



Fields of Opportunities

STATE OF IOWA

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IOWA BOARD OF MEDICINE
MARK BOWDEN
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June 1, 2010

FOR IMMEDIATE RELEASE

Court says it's premature to review Board decision to charge physician

DES MOINES – The Iowa Court of Appeals says it's too soon to review an Iowa Board of Medicine's decision to charge a Bloomfield physician before the physician had an opportunity to respond to a Board inquiry into allegations of unethical or unprofessional conduct in the practice of medicine.

The court, in a ruling released May 26, 2010, affirmed a Davis County District Court decision to dismiss a petition by Stephen E. Sparks, M.D. Sparks had requested the Board to drop its statement of charges because the Board didn't follow an administrative rule in allowing a physician to respond to a complaint before a charge is filed.

The Board sent a "formal investigative inquiry" letter to Sparks on January 30, 2009, seeking his response to complaints received by the Board. On the request of Sparks's attorney, Sparks was allowed until April 15, 2009, to respond to the letter. For reasons not explained in the case, the Board did not wait until the agreed upon time, but filed a statement of charges against Sparks on April 2, 2009.

Sparks subsequently filed a petition in district court seeking several remedies, including dismissal of the charges. The district court dismissed the petition, finding there had not yet been an administrative hearing on the Board's charges. The appeals court agreed, noting the district court lacked jurisdiction to consider the merits of Sparks's petition, as there was no final Board action upon which to seek judicial review.

Sparks's administrative hearing on the statement of charges was scheduled for May 10, 2010, but it has been continued until further order.

The Iowa Court of Appeals decision can be found at this link:

http://www.iowacourts.gov/court_of_appeals/Recent_Opinions/20100526/0-291.pdf