



Fields of Opportunities

STATE OF IOWA

CHESTER J. CULVER
GOVERNOR
PATTY JUDGE
LT. GOVERNOR

IOWA BOARD OF MEDICINE
MARK BOWDEN
EXECUTIVE DIRECTOR

April 1, 2010

Iowa Board of Medicine: 2009 Highlights

New Board Members

Analisa Haberman, D.O., Mason City, and Ambreen Mian, Ames, joined the 10-member Board in May 2009, succeeding Carole Frier, D.O., Des Moines, and Janece Valentine, Fort Dodge. Dr. Haberman and Ms. Mian were assigned to the Screening and Monitoring committees.

Board Officers

Siroos Shirazi, M.D., Iowa City, was elected chairperson, Rodney Zeitler, M.D., Iowa City, was elected vice chairperson, and Janice Galli, D.O., Sioux City was elected secretary at the Board's annual organizational meeting in April. The Board also voted to move its meetings from Wednesday-Thursday to Thursday-Friday in the 2010 calendar year.

Board Meetings

The Board held six two-day meetings, seven teleconferences, and six contested-case hearings in 2009.

Board Actions

| | |
|---|------------------------|
| Total disciplinary actions | 48 |
| Total number of physicians with actions | 47 |
| Loss of license or privilege | 9 |
| Restriction of license or privilege | 20 |
| Other prejudicial actions | 9 |
| Total prejudicial actions | 38 |
| Non-prejudicial actions | 10 |
| Physicians with prejudicial actions | 37 |
| Physicians with non-prejudicial actions | 10 |
| Civil penalties | 18 (Totaling \$75,000) |

Physician Population

| | |
|--|-------------------------------|
| Licensed physicians | 10,375 |
| Licensed physicians practicing in Iowa | 6,340 |
| M.D.s practicing in Iowa | 5,233 |
| D.O.s practicing in Iowa | 1,107 |
| Physicians per 100,000 population | 204 (National average is 254) |

Acupuncturists Population

| | |
|--|----|
| Licensed acupuncturists practicing in Iowa | 41 |
|--|----|

Rule-Making

The following administrative rules [Medicine Board 653] were noticed in 2009:

Chapter 8, Fees

- Establishes \$50 fee for criminal background check for acupuncturist license applicants.

Chapter 9, Permanent Physician Licensure

- Establishes that the Board's denial of licensure is a public record.
- Establishes an expedited licensure process, relying upon endorsements by other states.

Chapter 12, Non-Payment of State Debt

- Establishes the Board's denial of the issuance or renewal of a license upon the receipt of a certificate of noncompliance the Iowa Department of Revenue.

Chapter 13, Standards of Practice

- Defines responsibilities for physicians who serve as directors of medical spas.

Chapter 17, Licensure of Acupuncturists

- Requires acupuncturist license applicants to undergo a criminal background check

Chapter 23, Grounds for Discipline

- Establishes sanctions for wrong surgical procedure, or performing a procedure at the wrong anatomical site or on the wrong patient.
- Establishes sanctions for physician medical directors of medical spas.

Board Overview

The Board spent considerable time in 2009 discussing a policy statement and/or administrative rule that would address patient safety concerns regarding interventional chronic pain management. Work on ICPM drew attention by certified registered nurse anesthetists and others who were concerned the Board was encroaching on the scope of practice of non-physician health care practitioners. The Board eventually seated an ad hoc committee to help write an administrative rule. The committee, composed of physicians, CRNAs, physician assistants, representatives of regulatory agencies, hospitals and health professions organizations, was unable to reach agreement on how to address the issue by administrative rule. (In February 2010, the board noticed an administrative rule that defined ICPM as the practice of medicine.)

The Board weathered the state budget crunch in 2009, dealing with restrictions on personnel and general operational expenses and accommodating a mandated unpaid leave program (5 to 7 days per employee). The Board's spending plan (budgeted expenses) for fiscal year 2010 topped \$3 million, making this plan the agency's largest. The plan's increase was attributed to the Board's costs associated with installation of a new database.

The Board stepped up its public profile in 2009, issuing 26 news articles about the Board and launching an initiative to educate the public about Board programs, such as the Iowa Physician Health Program, and the processes to license and regulate physicians and acupuncturists.

In 2009 the Board added a regularly scheduled teleconference between each regular board meeting to improve the efficiency of conducting Board business.

Other highlights of 2009:

- In January, the Iowa Access Council approved a grant of more than \$600,000 (roughly one-third of total cost) for the collaborative database project for Medicine, Nursing and Dental boards. Installation of the database began in the summer of 2009 and should be completed by the fall of 2010.
- In March, the Board began using “alternate” members for contested case hearings. A new law allowed the Board to establish a pool of 10 physicians and non-physicians to substitute for regular Board members who are disqualified or become unavailable for any other reason for contested case hearings. The Governor has approved three “alternate” members.
- In July, the Iowa Physician Health Program, established in 1996 and operated under the auspices of the Board, reported that more than 300 Iowa-licensed physicians had participated in the program, which offers support for physicians with mental health issues, physical disability, or drug and alcohol problems. In August, the Board met with several members of the Iowa Physician Health Committee, which administers the IPHP.
- In August, Board chairperson Siroos Shirazi, M.D., and executive director Mark Bowden met with the chairs and directors of the Dental, Nursing and Pharmacy boards to discuss items and issues of common interest, including the state spending restraints. Board representatives reviewed collaborative efforts among the agencies and discussed ways to share more information.
- In September, the Board began working with Iowa Interactive, LLC, to redesign the Board’s Website. The updated site, which will increase the Board’s interaction with the public and licensees, should be completed by April 2010.
- In November and December, Board staff began scheduling unpaid days off to comply with the governor’s order. For the first time, the office was closed to the public on a regular workday to accommodate unpaid leave of staff members.

COMPLIANCE STATISTICS FOR CY 2009

| Calender Year - January 1 to December 31 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 |
|---|-------------|-------------|-------------|-------------|-------------|-------------|
| Files Opened | | | | | | |
| New Complaints | 531 | 699 | 795 | 688 | 579 | 563 |
| Liability Cases | 227 | 198 | 139 | 118 | 88 | 118 |
| Total Files Opened | 758 | 897 | 934 | 806 | 667 | 681 |
| Informal Actions | | | | | | |
| Letters of Warning | 81 | 117 | 124 | 76 | 83 | 91 |
| Letters of Education | 8 | 8 | 5 | 9 | 5 | 13 |
| Total Informal Actions | 89 | 125 | 129 | 85 | 88 | 104 |
| Peer Reviews | | | | | | |
| Peer Reviews Ordered | 19 | 14 | 21 | 19 | 10 | 8 |
| Peer Reviews Completed | 10 | 37 | 19 | 19 | 9 | 8 |
| Physicians Waiting to be Peer Reviewed | 32 | 9 | 12 | 4 | 0 | 0 |
| Cases Closed No Action | 812 | 279 | 612 | 418 | 384 | 313 |
| Cases Closed Administratively | 735 | 434 | 291 | 233 | 74 | 154 |
| Total Cases Closed Without Action | 1545 | 713 | 903 | 651 | 458 | 467 |
| Files Closed | | | | | | |
| Complaint Files | 1066 | 712 | 1008 | 710 | 639 | 610 |
| Liability Files | 729 | 201 | 139 | 118 | 88 | 148 |
| Total Files Closed | 1795 | 913 | 1147 | 828 | 727 | 758 |
| Statement of Charges Filed | 43 | 42 | 50 | 43 | 35 | 45 |
| Hearings Held | 10 | 10 | 14 | 20 | 7 | 6 |
| Cases Settled | 44 | 40 | 54 | 39 | 56 | 57 |
| Evaluations Ordered | 8 | 7 | 6 | 8 | 10 | 12 |
| Formal Disciplinary Action | | | | | | |
| License Revocations | 0 | 1 | 4 | 0 | 0 | 0 |
| License Suspensions | 19 | 5 | 4 | 5 | 7 | 2 |
| License Surrenders | 5 | 1 | 4 | 10 | 3 | 3 |
| License Probations | 7 | 7 | 16 | 6 | 13 | 15 |
| Civil Penalties | 1 | 7 | 11 | 11 | 5 | 6 |
| Citations and Warnings | 4 | 9 | 6 | 3 | 0 | 1 |
| License Practice Restrictions | 7 | 8 | 6 | 4 | 2 | 6 |
| Total Formal Disciplinary Actions | 43 | 38 | 51 | | 30 | 33 |

| Calender Year - January 1 to December 31 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 |
|---|------|------|------|------|------|------------|
| Physicians Under Sanctions | | | | | | |
| New Restrictions | 12 | 10 | 3 | 2 | 6 | 8 |
| Restrictions Terminated | 2 | 2 | 1 | 4 | 1 | 4 |
| Under Restriction on 12/31 | 58 | 60 | 33 | 38 | 46 | 47 |
| New Probations | 11 | 11 | 13 | | 18 | 17 |
| Probations Terminated | 8 | 7 | 0 | 5 | 10 | 11 |
| Under Probation on 12/31 | 54 | 59 | 47 | 38 | 56 | 63 |
| New Suspensions | 16 | 6 | 8 | 4 | 8 | 4 |
| Suspensions Terminated | 6 | 5 | 4 | 3 | 5 | 5 |
| Under Suspension on 12/31 | 30 | 33 | 35 | 45 | 42 | 44 |
| Physicians Under Disciplinary Monitoring on 12/31 | 142 | 152 | 142 | 147 | 176 | 183 |
| Total Liability Files Open on 12/31 | 3 | 0 | 0 | 0 | 0 | 0 |
| Total Complaint Files Open on 12/31 | 673 | 681 | 509 | 561 | 529 | 458 |
| Total Investigative Files Open on 12/31 | 676 | 681 | 509 | 561 | 529 | 458 |
| Average Case Load Per Investigator (Excluding Liability Cases) | 89 | 70 | 55 | 63 | 88 | 76 |