



January 5, 2024

VIA EMAIL

Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, IA 50309
ibm@iowa.gov

Re: Public Records Request

Dear Custodian of Public Records:

Pursuant to the Iowa Public Records Law, Iowa Code, Ch. 22, American Oversight makes the following request for records.

Requested Records

American Oversight requests that your office produce the following records promptly, or as soon as feasible:

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (A) the Iowa Board of Medicine officials listed below and (B) any of the external entities or individuals listed below (including, but not limited to, at the specified complete email addresses or listed domain names).

Please provide all responsive records from August 1, 2023, through the date the search is conducted.

Board of Medicine Officials:

1. Executive Director Dennis Tibben, or anyone communicating on his behalf
2. Assistant to the Executive Director Chrissy Greco
3. Director of Licensure Jennifer Ware, or anyone communicating on her behalf

External Entities or Individuals:

1. Americans United for Life (aul.org)
2. National Pro-Life Alliance (prolifealliance.com)
3. National Right to Life Committee (nrlc.org)
4. Students for Life (studentsforlife.org)
5. Marjorie Dannenfelser or Susan B. Anthony List (sbalist.org or sba-list.org)
6. Charlotte Lozier Institute (lozierinstitute.org)
7. Thomas More Society (thomasmoresociety.org)



8. America First Policy Institute (americafirstpolicy.com)
9. America First Legal (aflegal.org)
10. Alliance Defending Freedom (adflegal.org)
11. Do No Harm (donoharmmedicine.org)
12. Family Policy Alliance (familypolicyalliance.com)
13. American College of Pediatricians or ACPeds (acpeds.org)
14. Quentin Van Meter (kidendo@comcast.net)
15. American Family Association (afa.net)
16. Christian Medical and Dental Associations (cmda.org)
17. Concerned Women for America (concernedwomen.org or cwfa.org)
18. Catholic Medical Association (cathmed.org)
19. Tony Perkins or anyone communicating on behalf of Family Research Council (frc.org or frcaction.org)
20. Independent Women's Forum (iwf.org)
21. Eagle Forum (eagleforum.org)
22. American Principles Project (americanprinciplesproject.org)
23. Liberty Counsel (lc.org)
24. American Association of Pro-Life Obstetricians and Gynecologists (aaplog.org)
25. Ethics and Public Policy Center (eppc.org)
26. Live Action (liveaction.org)
27. Iowa Right to Life (iowartl.org)
28. Pulse Life Advocates (pulseforlife.org)
29. Coalition for Life of Iowa (lifeiowa.org)
30. Bob Vander Plaats, or anyone communicating on behalf of the Family Leader (thefamilyleader.com)
31. Anyone communicating from an email address ending in dia.iowa.gov or dial.iowa.gov
32. Anyone communicating from an email address ending in ag.iowa.gov
33. Anyone communicating from an email address ending in dhs.state.ia.us or hhs.iowa.gov

For part one of this request, please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request. In other words, for example, if a specified official received a mass-distribution news clip email from a listed external entity, that initial email would not be responsive to this request. However, if the specified official forwarded that email to another individual with their own commentary, that subsequent message would be responsive to this request and should be produced.

2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by the Board of Medicine officials listed above, that contain any of the key terms listed below.

Please provide all responsive records from August 1, 2023, through the date the search is conducted.

Key Terms:

1. “HF 732”
2. “House File 732”
3. “H.F. 732”
4. HF732
5. “abortion rules”
6. Heartbeat
7. “heart beat”
8. “standard medical practice”
9. “reasonable medical judgment”
10. “fetal abnormality”
11. “abortion ban”
12. “abortion bill”
13. “732 rules”
14. “653-13.17”

For part two of this request, in an effort to accommodate your agency and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by the specified officials. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both the specified official’s response to an email containing a listed key term and the initial received message are responsive to this request and should be produced.

3. Records sufficient to identify all materials or information (including, but not limited to, medical literature, reports, analyses, recommendations, or guidance from internal or external entities) on which your office relied in drafting proposed rule 653-13.17 to administer House File 732 (2023).¹

Provide all responsive records from August 1, 2023, through the date the search is conducted.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

¹ See Proposed Notice of Intended Action in response to HF 732, Prohibiting and Requiring Certain Actions Relating to Abortion Involving the Detection of a Fetal Heartbeat, <https://dial.iowa.gov/media/8341/download>.

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind.² We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

² See Iowa Code § 22.1(3).

Conclusion

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.com.³

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Mehreen Rasheed at records@americanoversight.org or (202) 848-1320.

Sincerely,

/s/ Mehreen Rasheed
Mehreen Rasheed
on behalf of
American Oversight

³ American Oversight currently has approximately 16,000 followers on Facebook and 111,300 followers on Twitter.com. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Jan. 5, 2024); American Oversight (@weareoversight), Twitter.com, <https://twitter.com/weareoversight> (last visited Jan. 5, 2024).