by Trudy Caviness, all Board members present voted to **leave open** file 02-2017-123.

On a motion by Nikhil Wagle, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2018-251, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Trudy Caviness, all Board members present voted to **leave open** file 02-2021-336.

On a motion by Nikhil Wagle, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2021-338, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2017-544, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2020-515, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2020-516, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Trudy Caviness, all Board members present voted to **leave open** file 02-2021-354.

On a motion by Nikhil Wagle, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2021-192, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2020-429, with **no formal action**.

On a motion by Nikhil Wagle, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2021-260, with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2017-146, with **no formal action**. Ronald Kolegraff, M.D., and Nikhil Wagle, M.D., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2017-317, with **no formal action**. Ronald Kolegraff, M.D., and Nikhil Wagle, M.D., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2017-520, with **no formal action**. Ronald Kolegraff, M.D., and Nikhil Wagle, M.D., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2016-560, with **no formal action**. Ronald Kolegraff, M.D., and Nikhil Wagle, M.D., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2017-308, with **no formal action**. Ronald Kolegraff, M.D., and Nikhil Wagle, M.D., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2017-518, with **no formal action**. Ronald Kolegraff, M.D., and Nikhil Wagle, M.D., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2017-519, with **no formal action**. Ronald Kolegraff, M.D., and Nikhil Wagle, M.D., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2017-521, with **no formal action**. Ronald Kolegraff, M.D., and Nikhil Wagle, M.D., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2017-536, with **no formal action**. Ronald Kolegraff, M.D., and Nikhil Wagle, M.D., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2017-647, with **no formal action**. Ronald Kolegraff, M.D., and Nikhil Wagle, M.D., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2018-142, with **no formal action**. Ronald Kolegraff, M.D., and Nikhil Wagle, M.D., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2018-411, with **no formal action**. Ronald Kolegraff, M.D., and Nikhil Wagle, M.D., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2015-501, with **no formal action**. Ronald Kolegraff, M.D., and Nikhil Wagle, M.D., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2016-041, with **no formal action**. Ronald Kolegraff, M.D., and Nikhil Wagle, M.D., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2018-243, with **no formal action**. Ronald Kolegraff, M.D., and Nikhil Wagle, M.D., recused.

On a motion by Ronald Kolegraff, M.D., seconded by Nikhil Wagle, M.D., all Board members present voted to **close** file 02-2015-643, with **no formal action**. Trudy Caviness, recused.

On a motion by Ronald Kolegraff, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 03-2021-306, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 03-2021-015, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2020-056, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2020-441, with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2020-428, with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2020-486, with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2021-248, with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2021-032, with **no formal action**. Ronald Kolegraff, M.D., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 03-2021-083, with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **leave open** file 02-2021-299.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2020-189, with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2020-165, with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Trudy Caviness, all Board members present voted to **close** file 02-2021-404, with **no formal action**.

On a motion by Ronald Kolegraff, M.D., seconded by Chad Stadsvold, D.O., all Board members present voted to **accept** the Screening Committee Report and its recommendations.

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

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

Joseph A. Fraioli, J.D., Legal Director, gave the Board a hearing update: Three disciplinary hearings have been scheduled and one has not. The Wassef hearing is set for February 9-11,

2022, with six panel members, but he is requesting one more; the Snodgrass hearing is set for March 4, 2022, with seven panel members; the Isaac hearing is set for April 28-29, 2022, with six panel members, but he is requesting one more; and the Olson hearing is currently unscheduled.

Dalton Hayes, public member, upon request, discussed what brought him to Iowa.

PUBLIC SESSION:

At 10:01, Director Kent Nebel, called the public session to order.

Roll call was taken. Warren Gall, M.D. was absent.

On a motion by Ronald Kolegraff, M.D., seconded by Nikhil Wagle, M.D., all members present voted to approve the agenda.

Public present via Zoom:

Name	Represents
Kevin Kline	Iowa Osteopathic Medical Association
Sherri Miller Marceau	Self
Linda Thiesen	University of Iowa

Sherry Miller Marceau attended, representing herself. She read aloud the Board rules for revocation of a license and said that the doctor still practicing in Iowa, who sexually assaulted her as a child, is in violation of three of these rules. Mr. Nebel reiterated that the Board cannot comment and Ms. Miller Marceau thanked the Board for hearing her comments.

Mr. Nebel gave his Executive Director Report, which can be found [HERE](#) on the website.

Mr. Nebel welcomed Dalton Hayes, the newest member appointed to the Board. Mr. Hayes is a Sr. Clinic Administrator at UnityPoint Health in Des Moines. He was appointed as a public member of the Board in 2021. His term will expire April 30, 2024. He serves on the screening and licensure committees.

On a motion by Trudy Caviness, seconded by Ronald Kolegraff, M.D., all members present voted to approve the October 21-22, 2021 Board meeting minutes.

On a motion by Joyce Vista-Wayne, M.D., seconded by Patricia Fasbender, D.O., all members present voted to approve the September 30, 2021 teleconference minutes.

Joseph Fraioli, Legal Director, gave a quick administrative rules update with proposed amendments to Iowa Code §272C.6.

Joseph Fraioli, Legal Director, gave a hearing update regarding upcoming hearings that have been scheduled and can be found [HERE](#) on our website.

Judicial Review was submitted by 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.

The Iowa Physician Health Program's monthly statistics and recommendations for committee appointments were presented by Emily Zalasky.

On a motion by Ronald Kolegraff, M.D., seconded by Trudy Caviness, all members present voted to approve committee appointments for Lori Beireis, D.O., Martin Carpenter, M.D. and Thad Abrams, M.D.

At 10:47 a.m., all members present voted in favor of a motion by Dalton Hayes, seconded by Nikhil Wagle, M.D., to adjourn the meeting.