



OCTOBER 2022

OPEN MINUTES

October 27, 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
Chad Stadsvold, D.O.

MEMBERS ABSENT:

Vickie Pyevich, M.D.

STAFF PRESENT:

Jill Stuecker, Division Director
Dennis J. Tibben, MPA, 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
Natalie Anderson, Investigator
Marvin Firch, Monitoring Coordinator
Kari Rolls, Administrative Assistant
Laura Steffensmeier, Assistant Attorney General

At 11:23 a.m., Warren Gall, M.D., Chair, called the meeting to order.

Jill Stuecker, Division Director, stated, "I wanted, if I could, just really quickly, to say my name tag is wrong. I am now nobody. I am not the Executive Director. So happy to have

Dennis Tibben here today as your brand new Executive Director. So, before we get started I think he has not had the opportunity to introduce himself to all of you. So, I'm just going to give you, I mean we want to do this sort of formally tomorrow in Public Session, but let's do it here now as well with our smaller group. So, Dennis".

Dennis J. Tibben, MPA, stated, "Thanks Jill. Good morning everyone. I think I've had the opportunity to meet most of you as you came in this morning, but I'm very excited to get started. As I believe Jill shared with you all a bit of my brief bio, but just as a reminder, previous to this I was at The Medical Society for the past 11 years, so having participated in the public portion of these meetings for many, many years, I'm really interested in, and amazed with the amount of information that you are going through in Closed Session. Thank you all for your service on the Board and am really looking forward to getting to know you all better over the next couple of days".

Joseph A. Fraioli, J.D., Legal Director, stated, "Alright, before we go into Closed Session, we do have some Open Session business. Scheduling contested case proceedings. Particularly, as you all know we had a contested case hearing schedule in the Rickerl case that was to be held in November, which has since been canceled, so we will need to find a new hearing date for that case. As you'll note on the 2023 Board Calendar there are three days identified for Board hearings on that calendar. If you look in the material they are marked in purple: February 9-10, 2023, June 8-9, 2023 and October 5-6, 2023. I'm just going to do by a show of hands to determine who knows right now if they are available for some of those dates. Our goal will be to at least see Board availability. If I can get at least four (4) or five (5) of you committed, I will go to our Alternate Board Members and attempt to get a quorum for those hearings. If none of these dates work then we will go back to the drawing board and try again. So, just by a shown of hands of the Board members present, who will be available February 9-10, 2023? These are all Thursday and Friday. So, I saw Gall, Mitchell, Stadsvold and Fasbender as tentatively available. Moving on now to June 8-9, 2023? I saw Vista-Wayne, Fasbender, Meyers and Mitchell. October 5-6, 2023. I saw Vista-Wayne, Fasbender, Meyers, Stadsvold, Mitchell. Excellent, five. So, I will get back in touch with you all as soon as possible, once I have a better sense of the availability of the alternates and of course the availability of the parties. Just as a reminder, there is currently a contested case scheduled for April 12-14, 2023, and that is the Wassef hearing. We will have three total additional hearings for 2023 to schedule. One of those is the Rickerl hearing that is reschedule and we have two confidential closed session hearings. So, just as a reminder for Wassef I have Stadsvold, Mitchell, Gall, Vista-Wayne, Fasbender, Pyevich. With that, Dr. Gall would you like to call for a motion to go into Closed Session?"

At 11:31 a.m., on a motion by Rose Mitchell, seconded by Joyce Vista-Wayne, M.D., all members present voted to meet in closed session, pursuant to Iowa Code section 21.5(1)(a), to review or discuss records which are required or authorized by state or federal law to be kept confidential; pursuant to Iowa Code section 21.5(1)(d), to discuss whether to initiate licensee disciplinary investigations or proceedings; and pursuant to Iowa Code section 21.5(1)(f), to discuss the decision to be rendered in a contested case conducted according to the provisions of chapter 17A. Eugene Cherny, M.D., Patricia Fasbender, D.O., Warren Gall, M.D., Jason Meyers, M.D., Rose Mitchell, Chad Stadsvold, D.O., and Joyce Vista-Wayne, M.D., all voted aye in a roll call vote to approve the motion.

At 12:49 p.m., all members present voted in favor of a motion by Patricia Fasbender, D.O., seconded by Warren Gall, M.D., to meet in an open session.

Joseph A. Fraioli, J.D., Legal Director, discussed the appearance of Ronald S. Bergman, D.O., and his requests with the Board.

The Board recommended **denying** the request to indicate that Dr. Bergman contests the Board's entry into the NPDB. The Board does not have the ability or authority to check that box—the licensee must do so by logging into the NPDB's system.

The Board recommended **denying** the request to change the designation of the Board's action in the NPDB report. Per the NPDB handbook, "restriction/limitation" is the most appropriate designation for the Board's action in this case.

The Board recommended **granting** the request to amend the written description of the Board Order in the NPDB report.

The Board recommended **granting** the request to amend the February 8, 2022, press release. The Board will redact that press release and issue an amended press release.

On a motion by Joyce Vista-Wayne, M.D., seconded by Chad Stadvold, D.O., all Board members present voted to **approve** the recommendations for Ronald S. Bergman, D.O., files 03-2018-394 and 03-2019-396. Eugene Cherny, M.D., recused.

At 1:50 p.m., on a motion by Rose Mitchell, seconded by Chad Stadvold, D.O., all members present voted to meet in closed session, pursuant to Iowa Code section 21.5(1)(a), to review or discuss records which are required or authorized by state or federal law to be kept confidential; pursuant to Iowa Code section 21.5(1)(d), to discuss whether to initiate licensee disciplinary investigations or proceedings; and pursuant to Iowa Code section 21.5(1)(f), to discuss the decision to be rendered in a contested case conducted according to the provisions of chapter 17A. Eugene Cherny, M.D., Patricia Fasbender, D.O., Warren Gall, M.D., Jason Meyers, M.D., Rose Mitchell, Chad Stadvold, D.O., and Joyce Vista-Wayne, M.D., all voted aye in a roll call vote to approve the motion.

At 4:55 p.m., all members present voted in favor of a motion by Rose Mitchell, seconded by Eugene Cherny, M.D., to meet in an open session. In open session, the Board took the following actions:

Patricia Fasbender, D.O., advised the Board that the **Licensure Committee** evaluated two (2) cases, granted one (1) license and denied an appeal on the other.

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

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

On a motion by Patricia Fasbender, D.O., seconded by Chad Stadvold, D.O., all Board members present voted to **accept** the Screening Committee Report and its recommendations.

On a motion by Warren Gall, M.D., seconded by Jason Meyers, M.D., all Board members present voted to **accept** the Settlement Agreement & Final Order for William E. Olson, M.D., files 02-2016-235, 02-2016-566 and 02-2018-197.

On a motion by Warren Gall, M.D., seconded by Jason Meyers, M.D., all Board members present voted to **accept** the Settlement Agreement & Final Order for Maman L. Ali, M.D., file 02-2022-188.

On a motion by Warren Gall, M.D., seconded by Jason Meyers, M.D., all Board members present voted to **leave open** file 03-2018-207.

On a motion by Warren Gall, M.D., seconded by Jason Meyers, M.D., all Board members present voted to **leave open** file 03-2018-296.

On a motion by Warren Gall, M.D., seconded by Jason Meyers, M.D., all Board members present voted to **leave open** file 03-2019-648.

On a motion by Warren Gall, M.D., seconded by Jason Meyers, M.D., all Board members present voted to **leave open** file 03-2018-643.

On a motion by Eugene Cherny, M.D., seconded by Jason Meyers, M.D., all Board members present voted to **leave open** file 03-2018-509.

On a motion by Eugene Cherny, M.D., seconded by Jason Meyers, M.D., all Board members present voted to **leave open** file 03-2021-043.

On a motion by Eugene Cherny, M.D., seconded by Jason Meyers, M.D., all Board members present voted to **close** file 02-2019-665, with **no formal action**.

On a motion by Eugene Cherny, M.D., seconded by Jason Meyers, M.D., all Board members present voted to **close** file 02-2021-475, with **no formal action**.

On a motion by Jason Meyers, M.D., seconded by Rose Mitchell, all Board members present voted to **affirm** its original decision to **close** file 02-2022-412, **with no formal disciplinary action**.

On a motion by Jason Meyers, M.D., seconded by Chad Stadsvold, D.O., all Board members present voted to **affirm** its original decision to **close** file 02-2022-381, **with no formal disciplinary action**.

On a motion by Jason Meyers, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **affirm** its original decision to **close** file 02-2022-405, **with no formal disciplinary action**.

On a motion by Jason Meyers, M.D., seconded by Eugene Cherny, M.D., all Board members present voted to **close** file 03-2019-198, with **no formal action**.

On a motion by Jason Meyers, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 03-2019-345, with **no formal action**.

On a motion by Jason Meyers, M.D., seconded by Warren Gall, M.D., all Board members present voted to **close** file 03-2021-502, 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 02-2021-201.

On a motion by Jason Meyers, M.D., seconded by Chad Stadvold, D.O., all Board members present voted to **close** file 03-2021-202, with **no formal action**.

On a motion by Jason Meyers, M.D., seconded by Joyce Vista-Wayne, M.D., all Board members present voted to **close** file 02-2019-584, with **no formal action**.

On a motion by Jason Meyers, M.D., seconded by Eugene Cherny, M.D., all Board members present voted to **close** file 02-2021-171, with **no formal action**.

On a motion by Jason Meyers, M.D., seconded by Patricia Fasbender, D.O., all Board members present voted to **close** file 02-2021-140, with **no formal action**.

On a motion by Jason Meyers, M.D., seconded by Warren Gall, M.D., all Board members present voted to **close** file 03-2021-551, with **no formal action**. Joyce Vista-Wayne, M.D., recused.

On a motion by Patricia Fasbender, D.O., seconded by Jason Meyers, M.D., all Board members present voted to **close** file 02-2021-552, with **no formal action**. Joyce Vista-Wayne, M.D., recused.

On a motion by Patricia Fasbender, D.O., seconded by Jason Meyers, M.D., all Board members present voted to **close** file 03-2021-553, with **no formal action**. Joyce Vista-Wayne, M.D., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Jason Meyers, M.D., all Board members present voted to **close** file 02-2016-251, with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Jason Meyers, M.D., all Board members present voted to **leave open** file 02-2022-396.

On a motion by Joyce Vista-Wayne, M.D., seconded by Jason Meyers, M.D., all Board members present voted to **leave open** file 03-2022-192.

On a motion by Joyce Vista-Wayne, M.D., seconded by Jason Meyers, M.D., all Board members present voted to **close** file 02-2022-363, with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Jason Meyers, M.D., all Board members present voted to **leave open** file 02-2017-449.

On a motion by Joyce Vista-Wayne, M.D., seconded by Jason Meyers, M.D., all Board members present voted to **close** file 02-2021-525, with **no formal action**. Warren Gall, M.D., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Jason Meyers, M.D., all Board members present voted to **close** file 02-2021-568, with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Jason Meyers, M.D., all Board members present voted to **close** file 02-2021-106, with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Jason Meyers, M.D., all Board members present voted to **close** file 02-2021-536, with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Jason Meyers, M.D., all Board members present voted to **leave open** file 03-2021-261. Patricia Fasbender, D.O., and Jason Meyers, M.D., recused.

On a motion by Joyce Vista-Wayne, M.D., seconded by Jason Meyers, M.D., all Board members present voted to **close** file 02-2016-696, with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Jason Meyers, M.D., all Board members present voted to **close** file 02-2021-274, with **no formal action**.

On a motion by Joyce Vista-Wayne, M.D., seconded by Jason Meyers, M.D., all Board members present voted to **leave open** file 02-2020-047.

Joseph A. Fraioli, J.D., Legal Director, stated, "For the record, I do expect there to be some public comments being made about some of the rules. There was one rule in particular we got four public comments and I do believe that people will be coming to speak on those, so I would encourage all the Board members to take a look at that rule before the Public Session tomorrow, it's on accreditation of post graduate training".

At 5:02 p.m., open session went to recess. The open session resumed on Friday, October 28, 2022, at 10:01 a.m.

FRIDAY OCTOBER 28, 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
Chad Stadsvold, D.O.

MEMBERS ABSENT:

Vickie Pyevich, M.D.

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
Jerome Hill, Investigator
Michelle DeLong, Investigator
Natalie Lyons, IPHP Case Coordinator
Marvin Firch, Monitoring Coordinator
Laura Steffensmeier, Assistant Attorney General

At 10:01 a.m., on a motion by Rose Mitchell, seconded by Patricia Fasbender, D.O., the meeting reconvened and public session was called to order. Roll Call was taken to establish a quorum.

Public in attendance:

Sherry Muller	Self
Michaela Ramm	Des Moines Register
Rusty Martin	Staff Democrats
Cynthia Wong	University of Iowa
Amy Kerr	University of Iowa
Kris Bell	Staff Democrats
Kevin Kruse	Iowa Anesthesiology

Jill Stuecker, Division Director, gave Executive Director's Report.

Jill Stuecker, Division Director, introduced the New Executive Director, Dennis Tibben. Dennis has spent the last 11 years working for the Iowa Medical Society. He holds a master's degree in public administration and has extensive leadership and government affairs experience. His work with the Iowa Medical Society uniquely positions him for this new role, and I could not be more excited about having him onboard.

Dennis shared that he is thrilled to have the opportunity to work with Board members and staff at the Iowa Board of Medicine and stated, "Throughout my career, I've seen up close the impactful and critical role the Board plays in protecting the public and ensuring safe medical practice. I look forward to helping continue this rich tradition."

On a motion by Joyce Vista-Wayne, M.D., seconded by Chad Stadvold, D.O., all members present approved the open and closed minutes from the July, 2022 Board Meeting, August, 2022 Teleconference, September, 2022 Board Meeting and the October 6, 2022 Teleconference.

Legislative Update – Jill Stuecker, Division Director

Regulatory reform.

Administrative Rules – Joseph Fraioli, Legal Director

On a motion by Warren Gall, M.D., seconded by Patricia Fasbender, D.O., all members present voted to Adopt 653-9.3, "Licensure-nonaccredited resident training" (ARC 6378C)

On a motion by Rose Mitchell, seconded by Chad Stadvold, D.O., all members present voted to Adopt 653-13.7, "Retention of medical records-sudden death or absence of physician" (ARC 6381C)

On a motion by Chad Stadvold, D.O., seconded by Rose Mitchell, all members present voted to Adopt 653-13.16, "Abortion Prerequisites" (ARC 6461C)

On a motion by Joyce Vista-Wayne, M.D., seconded by Chad Stadvold, D.O., all members present voted to Notice 653-13.12, "bronchodilator canisters, bronchodilator canisters and spacers, and/or opioid antagonists-authorized facilities"

Joseph Fraioli, Legal Director, gave a Hearing update. He stated that the Wassef Hearing, regarding file number 02-2018-400, would be held April 12-14, 2023.

Laura Steffensmeier, Assistant Attorney General gave an update on Judicial Review. The following cases were discussed:

Yates v. Board of Medicine – The Court of Appeals confirmed the Board’s Decision and the case is now finished.

Lajeunesse v. Board of Medicine – This case is still pending.

Doe v. Board of Medicine – An Appeal has been filed and is pending a decision.

Interstate Medical Licensure Compact (IMLC) Updates were given by Warren Gall, M.D. and Patricia Fasbender, D.O., Iowa’s Commissioners for the Compact.

Dr. Fasbender announced that Kristin Waltermire, from the Licensure Division, would be attending the Compact’s Annual Meeting in November in Gulf Shores, Alabama. Dr. Gall pointed out that California and Florida will not be a part of that meeting.

At 10:46 a.m., on a motion by Rose Mitchell, seconded by Chad Stadsvold, D.O., all members present voted to adjourn the meeting.