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Executive Director

## News Release

### Summary of February 10-11, 2011, meeting of the Iowa Board of Medicine

**Cases Reviewed:** The Board reviewed 106 cases.

**New Investigative Cases:** The Board reviewed 28 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 one Statement of Charges.

1. A psychiatrist who practices in Moline, Illinois, was charged with engaging in practice harmful or detrimental to the public, engaging in unprofessional conduct; and failing to conform to the minimal standard of care when he performed hundreds of trigger-point injections that were not medically necessary, and billed the Iowa Medicaid program for the trigger-point injections. 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.

**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 contains the allegations of the Board and the sanctions.

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

1. A radiation oncologist who practices in Sioux City, Iowa, was charged with consuming alcohol in violation of the terms of her Iowa Physician Health Program (IPHP) Physician Health Contract and altering a report prepared by the IPHP and submitting the altered report to a potential employer. The physician was placed on probation for substance abuse monitoring for a period of five years, issued a public reprimand and ordered to pay a \$2,500 fine.
2. A general surgeon who practices in Platteville, Wisconsin, was charged with having a restriction placed on his surgical practice by the State of Wisconsin. The Board issued the physician a public reprimand and placed the same surgical restrictions on his Iowa medical license.

**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 general practice physician from Bloomfield, Iowa, who was charged with engaging in a pattern of unprofessional conduct in the practice of medicine was placed on probation for a period of two years subject to professional boundaries counseling and monitoring and was issued a public reprimand and ordered to pay a \$5,000 fine.

**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 substance abuse evaluation at a Board-approved substance abuse program due to concerns about possible excessive alcohol consumption.

**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 two physicians be peer reviewed.

1. The Board determined that the treatment provided by an orthopedic surgeon warrants further review by a Board-appointed peer committee.
2. The Board determined that the treatment provided by a physician who practices obstetrics and gynecology 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 6 confidential Letters of Warning or Education due to the following areas of concern:

1. Failure to diagnose anemia in a timely manner;
2. Failure to properly evaluate a pregnant patient;
3. Failure to provide appropriate care to a patient who presented to the emergency department;
4. Questionable patient selection for breast augmentation surgery;
5. Questionable pain management and poor recordkeeping; and
6. Resisting arrest following a domestic dispute.

**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.

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

1. Improper supervision of a physician assistant and failure to diagnose cervical cancer in a timely manner; and
2. Questionable post-operative care to a patient who suffered an injury to the spleen during a colonoscopy.

**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 11 licensure applications. Two permanent licenses were granted, one temporary license was granted, and seven applicants were asked to withdraw or provide further information. Information was reviewed on one previously licensed physician.

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. Three letters were not approved.

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

The Monitoring Committee reviewed 8 physicians who are being monitored by the Board following formal disciplinary action. Four 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 42 cases. The screening committee closed 32 cases without further investigation, requested further investigation of 9 cases and recommended that a Letter of Warning be sent to one physician.

**Administrative rules:** The Board approved notices of intended action for the following administrative rules:

- 565 IAC Chapter 11, continuing education and mandatory training – Amends the rule to make it easier to understand and requires licensees to complete continuing medication education on chronic pain management and end-of-life care.
- 653 IAC Chapter 13, standards of practice – Requires licensees to use pain management agreements for chronic pain patients treated with controlled substances or opiates and encourage physicians to use the Iowa Prescription Monitoring Program database and to conduct drug testing when treating chronic pain patients with controlled substances or opiates.
- 653 IAC Chapter 23, grounds for discipline – Establishes grounds for discipline for physicians who fail to report their HIV/HBV status to an expert review panel at a hospital and an expert review panel at the Iowa Department of Public Health.

The notices will be published in the March 9 issue of the Iowa Administrative Bulletin, and public hearings on the notices will be held March 29.

**Reaction to legislation:** The Board voted to affirm its support of a long-standing Board policy statement that naturopathy is the practice of medicine and can only be practiced in Iowa by a physician (M.D. or D.O.), and then only within standards recognized in science-based medicine. The vote was in reaction to proposed legislation that would establish licensure and regulation naturopathic physicians in Iowa under the administration of the Board of Medicine.

- A press release describing public disciplinary action taken by the Board was distributed and posted on the Board's Website on February 16, 2011.
- If you have any questions or concerns please contact Kent Nebel, Legal Director, at 515-281-7088 or [kent.nebel@iowa.gov](mailto:kent.nebel@iowa.gov).