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Executive Director

News Release

Summary of April 7-8, 2011, meeting of the Iowa Board of Medicine

Cases Reviewed: The Board reviewed 154 cases.

New Investigative Cases: The Board reviewed 60 new investigative cases.

Statement of Charges: Upon a determination by the Board that probable cause exists to take formal disciplinary action, the Board may file a Statement of Charges which contains the allegations of the Board.

The Board approved two Statements of Charges.

1. The Board charged a physician who practices family medicine in Jefferson, Iowa, with professional incompetency, failing to conform to the minimal standard of care and practice harmful or detrimental to the public, when he failed to respond to emergency department pages in a timely manner when on call; failed to dictate hospital notes in a timely manner; and failed to provide appropriate treatment to a sixteen year-old patient who presented to the emergency department in 2006. The Board also charged the physician with suffering from a physical, neurological or mental condition which may impair his ability to practice medicine with reasonable skill and safety. A hearing is scheduled on July 7, 2011.
2. The Board charged a physician who practices obstetrics and gynecology in Cedar Rapids, Iowa, with alcohol abuse and engaging in unprofessional conduct after he was arrested and charged with battery following an altercation in a hotel bar in Santa Clara, California, in June 2009. A hearing is scheduled on July 8, 2011.

Combined Statement of Charges and Settlement Agreements: Upon a determination by the Board that probable cause exists to take formal disciplinary action, the Board and the licensee may enter into a combined Statement of Charges and Settlement Agreement to resolve the matter. A combined Statement of Charges and Settlement Agreement contain the allegations of the Board and the sanctions.

The Board approved two Combined Statement of Charges and Settlement Agreements.

1. The Board charged a physician who practices orthopedic surgery in Las Vegas, Nevada, with being convicted of a felony and being disciplined by the Nevada Board. On December 30, 2009, the physician pleaded guilty to one count of Misprision of Felony in Las Vegas, Nevada. It was alleged that the physician

became aware of a conspiracy by others to defraud one of his patients and failed to report the conspiracy to authorities in violation of federal law. On December 3, 2010, the physician was disciplined by the Nevada Board of Medical Examiners. Under the terms of the April 8, 2011, Order, the Iowa Board issued the physician a public reprimand and ordered him to pay a \$10,000 fine.

2. The Board charged a physician who practices family medicine in Sioux City, Iowa, with failing to conform to the standard of acceptable and prevailing practice of medicine when she failed to perform a timely examination on an insulin-dependent diabetic patient who was admitted to the hospital via the emergency department. The Board issued the physician a public reprimand, and ordered her to pay a \$5,000 fine and submit a corrective action plan describing the steps she has taken to avoid similar concerns in the future.

Settlement Agreements: After the Board has determined that probable cause exists to take formal disciplinary action and formal disciplinary charges have been filed, the Board and the licensee may enter into a Settlement Agreement to resolve the pending disciplinary charges rather than hold a formal disciplinary hearing.

The Board approved one Settlement Agreement.

1. A physician who practiced emergency medicine in Spirit Lake, Iowa, entered into a Settlement Agreement and voluntarily surrendered his Iowa medical license. On August 3, 2010, the physician was indicted in South Dakota for illegally distributing controlled substances and engaging in the sex trafficking of a minor, in violation of federal law. On August 10, 2010, the physician surrendered his South Dakota medical license. On September 9, 2010, the Board charged the physician with engaging in unethical or unprofessional conduct, improperly prescribing drugs for other than a lawful purpose, entering into a voluntary agreement to restrict his medical practice in South Dakota and engaging in practice harmful or detrimental to the public. On November 1, 2010, the physician pleaded guilty to unlawful Dispensation and Distribution of a Controlled Substance and Conspiracy to Commit Sex Trafficking. On March 1, 2011, Dr. Payer was sentenced to twenty-two (22) months in prison.

Suspension of License for Non-payment of State Debt: The Board suspended the Iowa medical license of a physician who formerly practiced internal medicine in Rock Island, Illinois, for failure to pay a debt owed to the Iowa Department of Revenue pursuant to Iowa Code section 272D.9.

Reinstatement Order: The Board issued an Order reinstating the Iowa medical license of a physician who formerly practiced pediatrics in Bettendorf, Iowa. The physician's Iowa medical license was suspended by the Board for engaging in a pattern of unprofessional conduct; repeatedly violating a Board disciplinary order; inappropriately prescribing medications to a female acquaintance without establishing an appropriate physician-patient relationship and withholding or fabricating evidence at a Board hearing.

Prior to reinstatement, the physician must complete; a professional ethics program; a professional boundaries program; a record keeping program; and appear before the Board prior to reinstatement of his Iowa medical license.

Confidential Evaluation Orders: If the Board receives evidence that a physician may suffer from physical, neurological, mental condition or substance abuse, the Board may issue a confidential evaluation order requiring the physician to complete an appropriate evaluation at a Board-approved program. Additionally, if the Board receives evidence that a physician lacks the appropriate knowledge or ability to practice medicine with reasonable skill or safety or that a physician has failed to provide appropriate care to patients, the Board may issue a confidential order requiring the physician to complete a competency evaluation at a Board-approved competency assessment program.

1. The Board ordered one physician to complete a sexual misconduct evaluation at a Board-approved sexual misconduct program due to concerns about possible sexual misconduct. The Board also ordered the physician to complete a comprehensive neuropsychological and mental health evaluation.

Confidential Peer Review: If the Board receives evidence that a physician has failed to provide appropriate care to patients, the Board may ask one or more qualified physicians who practice in the same area of the practice of medicine to review the treatment provided by the physician and submit a report to the Board describing whether the care provided was appropriate.

The Board requested that the care provided by one physician be peer reviewed.

1. The Board determined that the treatment provided by a general surgeon warrants further review by a Board-appointed peer committee.

Confidential Letters of Warning or Education: When the Board determines that probable cause does not exist to take formal disciplinary action the Board may send a confidential, non-disciplinary letter to a licensee expressing concerns and requesting that a licensee take corrective action, including further medical education.

The Board voted to issue 28 confidential Letters of Warning or Education due to the following areas of concern:

1. Inadequate evaluation and treatment of a patient who presented to the emergency department;
2. Failure to submit proof of completion of the continuing medical education required in Iowa;
3. Engaging in unprofessional and disruptive behavior toward other health care providers (3);
4. Involvement in a domestic dispute which involved law enforcement;
5. Questionable treatment of a patient with rectal bleeding;
6. Failure to review a patient's medical records;

7. Failure to complete a death certificate in a timely manner;
8. Delayed diagnosis and treatment of blood clots;
9. Improperly prescribed controlled substances to a co-worker without maintaining a medical record;
10. Questionable psychiatric care and poor record keeping;
11. Delayed diagnosis and treatment of anemia;
12. Misread an EKG and improper transfer of an unstable patient;
13. Delayed diagnosis and treatment of bronchopneumonia;
14. Questionable prescribing with inadequate instructions to patients and poor record keeping (2);
15. Questionable record keeping for psychiatric patients (3);
16. Failure to document evaluation and testing performed;
17. Improperly accessed a patient's medical records for a non-medical purpose violating the patient's privacy;
18. Misread an EKG and delayed diagnosis of a heart attack;
19. Treatment of a young child when it was outside of the physician's expertise;
20. Engaging in unprofessional conduct;
21. Criminal charges for engaging in unprofessional conduct; and
22. Delayed diagnosis and treatment of a patient's infection.

Board Appearances: The Board may ask a licensee to appear before the Board to discuss concerns when the Board determines that a face-to-face meeting will assist the Board during the investigative process.

Five physicians appeared before the Board due to the following concerns:

1. Failure to submit proof of completion of the continuing medical education required in Iowa;
2. Engaging in unprofessional and disruptive behavior toward other health care providers; and
3. Questionable diagnosis and treatment of rectal cancer;
4. Concerns about possible alcohol abuse;
5. Discussion of the results of a Board-ordered comprehensive clinical competency evaluation.

Licensure Committee: The Licensure Committee is a committee reviews initial license applications, renewals and reinstatements other licensure policies and issues. Most license applications are approved by Board staff without Licensure Committee review. However, some applications raise concerns about an applicant and the Licensure Committee must review the matter to determine whether a license should be granted, renewed or reinstated.

The Licensure Committee reviewed 15 licensure applications. Four permanent licenses were granted, one permanent license will be granted upon successful completion of training, one resident license was granted, two waiver requests were granted to allow for permanent licensure, two consent agreements were approved, two permanent licenses were reinstated, one applicant was referred to the Iowa Physician Health Program for review, and one applicant was asked to withdraw their application. Information was reviewed on one applicant with no action being taken.

The committee approved two Letters of Warning that were issued due to concerns that the applicants failed to provide truthful, accurate or complete information on the license application.

Monitoring Committee: The Monitoring Committee monitors licensees who have been disciplined by the Board and require monitoring.

The Monitoring Committee reviewed 17 physicians who are being monitored by the Board following formal disciplinary action. Three physicians appeared before the committee to discuss their Board monitoring.

Screening Committee: The Screening Committee reviews cases that are lower priority and have not been investigated by the Board to determine whether investigation is warranted.

The Screening Committee reviewed 35 cases. The Screening Committee closed 26 cases without further investigation, requested further investigation of 6 cases and recommended that a Letter of Warning or Education be sent to three physicians.

Organization meeting: The Board held its organization meeting on April 8 to elect officers, receive the 2010 annual report and approve the Board's meeting schedule for 2012. Siroos Shirazi, M.D., Iowa City, was elected Board chair, Jeffrey Snyder, M.D., Crescent, was elected vice chair, and Colleen Stockdale, M.D., West Burlington, was elected secretary. Meeting dates for 2012 are January 12-13, March 1-2, April 19-20, June 7-8, July 26-27, September 20-21, and November 15-16.

Iowa Physician Health Committee: The Board appointed Sasha Khosravi, M.D., Grimes, to the Iowa Physician Health Committee, which oversees a confidential state program to monitor physicians who self-report mental health issues, physical disabilities or alcohol or drug abuse or dependence.

- A press release describing public disciplinary action taken by the Board was distributed and posted on the Board's Website on April 19, 2011.

- If you have any questions or concerns please contact Kent Nebel, Legal Director, at 515-281-7088 or kent.nebel@iowa.gov.