

IOWA BOARD
OF MEDICINE



2018 ANNUAL REPORT

ABOUT THE BOARD

The 21st General Assembly created the State Board of Medical Examiners in 1886 to license physicians and regulate the practice of medicine. Initially, the board issued licenses to several classes of physicians, including medical (M.D.), homeopaths, and eclectics.

The board did not issue licenses for osteopathic physicians until 1902. In 1921, the Legislature created a separate board to license and regulate osteopaths. In 1963, the Legislature abolished the Osteopathic Board and redefined the State Board of Medical Examiners, making it a composite board to license allopathic physicians (M.D.s) and osteopathic physicians (D.O.s). In 2007, the board was renamed the Board of Medicine.

Non-physician “public” members have been on the 10-member board since 1975.

Since 1994, the board has regulated acupuncturists, first registering them, then licensing them. Over the past 130 years, the board has directly or indirectly been responsible for licensure or regulation of other health care providers, including nurses, advanced emergency medical technicians, paramedics, and physician assistants. All of these professions are now licensed and regulated by their own boards.

In 2018, legislation was approved to license and regulate genetic counselors under the board beginning in 2019.

In 1996, the Legislature authorized the board to establish the Iowa Physician Health Committee to administer a program to advocate for and monitor the recovery and rehabilitation of impaired physicians.

In 2015, the Legislature authorized the board to join the Interstate Medical



IOWA BOARD OF MEDICINE
400 SW Eighth Street, Suite C
Des Moines, Iowa 50309-4686

HOURS: 8:00 a.m. to 4:30 p.m., Monday through Friday

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FAX: (515) 242-5908

EMAIL: ibm@iowa.gov

WEB: <https://medicalboard.iowa.gov/>

Licensure Compact, which establishes an expedited process for medical licensure in participating states.

The board regulates the practice of medicine and surgery, acupuncture and genetic counseling under the authority of Iowa Code chapters 17A, 147, 147B, 148, 148E, 272C and Section 653 in the Iowa Administrative Code.

The board is charged with enforcing these laws and rules to protect the public from licensees who do not practice within prevailing and acceptable standards of care.

The board is an Executive Branch agency within the Iowa Department of Public Health. The Board is funded entirely with licensure fees.

BOARD MEMBERS

The 10-member Board of Medicine is composed of seven physicians (five M.D.s and two D.O.s) and three non-physicians who represent the public. Members are appointed by the Governor and confirmed by a two-thirds’ majority vote in the Iowa Senate for a full three-year term or to complete the unexpired term of a member who resigned. Members receive a per diem and expenses, and can serve up to nine years.

The Board annually elects a chairperson, vice chairperson, and secretary and is organized into four standing committees, each with five members: Executive, Licensure, Monitoring, and Screening. The Board must be gender balanced and no more than five members can be from the same political party. Physician members must be actively engaged in the practice or the instruction of medicine for a period of five years just preceding the member’s appointment, the last two of which must be in Iowa. Public members have been a part of the Board’s composition since 1975.

The board safeguards the public health, safety and welfare by:

- Licensing qualified physicians and acupuncturists;
- Investigating complaints against physicians and acupuncturists, establishing peer review committees, taking corrective action, and monitoring those under board order;
- Operating a program for physicians and acupuncturists with an impairment;
- Defining the scope of medical and acupuncture practices;
- Working cooperatively with certain other agencies, e.g., Board of Physician Assistants, Board of Pharmacy; and
- Operating within specified limitations, e.g., public meetings law, public records law, and the waiver and variance law.

2018 MEMBERS & OFFICERS	APPOINTED	TERM EXPIRES
Kyle Ulveling, M.D., Carroll, chair	2018	April 30, 2021
KellyAnn Light-McGroary, M.D., Solon, vice chair	2016	April 30, 2019
Diane Cortese, Urbandale, secretary	2016	April 30, 2019
Warren Gall, M.D., Solon	2017	April 30, 2020
Philip Bear, D.O., West Des Moines	2018	April 30, 2021
Nicole Gilg Gachiani, M.D., Des Moines	2016	April 30, 2019
Ronald Kolegraff, M.D., Milford	2016	April 30, 2019
Mary Jo Romanco, Pleasantville	2018	April 30, 2021
Brian Wilson, D.O., Spencer	2017	April 30, 2020
Public Member vacancy (one)		

Physicians and non-physicians interested in serving on the Board can complete an online application at <https://openup.iowa.gov/> or contact the governor’s staff member in charge of appointments at (515) 281-0215.

EXECUTIVE DIRECTOR'S REPORT

The Iowa Board of Medicine takes seriously its fundamental responsibility to serve the citizens of Iowa by ensuring that physicians and acupuncturists are qualified to practice and that they are adhering to the laws, rules and standards that regulate their practices.

In 2018, the Board:

- Administered active licenses for 13,728 physicians and 68 licensed acupuncturists.
- Received 649 complaints and mandatory reports and completed reviews or investigations of 578 case files.
- Took 58 public disciplinary actions and voted to issue 111 confidential letters of concerns about licensees' conduct or practice.
- Filed charges against 17 physicians and issued five public consent agreements as a condition for medical licensure.
- Assessed civil penalties totaling \$57,000 involving 12 physicians.
- Initiated action to amend five administrative rules and completed a five-year review of the Board's administrative rules.
- Held seven two-day meetings and three teleconferences.
- Issued 219 medical licenses to physicians who were qualified to use the expedited licensure process established by the Interstate Medical Licensure Compact.
- Continued a robust educational outreach program to the public and licensees, health care stakeholders, and state and federal government officials.
- Participated in training activities and regulatory discussions offered by the Federation of State Medical Boards and the Administrators in Medicine.

The Board places great emphasis on completing timely, fair and complete investigations that result in appropriate action. Concurrently, the Board provides assistance and guidance to licensees through the adoption of rules and regular communications on disciplinary actions and a variety of issues relating to their practices.

In addition, the Board remains a strong supporter of the Iowa Physician Health Program, which facilitates the intervention and rehabilitation of physicians who have mental, physical or chemical dependency issues that, if left untreated or not monitored, could impair their ability to practice safely.

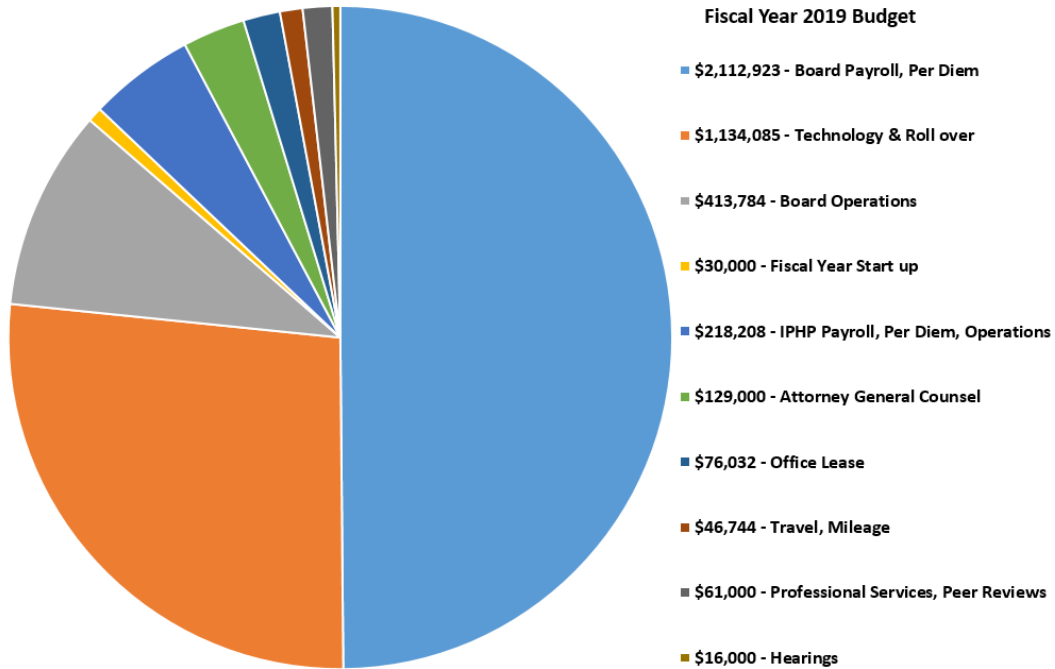
This brief report is a statistical tabulation of the Board's work during 2018. Behind these numbers are the hard work of a devoted and professional staff and the exceptional public service of dedicated Board members.

The Board has a long history of transparency regarding its licensure, disciplinary and regulatory work, making public documents easily available on the Board's website. In addition, the agency has provided annual reports such as this one for several decades. Do you want to know more about the Board? Please visit us online at www.medicalboard.iowa.gov or contact me.



KENT NEBEL, J.D.
EXECUTIVE DIRECTOR, IOWA BOARD OF MEDICINE
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FY2019 EXPENSE BUDGET



BOARD OF MEDICINE’S EXPENSE BUDGET FOR FISCAL YEAR 2019 (JULY 1, 2018, THROUGH JUNE 30, 2019): \$4,237,776. The FY2019 expense budget includes roll-over funds for operations and to cover ongoing expenses for programming the Board’s database and to fund technology upgrades. The Board’s anticipated revenue from licensure fees in FY2019 is \$3,294,295. The Board is funded entirely with licensure fees, which have not been increased since FY2007. In FY2014, the Board reduced fees.

2018 MEETINGS

BOARD MEETINGS

- February 15-16
- April 5-6
- June 7-8
- July 26-27
- September 13-14
- October 25-26
- December 13-14

TELECONFERENCES

- January 11
- March 8
- May 10



THE BOARD’S WEBSITE: www.medicalboard.iowa.gov

To receive press releases, agendas and other Board news, sign up at:
<https://public.govdelivery.com/accounts/IACIO/subscriber/new?preferences=true>

ADMINISTRATIVE RULES

The Board of Medicine’s administrative rules, which have the weight of law, are found in Section 653 of the Iowa Administrative Code. Before the Board can adopt a new rule or amend an existing rule, the intended action item must be published in the Iowa Administrative Bulletin and reviewed at a public hearing. The proposed change can also be subject to review by the Governor’s Office and by the Administrative Rules Review Committee. In addition, the public can petition the Board to adopt, amend or repeal an administrative rule.

RULEMAKING IN 2018

CHAPTER 13, STANDARDS OF PRACTICE – ARC 3830C. This rule relates to the use of medical cannabidiol by patients with a qualifying debilitating medical condition. This rule establishes the process by which the Board of Medicine receives recommendations from the Medical Cannabidiol Board concerning amendments to the list of debilitating medical conditions for the use of medical cannabidiol and the form and quantity of medical cannabidiol.

Noticed: 03/14/2018, **Adopted:** 06/06/2018, **Effective:** 07/11/2018.

CHAPTER 21, PHYSICIAN SUPERVISION OF A PHYSICIAN ASSISTANT – ARC 4213C. This rule amends the requirements for a physician who supervises a physician assistant at a remote medical site.

Noticed: 09/12/2018, **Adopted:** 01/02/2019, **Effective:** 02/06/2019.

CHAPTER 19, PRESCRIBING PSYCHOLOGISTS – ARC 4339C. This joint rule establishes the education, training and licensure requirements for certain psychologists who may prescribe psychotropic medications to patients for the treatment of mental health conditions.

Noticed: 08/01/2018, **Adopted:** 01/16/2019, **Effective:** 02/20/2019.

CHAPTER 13, STANDARDS OF PRACTICE – ARC 4248C. The rule added “ulcerative colitis” to the list of debilitating medical conditions for the use medical cannabidiol.

Noticed: 10/24/2018, **Adopted:** 01/16/2019, **Effective:** 02/20/2019.

CHAPTER 13, STANDARDS OF PRACTICE – ARC 4247C. This rule amends the standards of practice for physicians who serve as a medical director at a medical spa and delegate and supervise medical aesthetic services performed by qualified licensed or certified nonphysician persons or qualified laser technicians.

Noticed: 10/24/2018, **Adopted:** 01/16/2019, **Effective:** 02/20/2019.

IOWA PHYSICIAN HEALTH PROGRAM

The Iowa Physician Health Program (IPHP) was established in 1996 to support physicians who self-report mental health issues, physical disabilities or substance use disorders. The advocacy and confidential monitoring program is administered by the Iowa Physician Health Committee, which is appointed by the Board of Medicine. Participants sign contracts agreeing to adhere to the strict guidelines. The program's overarching goals are supporting physicians who seek the program's assistance, protecting the public by carefully monitoring physicians with diagnosed impairments that may affect their abilities to practice, and maintaining credibility with the Board and the public by accountability and responsible application of authority. The committee and program are defined in Iowa Administrative Code 653 Chapter 14. Committee members receive a per diem and expenses.



The committee held four meetings in 2018 and met with 34 program participants. Staff members conducted field visits with 5 participants. The program's budget of \$218,208 in FY2018 is funded entirely with licensure fees. Licensees do not pay additionally to participate in the program, but they are responsible for all costs associated with drug screening, therapy, treatment and so forth.

Staff members of the Board manage the program and meet with the participants in the field to ensure compliance. The committee's co-chairs and legal counsel provide guidance on case issues. **Members of the committee in 2018:**

- Lester Yen, M.D., West Des Moines, co-chair
- Raymond Harre, M.D., Davenport, co-chair
- Eric Boyum, M.D., Oskaloosa
- Kim Brangoccio, LMFT, CEAP, IAADC, Booneville
- Jeanine Freeman, J.D., Des Moines
- Jeff Kerber, Ph.D., West Des Moines, licensed marriage and family therapist
- Sasha Khosravi, D.O., Grimes
- Jeffrey Means, M.Div., Ph.D., Des Moines
- Kent Nebel, JD., Executive Director, Board of Medicine

Amy Van Maanen, L.B.S.W., is the program's coordinator and Emily Zalasky, L.B.S.W., is the program's case manager. Kristi Traynor, an Assistant Iowa Attorney General, provides legal counsel for the program and the committee.

IOWA PHYSICIAN HEALTH PROGRAM | <http://iphp.iowa.gov/>

(TOTALS ON DECEMBER 31)	2017	2018	(PARTICIPANTS' DIAGNOSES)	2017	2018
Active Participants	45	39	Substance use	11	9
In review for eligibility	13	6	Mental health	7	6
Physicians	49	42	Physical condition	1	0
Resident physicians	8	3	Multiple diagnoses	25	24
Discharged	37	42			
Noticed for violations	4	1			

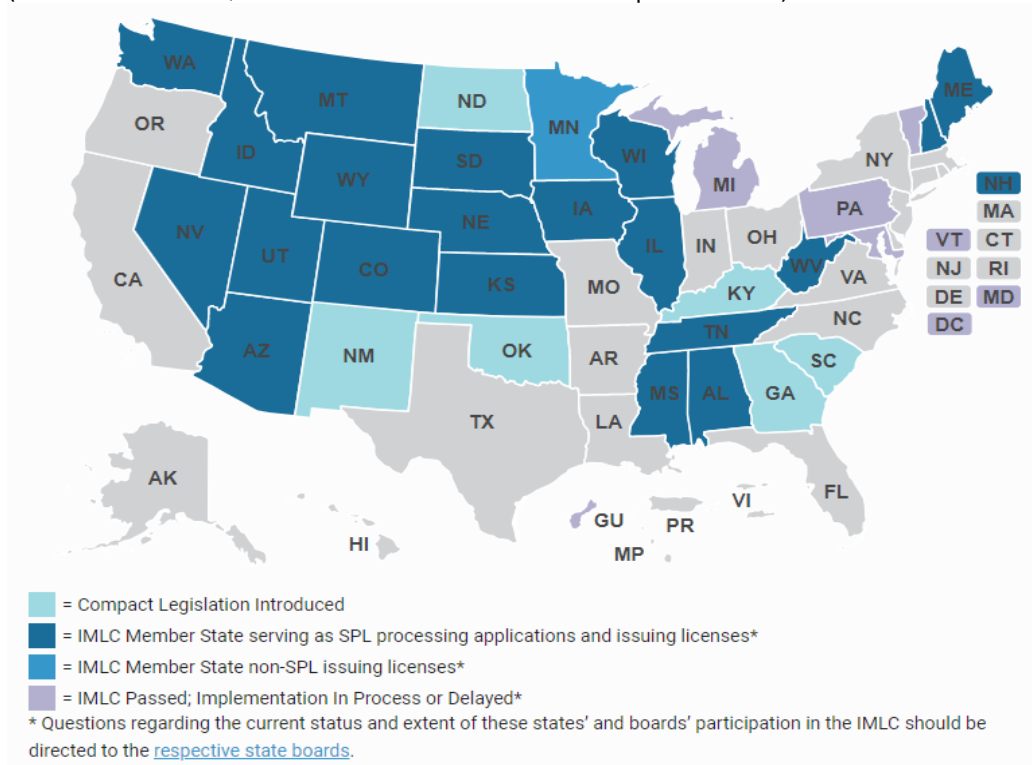
LICENSURE

JANUARY 1-DECEMBER 31	2016	2017	2018
Active M.D. licenses	10,289	10,393	10,651
Active D.O. licenses	1,947	2,024	2,096
TOTAL	12,236	12,417	12,747
Active M.D.s with Iowa work address	5,382	5,340	5,281
Active D.O.s with Iowa work address	1,407	1,413	1,397
TOTAL	6,789	6,753	6,678
PERMANENT PHYSICIAN LICENSE			
Issued by endorsement	581	574	674
Issued by expedited endorsement	227	95	23
Issued by examination	285	245	290
Licensed through Interstate Compact	-	59	219
TOTAL	1,093	973	1,206
Application denied	0	0	0
Confidential letter about application	80	24	51
(EFFECTIVE 1/1/19) Relinquished	494	565	605
Renewed	5,466	5,468	5,825
Went inactive	852	855	874
Reinstated	73	89	96
ADMINISTRATIVE MEDICINE LICENSE			
(EFFECTIVE 1/1/19) Issued	11	9	6
Renewed	0	3	7
ACTIVE	11	18	16
RESIDENT PHYSICIAN LICENSE			
Issued	306	300	322
Renewed	6	10	28
ACTIVE	762	806	827
SPECIAL PHYSICIAN LICENSE			
Issued	1	7	3
Renewed	23	22	28
Went inactive	0	1	1
ACTIVE	24	28	31
TEMPORARY PHYSICIAN LICENSE			
Issued	9	2	3
Renewed	2	1	0
Went inactive	7	5	5
ACTIVE	6	3	1
ACUPUNCTURIST LICENSE			
Issued	2	7	2
Renewed	55	1	62
Went inactive	0	8	0
ACTIVE	66	68	67
PHYSICIAN LICENSURE REQUIREMENTS			
Waivers granted	5	4	7
Waivers denied	0	1	1

IOWA MEDICAL LICENSES
<p>PERMANENT – A license to practice in any setting in Iowa. It’s a two-year license that can be renewed.</p>
<p>RESIDENT – A license to practice in a Board-approved resident training program in Iowa. The license is issued for the duration of the training program.</p>
<p>SPECIAL – A license to practice by a highly specialized physician who is a medical college faculty member at the University of Iowa or Des Moines University who does not meet qualifications for permanent licensure.</p>
<p>TEMPORARY – A license authorizing a physician to practice in a short-term Board-approved practice setting such as medical director of a camp.</p>
<p>ADMINISTRATIVE – A license for a non-clinical, administrative position in medicine not involving patient care.</p>

INTERSTATE MEDICAL LICENSURE COMPACT

(Data shown as of March 1, 2019. *Source:* Interstate Medical Licensure Compact Commission)



The Interstate Medical Licensure Compact creates a new pathway to expedite the licensing of physicians seeking to practice medicine in multiple states. States participating in the Compact agree to work together in new ways to significantly streamline the licensing process and to strengthen public protection by sharing investigative and disciplinary information. More than 2,000 physicians have used expedited licensure process since it began in April 2017.

The Compact has been enacted in 28 states and the U.S. territory of Guam, and the enabling legislation was active in eight states and the District of Columbia at the start of 2018. Iowa was the 10th state to enact the law, which is presented in Iowa Code chapter 147B. More than 219 Iowa medical licenses have been issued to physicians licensed in other states who are qualified to use the expedited process, and more than 60 Iowa-licensed physicians have used the process to be licensed in other states.

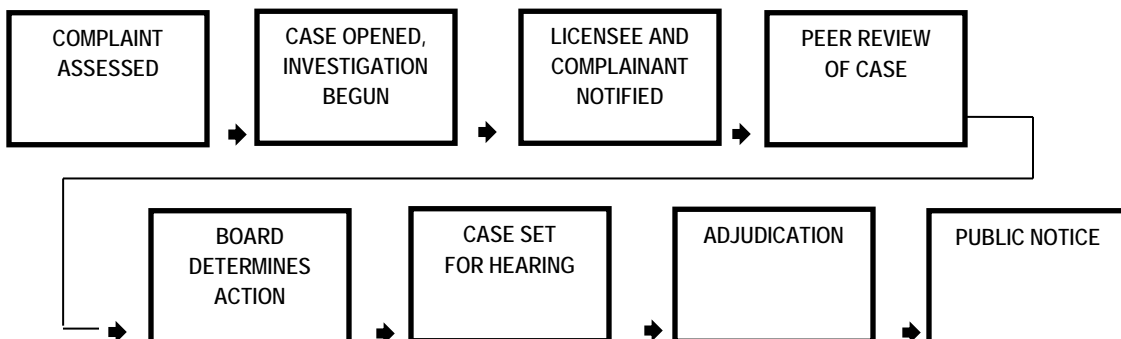
To be eligible for expedited licensure, physicians must possess a full and unrestricted license to practice medicine in a Compact state; possess specialty certification or be in possession of a time unlimited specialty certificate; have no discipline on any state medical license; have no discipline related to controlled substances; not be under investigation by any licensing or law enforcement agency; have passed each component/step of the USMLE or COMLEX (or equivalent) within three attempts; and have successfully completed a graduate medical education program. Approximately 80 percent of physicians licensed in the U.S. meet the criteria for licensure through the Compact.

A commission oversees the administration of the Compact. Iowa's commissioners are Mary Jo Romanco, a public member of the Board, and Warren Gall, a physician member of the Board. More information about the Interstate Medical Licensure Compact is available at www.imlcc.org

ENFORCEMENT

JANUARY 1 TO DECEMBER 31	2015	2016	2017	2018
COMPLAINTS, MANDATORY REPORTS				
Complaints	577	449	443	516
Reports	135	196	218	133
TOTAL	712	645	661	649
Complaint files closed	588	474	441	421
Report files closed	146	184	222	157
TOTAL	734	661	663	578
Complaint investigations open on 12/31	367	358	344	391
Report investigations open on 12/31	68	73	88	59
TOTAL	435	431	432	450
PUBLIC CHARGES & CONSENT AGREEMENTS	22	24	24	22
DISCIPLINARY ACTIONS				
License revocation/surrender	3	2	7	5
License suspension	1	0	4	1
License probation	12	8	4	9
Civil penalty	17	17	11	12
Public citation and warning	21	23	17	21
Practice restriction	7	10	4	10
TOTAL FORMAL (PUBLIC) ACTIONS	61	62	47	58
Confidential letter about practice or conduct	105	89	76	111
Licensees monitored by the Board on 12/31	196	67	61	60
PUBLIC LETTER TO CEASE AND DESIST	2	0	0	0

OVERVIEW OF COMPETENCY COMPLAINT PROCESS



ENFORCEMENT SUMMARY: 2018 CHARGES, AGREEMENTS

In 2018, the Board of Medicine filed Charges against 22 physicians involving issues related to their practices in Iowa or related to adverse actions taken against them by another state's medical licensing Board. Total charges listed below exceed 22 because some physicians were charged with more than one count. The total charges include five Consent Agreements as a condition for granting an Iowa medical license, publicly recognizing adverse action taken against applicants by another state's licensing Board.

CHARGES:

- Discipline by another Licensing Authority* - 8**
- Failure to Provide Appropriate Medical Care - 1**
- Felony Criminal Conviction - 1**
- Health Condition - 4**
- Improper Pain Management - 4**
- Improper Prescribing - 2**
- Inadequate Examinations - 1**
- Inadequate Medical Record Keeping - 1**
- Indiscriminately or Promiscuously Prescribing Controlled Substances - 1**
- Practice Harmful or Detrimental to the Public - 2**
- Prescribing to Self & Immediate Family Members - 2**
- Professional Incompetency - 2**
- Sexual Harassment - 2**
- Sexual Misconduct - 2**
- Violation of Professional Boundaries - 2**
- Voluntary Agreement with Another Licensing Authority - 1**

CONSENT AGREEMENT FOR LICENSURE:

(Agreement puts public on notice of action against applicant by Iowa's or another state's medical licensing board)

- Failure to Disclose Information on Application - 1**
- Gross Negligence - 1**
- Revocation of Labor & Delivery Privileges - 1**
- Submitting a False or Misleading Statement when Applying for a License - 1**
- Unprofessional Conduct - 1**
- Wrong-Site Procedure - 1**

**OUTCOMES:
Complaints
are most often
handled in one
of three ways**

1. NO ACTION. This is the result when no violation of laws, rules or medical care standards has occurred. The licensee and complainant are notified and the information is kept on file.

2. INFORMAL ACTION. There may be no violation of laws, rules or medical care standards that warrants public action, but the Board is nonetheless concerned about some aspect of the licensee's conduct or performance. The Board will issue a confidential letter of education or warning cautioning the licensee against repeating similar conduct or practice. Complainant is notified that no formal disciplinary action has been taken.

3. PUBLIC CHARGES FILED. The Board determines there is a violation of laws, rules or medical care standards and files public charges and a disciplinary hearing is scheduled.

(*Actions were taken against these eight physicians in other states for these issues: Abusive or Fraudulent Billing Practices - 1; Failure to Provide Appropriate Surgical Care - 1; Fee Splitting - 1; Inappropriate Prescribing - 1; Unethical Conduct - 1; Unprofessional Conduct - 2; Violated the Laws and Rules Governing the Practice of Medicine - 2; Violated the Standard of Care - 1)

ENFORCEMENT SUMMARY: 2018 INFORMAL ACTIONS

When the Board of Medicine determines that probable cause does not exist to take formal public disciplinary action the Board may send a confidential non-disciplinary letter to a licensee expressing concerns and requesting that a licensee take corrective action. At meetings in 2018, the Board voted to issue 111 confidential letters addressing the following competency and professionalism concerns.

February 15-16 meeting – 13 letters

1. Knowingly, or with reckless disregard, purchased and administered chemotherapy drugs that were misbranded or not approved by the U.S. Food and Drug Administration (FDA) for use in the United States and submitted false claims to Medicare and Medicaid for more expensive services than were actually provided in order to receive a profit “up coding” while practicing medical oncology.
2. Demonstrated deficiencies in her ability to practice medicine.
3. Subject of a hospital privileging investigation into concerns about substandard or inadequate care, breach of confidentiality and filing false reports or falsifying records.
4. Inappropriately shared patient information with a colleague outside of the legitimate medical care setting.
5. Treatment of patients with mental disorders and a history of drug addiction.
6. Performance of hip replacement surgery on a patient.
7. Failed to complete the continuing medical education required for renewal of her Iowa medical license.
8. Inadvertently brought a handgun into a medical facility.
9. Obstetrical and gynecological treatment of two patients.
10. Failed to complete the continuing medical education required for renewal of her Iowa medical license.
11. Failure to disclose material information on license application.
12. Failure to disclose material information on license application.
13. Failure to disclose material information on license application.

April 5-6 meeting – 19 letters

1. Management of a high-risk pregnancy during labor and delivery.
2. Workup and treatment of a patient who suffered a heart attack.
3. Improper placement of a peripheral inserted central catheter (PICC) line.
4. Delayed diagnosis and treatment of a patient with lung cancer.
5. Charged with domestic abuse after a physical altercation with their spouse.
6. Prescribed medications to himself, a member of his family and others without performing appropriate examinations and without maintaining appropriate medical records.
7. Management of the labor and delivery of a patient who experienced fetal distress.

8. Delayed surgical treatment of a high-risk patient with concerning symptoms.
9. Postoperative management of a high-risk patient who underwent gastric bypass surgery.
10. Failed to submit proof of completion of the continuing medical education (CME) required for renewal of their Iowa medical license in a timely manner.
11. Surgical treatment of multiple patients while practicing surgery in another state.
12. Shared a patient’s personal health information with an individual who accompanied the patient in the emergency department.
13. Failed to complete the continuing medical education (CME) required for renewal of their Iowa medical license and that the physician failed to respond to a board CME audit in a timely manner.
14. Management of a patient who experienced a hematoma and infection following a cesarean-section delivery.
15. Signed a prescription that had been completed by a physician-colleague without examining the patient and without maintaining appropriate medical records.
16. Entered into a settlement agreement with the office of inspector general of the United States Department of Health and Human Services (OIG) for billing for services which were not provided or were not provided as required under the CPT code utilized.
17. Failure to disclose material information on license application.
18. Failure to disclose material information on license application.
19. Failure to disclose material information on license application.

June 7-8 meeting – 9 letters

1. Inappropriately shared confidential patient medical information with a physician colleague for other than a legitimate medical purpose.
2. Preoperative communication with a patient who underwent gynecological surgery and the physician’s medical record keeping.
3. Care and treatment of a high-risk pregnancy.
4. Prescribed excessive opioids to a single patient for the treatment of chronic pain without documenting appropriate need for the drugs and without documenting appropriate monitoring.
5. Prescribed excessive opioids and benzodiazepines to patients for the treatment of chronic pain without documenting appropriate need for the drugs and without documenting appropriate monitoring.
6. Failure to disclose material information on license application.
7. Failure to disclose material information on license application.

8. Discipline by another licensing authority.
9. Failure to disclose material information on license application.

July 26-27 meeting – 21 letters

1. Treatment of a patient who experienced an allergic reaction following administration of contrast for a CT scan.
2. Prescribed Phentermine for weight loss to patients who did not meet FDA guidelines, took the phentermine back from some patients in exchange for Botox treatments in the physician's home and the physician's pain management prescribing practices.
3. Performed robotic assisted surgery on a patient who was not a good candidate for robotic surgery and the physician's postoperative care after the patient suffered a bowel perforation and sepsis.
4. Use of Sotalol for a patient with heart failure.
5. Attempt to utilize a false address on an application for a letter of qualification for licensure via the Interstate Medical Licensure Compact.
6. Failed to complete the continuing medical education for chronic pain management and end-of-life care required for renewal of the physician's Iowa medical license.
7. Treatment of a patient who experienced an allergic reaction following administration of contrast for an MRI.
8. Failure to disclose material information on license application.
9. Failure to disclose material information on license application.
10. Failure to disclose material information on license application.
11. Failure to disclose material information on license application.
12. Failure to disclose material information on license application.
13. Failure to have the affidavit and authorization for release of information form of application for permanent licensure notarized in the presence of a notary public.
14. Failure to disclose material information on license application.
15. Failure to disclose material information on license application.
16. Failure to disclose material information on license application.
17. Failure to disclose material information on license application.
18. Failure to disclose material information on license application.
19. Failure to disclose material information on license application.
20. Failure to disclose material information on license application.
21. Failure to disclose material information on license application.

September 13-14 meeting – 14 letters

1. Evaluation and treatment, and supervision of physician assistants who provided treatment, to a mental health patient who was suicidal.
2. Evaluation and treatment, and supervision of physician assistants who provided treatment, to a mental health patient who was suicidal.
3. Management of abnormal test results and diagnosis and treatment of a patient with cardiomyopathy.
4. Improperly ordered the removal of a trach tube for an unstable patient.
5. Engaged in a sexual relationship with a subordinate female co-worker.
6. Failure to disclose material information on license application.
7. Allowing a third party to attest to the completion and accuracy of the license application.
8. Allowing a third party to attest to the completion and accuracy of the license application.
9. Failure to disclose material information on license application.
10. Failure to disclose material information on license application.
11. Provided false information on application.
12. Provided false information on application.
13. Failure to disclose material information on license application.
14. Allowing a third party to attest to the completion and accuracy of the license application.

October 25-26 meeting – 21 letters

1. Disciplined by another licensing board for engaging in disruptive conduct in another state between 2007 and 2009.
2. Evaluation, diagnosis and treatment of a patient who allegedly suffered a work-related injury.
3. Prescribing of combinations of benzodiazepines and stimulants.
4. Failed to timely respond to a random audit of the continuing medical education required for renewal of an Iowa medical license.
5. Terminated a patient without providing 30-days written notice to the patient.
6. Treatment of a patient who underwent aortic valve replacement surgery.
7. Treatment of a complex nursing home patient with diabetes and heart disease.
8. Provided false information on application.
9. Failure to disclose material information on license application.
10. Failure to disclose material information on license application.
11. Failure to disclose material information on license application.
12. Allowing a third party to attest to the completion and accuracy of the license application.
13. Provided false information on application.
14. Provided false information on application.

ENFORCEMENT SUMMARY: 2018 INFORMAL ACTIONS

When the Board of Medicine determines that probable cause does not exist to take formal public disciplinary action the Board may send a confidential non-disciplinary letter to a licensee expressing concerns and requesting that a licensee take corrective action. At meetings in 2018, the Board voted to issue 111 confidential letters addressing the following competency and professionalism concerns.

15. Allowing a third party to attest to the completion and accuracy of the license application.
16. Failure to disclose material information on license application.
17. Allowing a third party to attest to the completion and accuracy of the license application.
18. Failure to disclose material information on license application.
19. Provided false information on application.
20. Failure to disclose material information on license application.
21. Failure to disclose material information on license application.
6. Prescribed controlled substances to members of his immediate family (his domestic partner and his domestic partner's parent).
7. Treatment of a patient who experienced significant complications following bilateral knee replacement surgery.
8. Failed to respond to pages and failed to go to the hospital when he was on-call.
9. Use of outpatient duragesic pain medication patches following surgery.
10. Evaluation, diagnostic testing and treatment of a patient with sarcoidosis.
11. Performed an unnecessary thyroidectomy on a patient resulting in permanent injury.
12. Performed a surgical procedure on a family member in a non-emergency situation.
13. Noted ovaries on a CT scan report when the patient's ovaries had been removed.
14. Failed to notify a patient about a mass that was revealed on diagnostic testing.
15. Inadequate / improper medical care.
16. Failure to disclose material information on license application.
17. Allowing a third party to attest to the completion and accuracy of the license application.

December 13-14 meeting – 17 letters

1. Evaluation, diagnostic testing and treatment of a patient with colitis.
2. Use of outpatient Duragesic pain medication patches following surgery.
3. Failed to timely respond to a random audit of the continuing medical education required for renewal of an Iowa medical license.
4. Used the signature of a co-worker to obtain asthma inhalers and erectile dysfunction medications via a mail-order company for his own use.
5. Prescribed medications to his ex-wife and her significant other without performing appropriate examinations and without maintaining appropriate medical records using an outdated prescription pad.

CIVIL PENALTIES

	2013	2014	2015	2016	2017	2018
TOTAL LICENSEES	16	16	17	17	11	12
DOLLAR AMOUNT	1,000	2	0	2	1	0
	2,000	0	0	0	0	0
	2,500	6	7	1	3	4
	3,000	0	0	1	0	0
	5,000	4	8	7	12	5
	7,500	1	1	2	0	0
	10,000	3	0	4	1	2
TOTAL PENALTIES	\$74,500	\$65,000	\$97,500	\$78,500	\$55,000	\$57,500

The Board may issue an order to discipline a licensee, including imposing a civil penalty (fine) not to exceed \$10,000. Penalties are deposited in the general fund of the State of Iowa. The Board does not benefit from the fines it imposes. The Board is funded with licensure fees. Since 2007, the Board has imposed fines totaling \$1,078,000.

ENFORCEMENT, LICENSURE: 2018 PUBLIC ORDERS

The following are summaries of the Board of Medicine's public orders issued in 2018, including enforcement actions and licensure requirement waivers. The documents for these orders are available at www.medicalboard.iowa.gov:

Akoma, Ugochukwu E.
Alscher, Phillip D.
Baldi, Daniel J.
Bertroche, J. Patrick
Bollinger, Alan R.
Branstetter, Erik T.
Brunkhorst, Jr., Joseph
Burnett-Barnhardt, Kolleen P.
Conrardy, Anthony G.
Cunard, Robert D.
England, Russell D.

Finley, Brian J.
Flemming, Matthew A.
Gaither, Douglas H.
Glassgow, Sara L.
Hajj, Kathryn M.
Kirsch, Janice A.
Lebrede, Luis
Lee, Ryan D.
Leeds, Timothy G.
Metcalf, Kent F.
Neyman, Gregory P.

Oxford, Stuart G.
Park, Samuel K.U.
Parsons, Sascha R.
Prescher, Michael C.
Sanabria, Guillermo
Smith, Denice N.
Snyder, Thomas J.
Sprague, Thomas M.
Waack, Barry J.
Wirtanen, Donald R.
Zoelle, Jeffrey T.

Ugochukwu E. Akoma, M.D.
License No. MD-40961
Date of Order: 02/15/2018
Action: Issued citation and warning; assessed civil penalty; ordered to provide written notice and complete a Board-approved professional boundaries program prior to practicing medicine under Iowa medical license; ordered to have Board-approved female healthcare professional chaperone continually present when treating female patients or when minor children are only accompanied by a female; placed on probation. **Basis:** Sexual Misconduct; Sexual Harassment.

Phillip D. Alscher, M.D.
License No. MD-31119
Date of Order: 02/06/2018
Action: Terms of February 6, 2015, combined Statement of Charges and Settlement Agreement terminated. **Basis:** Completed terms of Order.

Daniel J. Baldi, D.O.
License No. DO-02785
Date of Order: 07/27/2018
Action: Agreed to only practice general anesthesia in a Board-approved practice setting and not engage in any other area of the practice of medicine under Iowa medical license. **Basis:** Complied with terms of Order and demonstrated competency to

practice general anesthesia with reasonable skill and safety.

J. Patrick Bertroche, D.O.
License No. DO-03220
Date of Order: 09/13/2018
Action: Voluntary Surrender of Iowa medical license. **Basis:** Health condition which impairs ability to practice medicine.

Alan R. Bollinger, D.O.
License No. DO-02348
Date of Order: 02/15/2018
Action: Issued citation and warning; assessed civil penalty; prohibited prescribing, administering or dispensing controlled substances for the treatment of chronic pain; ordered to complete Board-approved medical record keeping course; and placed him on probation for a period of three years subject to Board monitoring, including prescribing audits. **Basis:** Improper Pain Management.

Erik T. Branstetter, D.O.
License No. DO-05135
Date of Order: 01/11/2018
Action: Issued Citation and Warning and granted him a permanent Iowa medical license. **Basis:** Action taken by the Wisconsin Medical Examining Board.

Joseph Brunkhorst, Jr., M.D.
License No. MD-19120
Date of Order: 06/08/2018
Action: Voluntary Surrender of Iowa medical license. **Basis:** Health condition which impairs ability to practice medicine with reasonable skill and safety.

Kolleen P. Burnett-Barnhardt, D.O.
License No. DO-04236
Date of Order: 10/26/2018
Action: Issued Citation and Warning; assessed civil penalty. **Basis:** Prescribing controlled substances to members of immediate family.

Anthony G. Conrardy, M.D.
License No. MD-41638
Date of Order: 07/27/2018
Action: Voluntary Surrender of Iowa medical license. **Basis:** Felony Criminal Conviction.

Robert D. Cunard, M.D.
License No. MD-30647
Date of Order: 02/15/2018
Action: Issued Citation and Warning; assessed civil penalty; permanently prohibited from prescribing, administering or dispensing controlled substances for the treatment of chronic pain; indefinitely suspended Iowa medical license. **Basis:** Professional Incompetency; Inappropriate Prescribing; Improper Pain Management;

ENFORCEMENT, LICENSURE: 2018 PUBLIC ORDERS

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Russell D. England, M.D.
License No. MD-23126
Date of Order: 06/08/2018
Action: Issued Citation and Warning; assessed civil penalty; prohibited from prescribing, administering or dispensing controlled substances for the treatment of chronic pain; and placed him on probation for a period of three years subject to Board monitoring, including prescribing audits. **Basis:** Improper Prescribing; Improper Pain Management; Prescribing to Self and Immediate Family Members.

Brian J. Finley, M.D.
License No. MD-44956
Date of Order: 02/16/2018
Action: Issued Citation and Warning; agreed to not perform labor and delivery services under Iowa medical license; granted permanent Iowa medical license. **Basis:** Revocation of labor and delivery privileges.

Matthew A. Flemming, M.D.
License No. MD-35555
Date of Order: 10/26/2018
Action: Voluntary surrender of Iowa medical license.. **Basis:** Health condition which impairs ability to practice medicine.

Douglas H. Gaither, M.D.
License No. MD-38712
Date of Order: 06/08/2018
Action: Issued Citation and Warning; assessed civil penalty; and ordered to complete a professional boundaries evaluation. **Basis:** Violation of Professional Boundaries and Indiscriminately or Promiscuously Prescribing Controlled Substances.

Sara L. Glasgow, D.O.
License No. DO-04637
Date of Order: 10/26/2018

Action: Issued Citation and Warning. **Basis:** Action taken by the Illinois Division of Professional Regulation (Illinois Board).

Kathryn M. Hajj, M.D.
License No. MD-43732
Date of Order: 07/27/2018
Action: Issued Citation and Warning; and agrees to fully comply with the standards of practice for appropriate pain management in Iowa in the future. **Basis:** Action taken by the Nebraska Department of Health and Human Services.

Janice A. Kirsch, M.D.
License No. MD-28825
Date of Order: 02/15/2018
Action: Issued citation and warning; assessed civil penalty; prohibited from prescribing, administering or dispensing controlled substances for the treatment of chronic pain under Iowa medical license; ordered to complete Board-approved medical record keeping course; placed on probation. **Basis:** Improper Pain Management.

Luis Lebrede, M.D.
License No. MD-28161
Date of Order: 06/08/2018
Action: Terms of April 8, 2015, combined Statement of Charges and Settlement Agreement terminated. **Basis:** Completed terms of Order.

Ryan D. Lee, D.O.
License No. DO-03954
Date of Order: 04/05/2018
Action: Terms of April 17, 2014, Reinstatement Order terminated. **Basis:** Completed terms of Order and does not pose a risk to patients or the public.

Timothy G. Leeds, M.D.
License No. MD-27989
Date of Order: 07/27/2018
Action: Issued Citation and Warning; assessed civil penalty; ordered to complete comprehensive disruptive behavior evaluation; placed on probation. **Basis:** Action taken by the Texas Medical Board.

Kent F. Metcalf, D.O.
License No. DO-03238
Date of Order: 04/05/2018
Action: Terms of October 25, 2013, combined Statement of Charges and Settlement Agreement terminated. **Basis:** Completed terms of Order.

Gregory P. Neyman, M.D.
License No. MD-35699
Date of Order: 02/15/2018
Action: Issued Citation and Warning; voluntarily surrender of Iowa medical license. **Basis:** Sexual misconduct.

Stuart G. Oxford, M.D.
License No. MD-31601
Date of Order: 08/03/2018
Action: Terms of September 16, 2016, combined Statement of Charges and Settlement Agreement terminated. **Basis:** Completed terms of Order.

Samuel K.U. Park, M.D.
License No. MD-45757
Date of Order: 10/26/2018
Action: Issued Citation and Warning. **Basis:** Action taken by the Medical Board of California.

Sascha R. Parsons, M.D.
License No. MD-33461
Date of Order: 06/08/2018
Action: Agreement Not to Practice Medicine. **Basis:** Health condition which impairs ability to practice medicine with reasonable skill and safety.

ENFORCEMENT, LICENSURE: 2018 PUBLIC ORDERS

The following are summaries of the Board of Medicine's public orders issued in 2018, including enforcement actions and licensure requirement waivers. The documents for these orders are available at www.medicalboard.iowa.gov

Michael C. Prescher, M.D.
License No. MD-31176
Date of Order: 02/15/2018
Action: Practice requirements terminated. **Basis:** Complied with terms of Order.

Guillermo Sanabria, M.D.
License No. MD-45838
Date of Order: 12/14/2018
Action: Issued Citation and Warning and granted him a permanent Iowa medical license. **Basis:** Action taken by the Florida Board of Medicine.

Denice N. Smith, M.D.
License No. MD-36396
Date of Order: 07/10/2018
Action: Terms of Probation terminated; Prohibited from prescribing, administering or dispensing narcotics for the treatment of chronic pain. **Basis:** Completed terms of Probation.

Thomas J. Snyder, D.O.
License No. DO-01772
Date of Order: 12/14/2018
Action: Issued citation and warning; assessed civil penalty; prohibited from prescribing, administering or dispensing controlled substances for the treatment of chronic pain; agreed to complete Board-approved comprehensive clinical competency evaluation and medical record keeping course; placed on probation. **Basis:** Improper Pain Management.

Thomas M. Sprague, D.O.
License No. DO-05292
Date of Order: 10/26/2018
Action: Issued Citation and Warning. **Basis:** Action taken by the Texas Medical Board and the Commonwealth of Kentucky Board of Medical Licensure.

Barry J. Waack, D.O.
License No. DO-04386
Date of Order: 12/14/2018
Action: Issued citation and warning; assessed civil penalty; agreed to complete a Board-approved professional boundaries program; placed on probation. **Basis:** Violation of professional Boundaries, Improper prescribing and inadequate examinations and medical records keeping.

Donald R. Wirtanen, D.O.
License No. DO-02100
Date of Order: 02/15/2018
Action: Issued citation and warning; assessed civil penalty; prohibited from prescribing, administering or dispensing controlled substances for the treatment of chronic pain under Iowa medical license; ordered to complete Board-approved medical record keeping course; placed on probation. **Basis:** Improper Pain Management.

Jeffrey T. Zoelle, M.D.
License No. MD-33008
Date of Order: 02/15/2018
Action: Issued citation and warning; assessed civil penalty; ordered to complete Board-approved sexual misconduct/sexual harassment evaluation; ordered to have Board-approved female chaperone or female health care professional continually present when treating female patients, or minor children who are only accompanied by a female; prohibited from using social media to contact any patient outside of the physician-patient relationship; placed on probation. **Basis:** Sexual Misconduct; Sexual Harassment.

ALTERNATE MEMBERS

Alternate members of the Board of Medicine play an important role in contested case hearings. Up to three alternates can serve on a six-member panel for a hearing when a quorum (six members) of the 10 current members of the Board is not available. Since it was authorized by law in 2008 and implemented in 2009, the Alternate pool is routinely tapped for hearings. Alternates are recommended by the Board, but must be approved by the Governor. An Alternate’s term is nine years. Alternates receive a per diem and expenses. **Alternates serving in 2018 were:**

<u>ALTERNATE MEMBERS</u>	<u>APPOINTED</u>
Ronald Cheney, D.O., Carroll	May 17, 2018
Carole Frier, D.O., Des Moines	March 25, 2011
Analisa Haberman, D.O., Mason City	August 21, 2012
Bruce Hughes, M.D., Des Moines	March 25, 2011
John Marshall, M.D., Council Bluffs	August 21, 2012
Paul Thurlow, Dubuque	November 14, 2011
Janece Valentine, Fort Dodge	July 8, 2012
Joyce Vista-Wayne, M.D., Clive	September 26, 2013
Allen Zagoren, D.O., Clive	March 19, 2009

CONTESTED CASE HEARINGS

	2014	2015	2016	2017	2018
HEARING	2	2	1	1	0
HEARING USING					
ALTERNATES	1	2	1	0	0
SETTLED WITHOUT HEARING	34	23	25	19	23

PEER REVIEWS

In addition to three public members, the Board of Medicine includes seven physicians, representing at most seven specialties. Complaints about Iowa physicians, however, cross the spectrum of specialties, from anesthesiology to urology. Therefore, in competency issues expertise in a given case may not be available on the Board when the case is discussed. If, after a case has been investigated and discussed at the Board level, specialty expert opinion is needed to fairly determine if the standard of care has or has not been met, a formal peer review may be requested. John Olds, M.D., the Board’s medical advisor, will recruit physicians to serve on a committee to review a case file, which includes the investigative report, interviews with the complainant, witnesses and the physician involved, and pertinent medical records. The peer reviewers then discuss their findings and determinations amongst themselves and submit a formal report to the Board for consideration. Iowa physicians who are interested in serving as a peer reviewer may contact Dr. Olds at (515) 242-3229. An instruction manual for peer reviewers is available at www.medicalboard.iowa.gov

PEER REVIEWS

	2014	2015	2016	2017	2018
ORDERED	16	12	8	17	12
COMPLETED	9	13	6	16	9

The Board of Medicine is fortunate to have dedicated, competent personnel who take their jobs, and the Board's mission, seriously. Every day, these men and women perform licensure and regulatory enforcement duties that enable the Board to protect the health of Iowans.

IOWA BOARD OF MEDICINE
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Director of Legal Affairs

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*Certified Medical Board Investigator by Administrators
in Medicine and Federation of State Medical Board