

**IOWA BOARD OF MEDICINE  
400 SW 8th St. Suite C  
Des Moines IA 50309**

**BOARD MEETING  
February 11, 2011**

**PUBLIC MINUTES**

**February 11, 2011:**

**MEMBERS PRESENT:** Siroos Shirazi, M.D., Chair  
Rodney Zeitler, M.D., Vice-Chair  
Janice Galli, D.O., Secretary  
Tom Drew  
Analisa Haberman, D.O.  
Ambreen Mian  
Jeff Snyder, M.D.  
Colleen Stockdale, M.D.  
Paul Thurlow  
Joyce Vista-Wayne, M.D.

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Mark Bowden, Executive Director  
Theresa Weeg, Assistant Attorney General  
Julie Bussanmas, Assistant Attorney General  
Kent Nebel, Director of Legal Affairs  
John Olds, M.D., Medical Advisor  
Russell Bardin, Chief Investigator  
Aaron Kephart, Investigator  
Cathy McCullough, Investigator  
Dave McGlaughlin, Investigator  
David Schultz, Investigator  
Ed Knapp, Investigator  
James Machamer, Investigator  
Shantel Billington, Monitoring  
Teena Turnbaugh, Secretary

Dr. Siroos Shirazi, Chair, called the meeting to order at 8:35 a.m. The meeting was held at the Iowa Board of Medicine Office, 400 SW 8<sup>th</sup>, Suite C, Des Moines, Iowa.

On a motion by Tom Drew, and a second by Analisa Haberman, D.O., the Board voted by roll call vote to go into open session. Those voting included: Tom Drew, Janice Galli, D.O., Analisa Haberman, D.O., Amber Mian, Siroos Shirazi, M.D., Jeff Snyder, M.D., Colleen Stockdale, M.D., Paul Thurlow, Joyce Vista-Wayne, M.D., and Rod Zeitler, M.D.

**Board Agenda and Minutes:**

On a motion by Tom Drew, and seconded by Colleen Stockdale, M.D., the Board to approved the Board agenda.

On a motion by Colleen Stockdale, M.D. and seconded by Tom Drew, the Board approved the following Board minutes:

1. Public Voting minutes for October 21-22, 2010

2. Public Voting minutes for December 16-71, 2010
3. Public and closed minutes for the January 13, 2011, teleconference
4. Public and closed minutes for the January 24, 2011 teleconference

### **Opportunity for Public Comments**

No public comments were made.

### **Chair's Report**

No chair report was given.

### **Executive Director's Report**

The IBM website analytics for December 2010 and January 2011 were shared.

At this time the governor has neither restricted expenditures nor asked for layoff of staff members hired in the past three months to fill vacancies caused by last year's early retirement program. The Board was, however, asked to provide information on the impact of the loss of staff should layoffs be engaged. The Board hired three investigators to fill vacancies caused by the retirements.

Dr. Shirazi and Mark Bowden met with Mariannette Miller Meeke, M.D., the new Iowa Department of Public Health director, to discuss goals for IBM.

The database, a collaborative project with the Boards of Nursing and Dental, is close to going live. Staff training will begin in March. The actual "go-live" date will likely be in mid-April.

IBM has established a page on Facebook. This is one more way the Board can distribute information to the public and licensees.

Bowden provided recognition to:

- Ed Knapp and Russell Bardin for outstanding training to IBM's new four investigators. Four out of six investigators have less than a year of orientation and training.
- Kari Rolls for completing the open voting minutes for October 2010 and December 2010.
- Amy Van Maanen and Steve Ervin for their work on the database.
- Shantel Billington for her work as financial administrator and monitoring coordinator.

Dr. Galli represented IBM at the AAOE Summit (American Association of Osteopathic Examiners) January 15-16, 2011 in Las Vegas, Nevada. She provided a report to the Board. Addressed was:

- Maintenance of licensure and certification and how to maintain competency
- Difference between dependency and abuse – licensing forms are changing the wording on yes/no question.
- Drug managing disorder
- There are 25 states that currently have a prescription monitoring program. AAOE is looking at having a national hub instead of individual databases.
- Education for physicians on how to treat pain appropriately knowing that there will be those that revert back.

Director of Legal Affairs Kent Nebel and Colleen Stockdale, M.D., Board member, will attend the Federation of State Medical Board's meeting on telemedicine in Washington, D.C., on March 10. The IBM is reviewing telemedicine practices in the state to determine if administrative rules or policy statements are needed to provide guidance to physicians who use telemedicine in their practices.

Due to having a new administration, the recently approved applications for alternate board members need to be resubmitted to the Governor's Office. Those applicants are: Carol Frier, D.O., and Bruce Hughes, Des Moines; John Brinkman, M.D., Mason City; and Dale Holdiman, M.D., Sioux City. All are former Board members.

On a motion by Rod Zeitler, M.D., and a second by Amber Mian, the Board voted to resubmit the applications of the proposed alternate board members to the Governor's Office for approval.

The Board is working with the Department of Public Health to raise awareness of the revisions in the state death certificate and physicians' responsibilities in completing these forms. Among the new requirements, effective January 1: actual time and date of death; pronounced date and time of death; name, title, and license number of the person pronouncing death. Information regarding these changes can be found on the IBM website, [www.medicalboard.iowa.gov](http://www.medicalboard.iowa.gov)

### **Administrative Rules**

1. Notice of Intended Action: 653-11.4 Continuing education and training requirements for renewal of Iowa medical licenses. The proposed amendment updates language and establishes mandatory continuing education for chronic pain management and end-of-life care.
2. Notice of Intended Action: 653-13.2 Standards of practice. The proposed amendments require physicians to use patient-physician agreements when a patient's chronic pain is treated with controlled substances or opiates and encourage physicians to use the Iowa Prescription Monitoring Program database and to conduct drug testing on patients when treating chronic pain with controlled substances or opiates.
3. Notice of Intended Action: 653-23.1 Grounds for discipline. The proposed amendments establish as grounds for discipline a physician's failure to report the physician's HIV or HBV status to an expert review panel established by a hospital and to an expert review panel established by the Department of Public Health.
4. Notice of Intended Action: 653-25.18(1) Contested case proceedings. The Board determined there was no action needed on this rule.
5. For information Only: Amendments to 653-2.13(2) and 2.13(4) become effective February 16. These amendments clarify what is a confidential record and to allow the Board to share information with the Department of Revenue and the College Student Aid Commission in certain circumstances

On a motion by Colleen Stockdale, M.D., and a second by Paul Thurlow, the Board approved the notices of intended actions for Iowa Administrative Code 653-11.4, 653-13.2 and 653-23.1

### **Legal Update**

Theresa Weeg, Assistant Attorney General provided an update on Board cases in state and federal courts.

### **Iowa Physician Health Committee**

1. Statistics on program participants was provided.
2. Proposed new member for committee – Ray Harre, M.D.

On a motion by Rod Zeitler, M.D., and a second by Colleen Stockdale, M.D., the Board voted to appoint Ray Harre, M.D., to the Iowa Physician Health Committee.

## **2011 Legislation**

A bill establishing naturopathic licensure has been introduced. The legislation places naturopaths under the Board of Medicine. A council would be established to advise the Board on issues, etc. relating to licensure, regulation and the practice of naturopathy.

It was noted that it would be difficult for the Board to cover the cost of licensing naturopaths, given the likelihood that there would not be enough licensees to financially support the expense of licensure and regulation, as required by law. Furthermore, the Board has a policy statement that opposes allowing naturopaths to practice in Iowa.

It was noted that the Iowa Association of Naturopathic Physicians had provided the Board with significant materials about naturopathy over the past year and that representatives of the association have made presentations and answered Board members' questions about naturopathy. In addition, Board staff has reviewed naturopathy licensing and practices elsewhere, including two Midwest states – Minnesota and Kansas.

Board members, at this time, did not have any further questions for the association or staff members regarding the naturopathy. Representatives of the association, who were present at the meeting, did not ask to address the Board.

Kent Nebel, legal director, reported that IBM Executive Committee on February 10 recommended that the full Board that it affirm the policy statement. On a motion by Tom Drew and a second by Janice Galli, D.O., the Board affirmed the policy statement.

### **Licensure Committee**

The Licensure Committee report was provided by Chair Paul Thurlow. The committee reviewed 11 licensure applications. Two permanent licenses were granted, one temporary license was granted, and seven applications were asked to withdraw or to provide additional information. The committee approved two letters of warnings.

On a motion by Rod Zeitler, M.D., and a second by Paul Thurlow, the Board voted to approve the Licensure Committee report.

On a motion by Tom Drew and a second Rod Zeitler, M.D., the Board voted to adjourn the public session at 9:35 a.m.

## **DISCIPLINE**

<b>MEMBERS PRESENT:</b>	Siroos Shirazi, M.D., Chair Rodney Zeitler, M.D., Vice-Chair Janice Galli, D.O., Secretary Tom Drew Analisa Haberman, D.O. Ambreen Mian Jeff Snyder, M.D. Colleen Stockdale, M.D. Paul Thurlow Joyce Vista-Wayne, M.D.
<b>MEMBERS ABSENT:</b>	None
<b>STAFF PRESENT:</b>	Mark Bowden, Executive Director Theresa Weeg, Assistant Attorney General

Julie Bussanmas, Assistant Attorney General  
Kent Nebel, Director of Legal Affairs  
John Olds, M.D., Medical Advisor  
Russell Bardin, Chief Investigator  
Aaron Kephart, Investigator  
Cathy McCullough, Investigator  
Dave McGlaughlin, Investigator  
David Schultz, Investigator  
Ed Knapp, Investigator  
James Machamer, Investigator  
Shantel Billington, Monitoring  
Kari Rolls, Administrative Assistant

**On a motion by Analisa Haberman, D.O., seconded by Tom Drew, the meeting moved into closed session, pursuant to Iowa Code Section 21.5(1)(a). Tom Drew, Janice Galli, D.O., Analisa Haberman, D.O., Ambreen Mian, Siroos Shirazi, M.D., Jeff Snyder, M.D., Colleen Stockdale, M.D., Paul Thurlow, Joyce Vista-Wayne, M.D., Rodney Zeitler, M.D. all voted aye in a roll call vote.**

On a motion by Rodney Zeitler, M.D., seconded by Colleen Stockdale, M.D., the Board voted to **leave open** file 03-2009-652. Tom Drew recused.

On a motion by Rodney Zeitler, M.D., seconded by Tom Drew, the Board voted unanimously to **accept** the combined Statement of Charges and Settlement Agreement for Ravikant Maski, M.D., on file 02-2010-273.

On a motion by Ambreen Mian, seconded by Tom Drew, the Board voted to **accept** the Settlement Agreement for Stephen E. Sparks, M.D., on the following files: 02-2007-595 02-2008-046 Joyce Vista-Wayne, M.D. and Rodney Zeitler, M.D. recused.

On a motion by Rodney Zeitler, M.D., seconded by Tom Drew, the Board voted to **leave open** file 02-2009-196. Joyce Vista-Wayne, M.D. recused.

On a motion by Rodney Zeitler, M.D., seconded by Tom Drew, the Board voted unanimously to **leave open** the following files: 03-2003-581 03-2009-234

On a motion by Rodney Zeitler, M.D., seconded by Tom Drew, the Board voted unanimously to **file Statement of Charges** against Ernest L. Galbreath, D.O., on file 03-2007-778.

On a motion by Rodney Zeitler, M.D., seconded by Tom Drew, the Board voted unanimously to **leave open** file 02-2011-012.

On a motion by Rodney Zeitler, M.D., seconded by Tom Drew, the Board voted unanimously to **leave open** file 02-2009-190.

On a motion by Rodney Zeitler, M.D., seconded by Tom Drew, the Board voted unanimously to **accept** the combined Statement of Charges and Settlement Agreement for Anjali K. Gupta, M.D., on file 02-2011-025.

On a motion by Ambreen Mian, seconded by Tom Drew, the Board voted unanimously to close file 02-2010-086 with **no formal action**.

On a motion by Ambreen Mian, seconded by Tom Drew, the Board voted to close file 03-2008-550 with **no formal action**. Joyce Vista-Wayne, M.D. recused.

On a motion by Ambreen Mian, seconded by Tom Drew, the Board voted unanimously to close file 02-2009-549 with **no formal action**.

On a motion by Ambreen Mian, seconded by Tom Drew, the Board voted to close file 02-2009-185 with **no formal action**. Janice Galli, D.O. recused.

On a motion by Jeff Snyder, M.D., seconded by Tom Drew, the Board voted to close file 02-2009-673 with **no formal action**. Analisa Haberman, D.O. and Ambreen Mian recused.

On a motion by Ambreen Mian, seconded by Tom Drew, the Board voted to **leave open** file 02-2008-623. Janice Galli, D.O. recused.

On a motion by Ambreen Mian, seconded by Tom Drew, the Board voted unanimously to close file 02-2003-352 with **no formal action**.

On a motion by Ambreen Mian, seconded by Tom Drew, the Board voted unanimously to **leave open** file 02-2010-062.

On a motion by Ambreen Mian, seconded by Tom Drew, the Board voted unanimously to **leave open** file 02-2010-165.

On a motion by Ambreen Mian, seconded by Tom Drew, the Board voted unanimously to **leave open** file 02-2010-294.

On a motion by Ambreen Mian, seconded by Tom Drew, the Board voted unanimously to **leave open** file 03-2009-293.

On a motion by Joyce Vista-Wayne, M.D., seconded by Tom Drew, the Board voted unanimously to **leave open** file 02-2010-144.

On a motion by Joyce Vista-Wayne, M.D., seconded by Tom Drew, the Board voted unanimously to **leave open** file 03-2010-172.

On a motion by Joyce Vista-Wayne, M.D., seconded by Tom Drew, the Board voted unanimously to **leave open** file 02-2009-201.

On a motion by Joyce Vista-Wayne, M.D., seconded by Tom Drew, the Board voted unanimously to **deny** the Motion to Appeal Charges, Board Order & Findings for Jana L. Marjenhoff, D.O., on file 03-2006-295.

On a motion by Jeff Snyder, M.D., seconded by Paul Thurlow, the Board voted to **grant** the Request for Re-Hearing in the matter of Paul S. Quentzel, M.D., on file 02-2008-238. Tom Drew, Joyce Vista-Wayne, Theresa Weeg, AAG, Julie Bussanmas, AAG, and all Board Investigators recused.

On a motion by Ambreen Mian, seconded by Tom Drew, the Board voted unanimously to close file 03-2009-135 with **no formal action**.

On a motion by Ambreen Mian, seconded by Tom Drew, the Board voted unanimously to **leave open** file 02-2010-261.

On a motion by Ambreen Mian, seconded by Tom Drew, the Board voted unanimously to **leave open** file 02-2007-657.

On a motion by Ambreen Mian, seconded by Tom Drew, the Board voted unanimously to **leave open** file 02-2009-620.

On a motion by Joyce Vista-Wayne, M.D., seconded by Tom Drew, the Board voted unanimously to close file 01-2010-034 with **no formal action**.

On a motion by Jeff Snyder, M.D., seconded by Tom Drew, the Board voted unanimously to close file 02-2010-303 with **no formal action**.

On a motion by Jeff Snyder, M.D., seconded by Tom Drew, the Board voted unanimously to **leave open** file 01-2009-365.

On a motion by Jeff Snyder, M.D., seconded by Tom Drew, the Board voted unanimously to close file 01-2009-385 with **no formal action**.

On a motion by Jeff Snyder, M.D., seconded by Tom Drew, the Board voted to **leave open** file 02-2008-375. Ambreen Mian recused.

On a motion by Jeff Snyder, M.D., seconded by Tom Drew, the Board voted to **leave open** file 02-2010-104. Ambreen Mian recused.

On a motion by Jeff Snyder, M.D., seconded by Tom Drew, the Board voted to **leave open** file 02-2010-189. Ambreen Mian recused.

On a motion by Jeff Snyder, M.D., seconded by Tom Drew, the Board voted unanimously to close file 03-2010-397 with **no formal action**.

On a motion by Jeff Snyder, M.D., seconded by Tom Drew, the Board voted unanimously to close file 03-2010-068 with **no formal action**.

On a motion by Jeff Snyder, M.D., seconded by Tom Drew, the Board voted unanimously to **leave open** file 03-2010-013.

On a motion by Jeff Snyder, M.D., seconded by Tom Drew, the Board voted unanimously to close file 03-2009-012 with **no formal action**.

On a motion by Jeff Snyder, M.D., seconded by Tom Drew, the Board voted unanimously to close file 03-2008-119 with **no formal action**.

On a motion by Jeff Snyder, M.D., seconded by Tom Drew, the Board voted unanimously to **leave open** file 02-2009-362.

On a motion by Jeff Snyder, M.D., seconded by Tom Drew, the Board voted unanimously to **leave open** file 02-2010-212.

On a motion by Jeff Snyder, M.D., seconded by Tom Drew, the Board voted unanimously to close file 02-2009-013 with **no formal action**.

On a motion by Analisa Haberman, D.O., seconded by Tom Drew, the Board voted unanimously to **leave open** file 02-2010-183.

On a motion by Analisa Haberman, D.O., seconded by Tom Drew, the Board voted unanimously to **leave open** file 02-2010-200.

On a motion by Jeff Snyder, M.D., seconded by Tom Drew, the Board voted to close file 03-2010-585 with **no formal action**. Analisa Haberman, D.O. recused.

On a motion by Analisa Haberman, D.O., seconded by Tom Drew, the Board voted to close file 02-2010-354 with **no formal action**. Joyce Vista-Wayne, M.D. recused.

On a motion by Analisa Haberman, D.O., seconded by Tom Drew, the Board voted unanimously to close file 02-2010-355 with **no formal action**.

On a motion by Analisa Haberman, D.O., seconded by Tom Drew, the Board voted unanimously to close file 02-2010-278 with **no formal action**.

On a motion by Analisa Haberman, D.O., seconded by Tom Drew, the Board voted unanimously to close file 03-2010-302 with **no formal action**.

On a motion by Analisa Haberman, D.O., seconded by Tom Drew, the Board voted unanimously to **leave open** file 02-2010-374.

On a motion by Analisa Haberman, D.O., seconded by Tom Drew, the Board voted unanimously to **leave open** file 03-2010-305.

On a motion by Analisa Haberman, D.O., seconded by Tom Drew, the Board voted unanimously to **leave open** file 02-2010-417.

On a motion by Analisa Haberman, D.O., seconded by Tom Drew, the Board voted to close file 02-2010-230 with **no formal action**. Siroos Shirazi, M.D., Colleen Stockdale, M.D. and Rodney Zeitler, M.D. recused.

On a motion by Analisa Haberman, D.O., seconded by Tom Drew, the Board voted unanimously to close file 02-2010-448 with **no formal action**.

On a motion by Analisa Haberman, D.O., seconded by Tom Drew, the Board voted unanimously to close file 02-2008-075 with **no formal action**.

On a motion by Jeff Snyder, M.D., seconded by Colleen Stockdale, M.D., the Board voted unanimously to **accept** the Monitoring Committee Report and its recommendations.

On a motion by Analisa Haberman, D.O., seconded by Colleen Stockdale, M.D., the Board voted unanimously to **accept** the Screening Committee Report and its recommendations.

**The meeting adjourned at 10:49 a.m.**

**These minutes were prepared by Kari Rolls, Administrative Assistant, and Teena Turnbaugh, Secretary.**