



IOWA BOARD OF MEDICINE JULY 14-15, 2022 - OPEN MINUTES

JULY 14, 2022:

MEMBERS PRESENT:

Warren Gall, M.D., Chair
Joyce Vista-Wayne, M.D., Vice-Chair
Patricia Fasbender, D.O., Secretary
Eugene Cherny, M.D.
Dalton Hayes
Jason Meyers, M.D.
Rose Mitchell
Vickie Pyevich, M.D.
Chad Stadsvold, D.O.

MEMBERS ABSENT:

Trudy Caviness

STAFF PRESENT:

Jill Stuecker, Interim 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
Jerome Hill, Investigator
Laura Wood, Investigator
Michelle DeLong, Investigator
Marvin Firch, Monitoring Coordinator
Shantel Billington, Office Manager / Financial Manager
Kari Rolls, Administrative Assistant
Kaitie Westphal, Enforcement Support
Anagha Dixit, Assistant Attorney General

At 11:36 a.m., Warren Gall, M.D., Chair, called the meeting to order.

Joseph A. Fraioli, J.D., Legal Director gave the Board a hearing update: the Ali hearing is set for September 9, 2022; the Olson hearing is still set for three days on October 5-7, 2022; the Rickerl hearing is still set for November 18, 2022; and the Wassef hearing is set for three days on April 12-14, 2023.

Joseph A. Fraioli, J.D., Legal Director advised the Board that the Executive Committee reviewed the Letters of Warning and Education process and determined that a group of smaller committee of Board members agree to review those letters on a more expedited timeline. The new process would be to draft and review and have those letters prepared within two weeks following the Board meeting. We would get those out to this group of Board members who could review it within a week, and then hopefully, if there are no issues, we can go ahead and issue the letters the following week. Therefore, that would be within a month of the conclusion of the Board meeting the letters would go out as opposed to now, which is a two (2) – three (3) month process and it would not involve all of the Board members, only those who wanted to serve on this group. Maybe we can reexamine this in 6, 9 or 12 months and evaluate whether this process works. If the Board is consistently seeing that there are no issues with the letter and that we are sort of capturing exactly what the Board is intending, there is no grammatical mistakes, things of that nature, then perhaps we could transition away from having Board members review them. There is nothing in code or rule that requires us to have all of you approve each letter that goes out. This would just be a quicker turn around process, it would require less eyes from Board members on those letters. The Board members who volunteered for the group: Cherny, Fasbender, Mitchell, and Stadsvold.

The Board received information that indicates that individuals at Whole Health Natural Foods in Marion, Iowa, have engaged in the practice of medicine in Iowa without an Iowa medical license in violation of the laws and rules governing the practice of medicine in Iowa. The information received alleged that individuals at Whole Health Natural Foods have engaged in saliva and urine collection, the analysis of the collection and provided suggestions on supplements the store sells in order to treat the customer's ailment. The Board determined that it lacks jurisdiction, and will instead refer the case to law enforcement.

At 12:07 p.m., on a motion by Chad Stadsvold, D.O., seconded by Rose Mitchell, 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. Eugene Cherny, M.D., Patricia Fasbender, D.O., Warren Gall, M.D., Dalton Hayes, Jason Meyers, M.D., Rose Mitchell, Vickie Pyevich, M.D., Chad Stadsvold, D.O., and Joyce Vista-Wayne, M.D., all voted aye in a roll call vote to approve the motion.

At 5:35 p.m., Closed Session went to recess. The Closed Session resumed on Friday, July 15, 2022, at 9:24 a.m.

JULY 15, 2022:

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Trudy Caviness
Dalton Hayes

STAFF PRESENT:

Jill Stuecker, Interim 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
Jerome Hill, Investigator
Laura Wood, Investigator
Michelle DeLong, Investigator
Marvin Firch, Monitoring Coordinator
Jennifer Ware, Licensure Director
Natalie Lyons, Iowa Physician Health Program Case Manager
Chrissy Greco, Assistant to Executive Director
Shantel Billington, Office Manager / Financial Manager
Kari Rolls, Administrative Assistant
Kaitie Westphal, Enforcement Support
Anagha Dixit, Assistant Attorney General

Closed Session resumed at 9:24 a.m.

At 9:51 a.m., all members present voted in favor of a motion by Joyce Vista-Wayne, M.D., seconded by Rose Mitchell, to meet in an open session.

At 10:00 a.m., Joseph A. Fraioli, J.D., Legal Director for the Board, called the public session to order. Roll call was taken to establish a quorum.

Public Attendees:

Name	Represents
Kevin Kruse	Iowa Osteopathic Medical Association
Chris Long	Unknown
Sherri Muller	Self
Dennis Tibben	Iowa Medical Society

Sherri Muller, from the public, spoke about a sexual abuse case involving a physician. She said that The lowan published the list of convictions of the physician and that she will be happy to provide the link to the article. She noted that Kent Nebel is no longer at the Board and that he was her point of contact. She asked the Board why they are letting the physician continue to practice.

Jill Stuecker, Interim Executive Director, welcomed the new staff members, Director of Licensure - Jennifer Ware and Clerk Specialists - Desiree Burrows, Kelsey Johnson and Kristin Waltermire. She noted that Kaitie Westphal, currently in the Enforcement Support position will be moving into the Sec 2 position.

Ms. Stuecker also said that she hopes to post the executive director position within the next few weeks.

On a motion by Joyce Vista Waye, M.D., seconded by Warren Gall, M.D., all Board members present voted to approve the May 19-20, 2022 Board meeting minutes.

On a motion by Patricia Fasbender, D.O., seconded by Eugene Cherny, M.D., all Board members present voted to approve the June 16, 2022 teleconference minutes.

Jill Stuecker, Interim Executive Director, gave a legislative update on the Ambulatory Surgical Center Bill, which became effective on July 1, 2022. She presented a Temporary Guidance Document to help licensees with questions to quickly come into compliance with this new law.

On a motion by Chad Stadvold, D.O., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to approve the Temporary Guidance Document regarding Ambulatory Surgical Centers.

Joseph Fraioli, Legal Director, covered the following administrative rules:

-653 IAC Chapter 13 Standards of Practice ARC 6284C - Pharmacy - Collaborative Practice Agreements.

On a motion by Chad Stadvold, D.O., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to rescind ARC 6284C - Pharmacy - Collaborative Practice Agreements.

-653 IAC Chapter 2 Office Practice revisions.

On a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., all Board members present voted to remove the "consent to disclose" language and notice chapter two with its revisions.

-653 IAC Chapter 13 Prerequisites for Abortion.

On a motion by Joyce Vista-Wayne, M.D., seconded by Vickie Pyevich, D.O., all Board members present voted to notice Prerequisites for Abortion.

-Standards of Practice 653-13.7 - Office Practices and Eligibility for Licensure - Nonaccredited Training Revisions - Notice of Intended Action has been filed.

-Standards of Practice 653-13.7 - Office Practices Revisions - Recordkeeping - Notice of Intended Action has been filed. The Board asked that Joe Fraioli, Legal Director, write legislation determining who to contact and where the records will be kept in the event of the death of a physician. They asked that the new piece be filed with this record keeping legislation.

On a motion by Eugene Cherny, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to Notice the Eligibility for Licensure – Nonaccredited Training Revisions.

Mr. Fraioli gave a hearing update to the Board to let them know there have been hearing dates added to the 2023 and 2024 calendars. He again asked that Board members be mindful of the dates to make sure we have a quorum for the hearing panels.

Mr. Fraioli spoke to the Board regarding the following guidance topics to be added to the Board's website.

-Scams targeting licensees.

On a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., the Board voted to post the scams targeting licensees guidance document to the website.

-Death Certificates.

The Board decided to table the death certificate guidance document until revisions regarding natural death are made to the document.

A Judicial Review Update was given by Anagha Dixit, Assistant Attorney General for the Board regarding the cases below:

- Colby v. Board of Medicine - Court ruled in favor of Board of Medicine.
- Robinson v. Board of Medicine - Plaintiff dismissed the case.
- Yates v. Board of Medicine - Awaiting decision from Court of Appeals.
- Lajeunesse v. Board of Medicine - Court ruled in favor of Board of Medicine.
- Doe v. Board of Medicine - Court ruled in favor of Board of Medicine.

Warren Gall, M.D., spoke about the Interstate Licensure Compact meeting he attended. He said that the federation will be drafting rules on misinformation and disinformation regarding COVID 19.

Joyce Vista-Wayne, M.D., thanked the staff for all of their hard work in preparing for this meeting.

At 11:03 a.m., the public session ended.

At 11:18 a.m., on a motion by Chad Stadsvold, D.O., seconded by Patricia Fasbender, D.O., 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. Eugene Cherny, M.D., 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 12:56 p.m., all members present voted in favor of a motion by Eugene Cherny, M.D., seconded by Chad Stadvold, D.O., to meet in an open session. In open session, the Board took the following actions:

Joseph A. Fraioli, J.D., Legal Director, advised the Board on the .pdf files and bookmarks. When you're reviewing cases on a .pdf document. We rely heavily on bookmarking attachments. That is how we organize cases and it really is a great system once you know how to use it. The bookmarks will be on the left hand side of the .pdf. If ever you don't see the bookmarks you just have to click the bar that's there and then you'll see a little bookmark icon pop up. You just click on the icon and you'll see all the bookmarking. The important point to remember is that when you see the little down carrot, or sideways carrot, on a case on material when reviewing, if you click on that it'll expand it out. So often times when we get patient cases that is where the H&P will be itemized, that where logs will be itemized and we hope that will really help. I know some people were unaware of that's how be broke it down, so if you ever have issues with reviewing the materials go to the bookmarks see if you can expand them out.

Chad Stadvold, D.O., advised the Board that the **Screening Committee** reviewed 57 cases, closed 52 and left five (5) open.

Joyce Vista-Wayne, M.D., advised the Board that the **Monitoring Committee** had two (2) appearances, denied two (2) requests to waive the civil penalty fee, allowed a payment plan on one (1), and approved the request for termination of Board Order on five (5).

Patricia Fasbender, D.O., advised the Board that the **Licensure Committee** reviewed six (6) applications, left five (5) open and granted one (1) license with restrictions.

On a motion by Warren Gall, M.D., seconded by Joyce Vista-Wayne, 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 Joyce Vista-Wayne, M.D., all Board members present voted to **accept** the Monitoring Committee Report and its recommendations.

On a motion by Warren Gall, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **accept** the Licensure Committee Report and its recommendations.

On a motion by Joyce Vista-Wayne, M.D., seconded by Rose Mitchell, all Board members present voted to **approve** the Order on the Application for Interlocutory Review for Shafik N. Wassef, M.D., file 02-2018-400. Ana Dixit, AAG, recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Rose Mitchell, all Board members present voted to **accept** the combined Statement of Charges and Settlement Agreement for Mark F. Guilfoyle, D.O., file 03-2018-472.

On a motion by Joyce Vista-Wayne, M.D., seconded by Rose Mitchell, all Board members present voted to **accept** the combined Statement of Charges and Settlement Agreement for Alan W. Hemming, M.D., file 02-2021-514.

On a motion by Joyce Vista-Wayne, M.D., seconded by Rose Mitchell, all Board members present voted to **leave open** file 02-2021-255.

On a motion by Joyce Vista-Wayne, M.D., seconded by Rose Mitchell, all Board members present voted to **leave open** file 03-2019-703.

On a motion by Joyce Vista-Wayne, M.D., seconded by Rose Mitchell, all Board members present voted to **affirm** its original decision to **close** file 02-2016-042, **with no formal disciplinary action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 02-2022-221, with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 02-2021-072, with **no formal action**. Eugene Cherny, M.D., recused.

On a motion by Chad Stadvold, D.O., seconded by Rose Mitchell, all Board members present voted to **leave open** file 03-2021-518.

On a motion by Chad Stadvold, D.O., seconded by Rose Mitchell, all Board members present voted to **affirm** its original decision to **close** file 02-2022-237, **with no formal disciplinary action**.

On a motion by Chad Stadvold, D.O., seconded by Rose Mitchell, all Board members present voted to **affirm** its original decision to **close** file 03-2022-307, **with no formal disciplinary action**.

On a motion by Chad Stadvold, D.O., seconded by Rose Mitchell, all Board members present voted to **leave open** file 02-2022-223.

On a motion by Chad Stadvold, D.O., seconded by Rose Mitchell, all Board members present voted to **close** file 02-2021-415, with **no formal action**.

On a motion by Chad Stadvold, D.O., seconded by Rose Mitchell, all Board members present voted to **leave open** file 02-2020-379.

On a motion by Chad Stadvold, D.O., seconded by Rose Mitchell, all Board members present voted to **leave open** file 02-2020-390.

On a motion by Chad Stadvold, D.O., seconded by Rose Mitchell, all Board members present voted to **leave open** file 02-2021-182.

On a motion by Chad Stadvold, D.O., seconded by Rose Mitchell, all Board members present voted to **close** file 02-2021-213, with **no formal action**.

On a motion by Eugene Cherny, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 03-2018-526, with **no formal action**.

On a motion by Eugene Cherny, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 03-2018-418, with **no formal action**. Chad A. Stadvold, D.O., recused.

On a motion by Eugene Cherny, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 03-2018-637, with **no formal action**. Chad A. Stadvold, D.O., recused.

On a motion by Eugene Cherny, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 02-2019-047, with **no formal action**.

On a motion by Eugene Cherny, M.D., seconded by Rose Mitchell, all Board members present voted to **leave open** file 03-2021-482.

On a motion by Eugene Cherny, M.D., seconded by Rose Mitchell, all Board members present voted to **leave open** file 03-2021-483.

On a motion by Eugene Cherny, M.D., seconded by Rose Mitchell, all Board members present voted to **leave open** file 03-2021-517.

On a motion by Eugene Cherny, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 03-2022-078, with **no formal action**.

On a motion by Eugene Cherny, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 03-2022-137, with **no formal action**.

On a motion by Eugene Cherny, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 02-2019-689, with **no formal action**. Vickie Pyevich, M.D., recused.

On a motion by Eugene Cherny, M.D., seconded by Rose Mitchell, all Board members present voted to **leave open** file 02-2017-088.

On a motion by Eugene Cherny, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 02-2021-091, with **no formal action**.

On a motion by Eugene Cherny, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 02-2021-206, with **no formal action**.

On a motion by Eugene Cherny, M.D., seconded by Rose Mitchell, all Board members present voted to **leave open** file 03-2017-336. Joyce Vista-Wayne, M.D., recused.

On a motion by Eugene Cherny, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 02-2017-004, with **no formal action**.

On a motion by Eugene Cherny, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 02-2020-547, with **no formal action**. Joyce Vista-Wayne, M.D., recused.

On a motion by Warren Gall, M.D., seconded by Rose Mitchell, all Board members present voted to **leave open** file 02-2021-257. Joyce Vista-Wayne, M.D., recused.

On a motion by Warren Gall, M.D., seconded by Rose Mitchell, all Board members present voted to **leave open** file 02-2021-560. Joyce Vista-Wayne, M.D., recused.

On a motion by Warren Gall, M.D., seconded by Rose Mitchell, all Board members present voted to **leave open** file 02-2022-093. Joyce Vista-Wayne, M.D., recused.

On a motion by Warren Gall, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 03-2017-330, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 03-2021-468, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 02-2021-454, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 03-2021-496, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 02-2021-474, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 03-2022-122, with **no formal action**. Vickie Pyevich, M.D., recused.

On a motion by Warren Gall, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 01-2021-522, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 02-2021-523, with **no formal action**.

On a motion by Warren Gall, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 01-2021-040, with **no formal action**. Vickie Pyevich, M.D., recused.

On a motion by Warren Gall, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 03-2021-063, with **no formal action**. Vickie Pyevich, M.D., recused.

On a motion by Warren Gall, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 03-2021-064, with **no formal action**. Vickie Pyevich, M.D., recused.

On a motion by Warren Gall, M.D., seconded by Rose Mitchell, all Board members present voted to **leave open** file 02-2022-140.

On a motion by Jason Meyers, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 03-2022-240, with **no formal action**.

On a motion by Jason Meyers, M.D., seconded by Rose Mitchell, all Board members present voted to **leave open** file 02-2021-558.

On a motion by Jason Meyers, M.D., seconded by Rose Mitchell, all Board members present voted to **leave open** file 02-2021-475.

On a motion by Jason Meyers, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 03-2016-427, with **no formal action**.

On a motion by Jason Meyers, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 03-2022-336, with **no formal action**.

On a motion by Jason Meyers, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 02-2021-532, with **no formal action**.

On a motion by Jason Meyers, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 02-2019-573, with **no formal action**.

On a motion by Jason Meyers, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 02-2021-278, with **no formal action**.

On a motion by Jason Meyers, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 02-2021-279, with **no formal action**.

On a motion by Jason Meyers, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 02-2021-280, with **no formal action**.

On a motion by Jason Meyers, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 02-2021-281, with **no formal action**.

On a motion by Jason Meyers, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 02-2021-282, with **no formal action**.

On a motion by Jason Meyers, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 03-2021-519, with **no formal action**.

On a motion by Jason Meyers, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 02-2017-410, with **no formal action**.

On a motion by Jason Meyers, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 02-2020-320, with **no formal action**.

On a motion by Jason Meyers, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 02-2020-090, with **no formal action**.

On a motion by Jason Meyers, M.D., seconded by Rose Mitchell, all Board members present voted to **close** file 02-2022-201, with **no formal action**.

On a motion by Patricia Fasbender, D.O., seconded by Rose Mitchell, all Board members present voted to **close** file 02-2019-209, with **no formal action**.

On a motion by Patricia Fasbender, D.O., seconded by Rose Mitchell, all Board members present voted to **close** file 02-2021-355, with **no formal action**.

On a motion by Patricia Fasbender, D.O., seconded by Rose Mitchell, all Board members present voted to **close** file 03-2021-410, with **no formal action**.

On a motion by Patricia Fasbender, D.O., seconded by Rose Mitchell, all Board members present voted to **close** file 02-2021-533, with **no formal action**.

On a motion by Patricia Fasbender, D.O., seconded by Rose Mitchell, all Board members present voted to **close** file 02-2020-374, with **no formal action**.

On a motion by Patricia Fasbender, D.O., seconded by Rose Mitchell, all Board members present voted to **close** file 02-2020-348, with **no formal action**.

On a motion by Patricia Fasbender, D.O., seconded by Rose Mitchell, all Board members present voted to **close** file 02-2022-041, with **no formal action**.

At 1:13 p.m., all members present voted in favor of a motion by Joyce Vista-Wayne, M.D., seconded by Rose Mitchell, to adjourn the meeting.