

July 18, 2013
FOR IMMEDIATE RELEASE

Supreme Court denies further review of decision to overturn Board's discipline against physician

DES MOINES, IA – The Iowa Supreme Court has denied the Iowa Board of Medicine's request for further review of an Iowa Court of Appeals decision that overturned a Polk County District Court ruling that had affirmed the Board's finding and disciplinary action against a neuroradiologist at University of Iowa Hospitals and Clinic.

The Supreme Court's order was filed June 21, 2013, and a formal order was issued by the Appeals Court on June 24, 2013, remanding the case to the Board for entry of an order dismissing the disciplinary action against Wendy R. Smoker, M.D.

At a public meeting on June 28, 2013, the Board complied with the Supreme Court order, dismissing this disciplinary action as well as subsequent disciplinary action taken against her for failing to comply with the Board's original order.

In a ruling filed April 24, 2013, the Court of Appeals determined that the Board did not have substantial evidence to support its finding of excessive use of alcohol by Dr. Smoker.

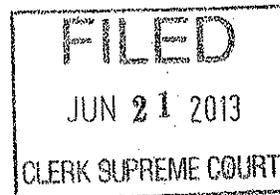
The following are the Iowa Supreme Court's order denying further judicial review of the Appeals Court's decision and Appeals Court's order to the District Court to remand the case to the Board:

IN THE SUPREME COURT OF IOWA

No. 12-1216

Polk County No. CVCV008550

ORDER ✓



WENDY R. SMOKER, M.D.,
Petitioner-Appellant-Resister,

vs.

IOWA BOARD OF MEDICINE,
Respondent-Appellee-Applicant.

After consideration by this court, en banc, further review of the above-captioned case is denied.

Dated this 21st day of June, 2013.

THE SUPREME COURT OF IOWA

By Mark S. Cady
Mark S. Cady, Chief Justice

Copies to:

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Theresa Marie Weeg
Assistant Attorney General
Second Floor, Hoover Building
LOCAL

Iowa Court of Appeals

RECEIVED
JUN 21 2013
IOWA JUSTICE DEPARTMENT
CRIMINAL APPEALS

CLERK SUPREME COURT
DES MOINES, IOWA

IN THE COURT OF APPEALS OF IOWA

No. 12-1216

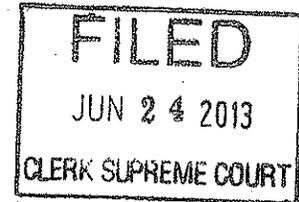
Polk County No. CVCV008550

PROCEDENDO

WENDY R. SMOKER, M.D.,
Petitioner-Appellant,

vs.

IOWA BOARD OF MEDICINE,
Respondent-Appellee.



To the Iowa District Court for the County of Polk:

Whereas, there was an appeal from the district court in the above-captioned case to the supreme court, and the supreme court transferred the case to the court of appeals.

The appeal is now concluded.

Therefore, you are hereby directed to proceed in the manner required by law and consistent with the opinion of the court.

In witness whereof, I have hereunto set my hand and affixed the seal of the court of appeals.

Dated this 24th day of June, 2013.

A handwritten signature in black ink, appearing to read "Donna M. Humpal". The signature is written over a horizontal line.

Donna M. Humpal, Clerk
Iowa Court of Appeals

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