

August 9, 2016

FOR IMMEDIATE RELEASE

Summary of July 28-29, 2016, Board Meeting

This is a summary of the July 28-29, 2016, meeting of the Iowa Board of Medicine.

Cases Reviewed: The Board reviewed 144 cases.

New Investigative Cases: The Board reviewed 76 new investigative cases.

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

The Board approved 1 Statement of Charges.

1. An Iowa-licensed, board certified, obstetrician and gynecologist who practices cosmetic surgery in Davenport, Iowa, had formal disciplinary charges filed against him by the Board on July 29, 2016. The Board alleged that the physician violated the laws and rules governing the practice of medicine when he failed to provide appropriate cosmetic surgical care to multiple patients in Davenport, Iowa, between 2013 and 2015. The Board alleged that the physician: fails to possess adequate training in cosmetic surgery; inappropriately delegated anesthesia services to unqualified medical staff; inappropriately performed cosmetic surgical procedures under intravenous sedation in an unsafe office setting; failed to establish and/or document appropriate safety measures; performed cosmetic surgical procedures on patients who were not appropriate candidates for the procedures; failed to perform and/or document appropriate monitoring during procedures; failed to maintain appropriate medical and anesthesia records; failed to obtain appropriate informed consent; failed to provide and/or documenting appropriate follow-up care; experienced excessive postoperative infections; experienced excessive postoperative complications; failed to appropriately diagnose and/or treat postoperative complications; failed to obtain appropriate hospital privileges; performed large volume liposuction procedures under intravenous sedation in an office setting without appropriate monitoring or hospital privileges to manage patients postoperatively; performed a cosmetic surgical procedure on, and prescribed, administered or dispensed controlled substances to, a member of his immediate family; made misleading, deceptive or untrue representations regarding his competency to perform cosmetic surgical procedures and his complication rates and his success rates; and used untruthful or improbable statements in advertisements. A hearing is scheduled on September 22-23, 2016.

Combined Statement of Charges and Settlement Agreement: If the Board determines that probable cause exists for formal disciplinary action against a licensee, the Board and the licensee may enter into a combined Statement of Charges and Settlement Agreement to resolve the matter. The combined Statement of Charges and Settlement Agreement contains the Board's allegations and the disciplinary sanctions.

The Board approved 4 Combined Statements of Charges and Settlement Agreements.

1. An Iowa-licensed physician who practices radiology in Grand Island, Nebraska, entered into a combined Statement of Charges and Settlement Agreement with the Iowa Board on July 29, 2016. On November 5, 2014, the physician was disciplined by the Nebraska Department of Health and Human Services (Nebraska Board) for substance abuse. The physician was diagnosed with alcohol dependence and subsequently completed substance abuse treatment. The physician was placed on probation for a period of four years subject to monitoring for alcohol dependence. The Iowa Board charged the physician with being disciplined by the Nebraska Board for substance abuse in violation of the laws and rules governing the practice of medicine in Iowa. Under the terms of the July 29, 2016, combined Statement of Charges and Settlement Agreement, the Iowa Board issued the physician a Citation and Warning, ordered her to pay a \$1,000 civil penalty and referred her to the Iowa Physician Health Program for substance abuse assessment, monitoring and assistance.
2. An Iowa-licensed physician who practices family medicine in Sioux City, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on July 29, 2016. The Board charged the physician with violating the laws and rules governing the practice of medicine in Iowa when he failed to provide appropriate pain management to multiple patients in 2013 and 2014, failed to provide and/or document appropriate evaluation and treatment to a newborn child who was diagnosed with Group B Streptococcal Meningitis in 2010, and inappropriately prescribing phentermine to two female patients for weight loss when the patients did not meet the established criteria for the use of phentermine in Sioux City, Iowa, in 2013 and 2014. Under the terms of the July 29, 2016, combined Statement of Charges and Settlement Agreement, the Board issued the physician a Citation and Warning and ordered him to pay a \$5,000 civil penalty. The Board also prohibited him from prescribing, administering or dispensing controlled substances for the treatment of chronic pain under his Iowa medical license and placed him on probation for a period of five years subject to Board monitoring. The Board also ordered him to complete Board-approved continuing medical education in the areas of medical record keeping, the appropriate diagnosis and treatment of Group B Streptococcal Meningitis in newborn children and the established criteria and appropriate use of phentermine for weight loss.
3. An Iowa-licensed physician who practices family medicine in Des Moines, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on July 29, 2016. The Board charged the physician with violating the laws and rules governing the practice of medicine in Iowa when he failed to provide appropriate pain management to multiple patients in Des Moines, Iowa, between 2010 and 2015. Under the terms of the July 29, 2016, combined Statement of Charges and Settlement Agreement, the Board issued the physician a Citation and Warning and ordered him to pay a \$5,000 civil penalty and complete a Board-approved medical record keeping course. The Board also prohibited him from prescribing, administering or dispensing controlled substances for the treatment of chronic pain. The Board also placed him on probation for a period of five years subject to Board monitoring, including audits of his controlled substance prescribing.

4. An Iowa-licensed physician who practices pediatrics in La Crosse, Wisconsin, entered into a combined Statement of Charges and Settlement Agreement with the Iowa Board on July 29, 2016. On April 15, 2015, the physician was disciplined by the Wisconsin Medical Examining Board (Wisconsin Board) for failing to provide appropriate urgent care to a 14-year-old boy who experienced respiratory distress following laparoscopic surgery on January 14, 2011. The Wisconsin Board issued the physician a Reprimand and ordered him to pay costs in the amount of \$1,694.18. The Iowa Board charged the physician with being disciplined by the Wisconsin Board in violation of the laws and rules governing the practice of medicine in Iowa. Under the terms of the July 29, 2016, combined Statement of Charges and Settlement Agreement, the Iowa Board issued the physician a Citation and Warning.

Termination Order: The Board issues Termination Orders when a physician successfully completes the requirements of a disciplinary order including the term of probation.

The Board approved 1 Termination Order.

1. An Iowa-licensed physician who practices clinical cardiac electrophysiology in the Quad Cities, Iowa, had the terms and conditions placed on his Iowa medical license terminated by the Board on July 29, 2016. On May 8, 2009, the physician entered into a physician health contract with the Iowa Physician Health Program (IPHP) for substance abuse. On March 1, 2012, the Board filed formal disciplinary charges against the physician for consuming alcohol in violation of the contract that he entered into with the IPHP. On June 8, 2012, the physician entered into a Settlement Agreement with the Board to resolve the pending disciplinary charges. Under the terms of the June 8, 2012, Settlement Agreement, the Board issued the physician a Citation and Warning and ordered him to pay a \$5,000 civil penalty. The Board also placed him on probation for a period of five (5) years subject to Board monitoring for substance abuse. On July 29, 2016, the Board issued a Termination Order and the terms and conditions placed on the physician's Iowa medical license were terminated and his Iowa medical license is returned to its full privileges, free and clear of all restrictions.

Board Appearance: 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.

The Board held 4 appearances due to the following concerns:

1. Concerns about a physician's professionalism and communication with patients and other healthcare providers.
2. Concerns that a physician performed hernia repair surgery on a patient and the patient experienced postoperative complications.
3. Concerns that a physician performed a cardiac procedure on a patient and prescribed medications to the patient without performing appropriate monitoring.
4. Concerns that a physician failed to provide timely medical care to a patient who experienced a fractured wrist.

Iowa Physician Health Program (IPHP) Referral: The Board reviews cases when the IPHP refers a participant to the Board due to concerns about noncompliance and/or a violation of the terms of an IPHP health contract. The Board may refer the participant back to the IPHP for further monitoring and assistance or initiate an investigation of the participant's noncompliance.

The Board reviewed 1 IPHP referral due to the following concerns:

1. Concerns that an IPHP participant failed to fully comply with the requirements established by the IPHP. The Board referred the participant back to the IPHP for further monitoring and assistance.

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

The Board voted to issue 18 confidential Letters of Warning or Education due to the following areas of concern:

1. Concerns that a physician failed to provide appropriate pain management to patients.
2. Concerns about a physician's professionalism and communication with patients and other healthcare providers.
3. Concerns that a physician performed a cardiac procedure on a patient and prescribed medications to the patient without performing appropriate monitoring.
4. Concerns about a physician's delayed diagnosis and treatment of a patient who experienced skin cancer.
5. Concerns about a physician's delayed diagnosis and treatment of a patient who experienced skin cancer.
6. Concerns that a physician performed spine surgery on the wrong level of the spine.
7. Concerns that a physician failed to provide appropriate emergency care to a patient who experienced a loss of airway following spine surgery.
8. Concerns that a physician prescribed a sleep aid to their spouse and without performing an appropriate physical exam and without maintaining appropriate medical records and that the physician shared confidential patient information with their spouse.
9. Concerns that a physician failed to provide appropriate pain management to a patient.
10. Concerns about a physician's delayed diagnosis and treatment of a patient who experienced a pulmonary embolism.
11. Concerns about a physician's delayed diagnosis and treatment of a patient who experienced a pulmonary embolism.
12. Concerns that a physician performed cataract surgery on a patient without discussing the risks of the procedure with the patient and without signing the informed consent form.
13. Concerns that a physician signed a medication order for a patient and failed to note a significant dosing error.
14. Concerns that a physician failed to complete an electronic death certificate in a timely manner.
15. Concerns about a physician's delayed diagnosis and treatment of a patient who experienced a heart attack following surgery.
16. Concerns that a physician failed to provide appropriate pain management to a patient.
17. Concerns that a physician failed to complete an electronic death certificate in a timely manner.
18. Concerns that a physician failed to complete an electronic death certificate in a timely manner.

Monitoring Committee: The Monitoring Committee monitors licensees who are subject to a Board disciplinary order and require monitoring.

The Monitoring Committee reviewed 12 physicians who are being monitored by the Board and held 3 appearances.

Screening Committee: The Screening Committee reviews complaints and mandatory reports that are lower priority to determine whether investigation is warranted.

The Screening Committee reviewed 19 cases.

Unlicensed Practice of Acupuncture: The Board may review cases where it is alleged that an individual has practiced acupuncture in Iowa without a valid license or held themselves out as an acupuncturist in Iowa in violation of the laws and rules governing the practice of medicine.

The Board received a complaint which alleged that an individual practiced acupuncture in Iowa on one or more occasions without obtaining an Iowa license. The Board concluded that the individual practiced acupuncture in Iowa on two occasions but discontinued such practice when contacted by the Board. The Board determined that the individual does not pose a threat to the public and the Board closed the matter without action.

Licensure Committee: The Committee reviews applications for licensure, renewal and reinstatement and licensure policies and issues. Most applications are approved by Board staff, but potentially problematic applications are reviewed by the Committee, which determines whether a license should be issued, renewed or reinstated.

Action:

- The Committee reviewed 7 medical licensure applications. Two permanent licenses were issued and one temporary license was issued. Four applications were left open to obtain further information or allow the applicant to withdraw.
- The Committee approved letters of warnings to 10 applicants who failed to provide truthful, accurate or complete information on the applications. The committee affirmed 1 letter of warning where a licensee requested reconsideration.
- The Committee discussed and recommended changes to application forms, instructions, and website pages which will more clearly express the Board's expectation for physicians to complete their own license application. Further, it was recommended that updates be made to the Affidavit and Authorization for Release of Information (affidavit) form. The affidavit is the physician-applicant's attestation to the accuracy and truthfulness of materials provided in the application process. The affidavit must include a color photo of the applicant must be signed in the physical presence of a notary. The Board recognizes that signing the affidavit in the presence of a notary public is essential for the Board to verify the identity of the applicant and the integrity of the application.

In other action the Board:

- Amended the 2017 meeting schedule to hold a meeting on February 16-17 instead of February 9-10.
- Adopted ARC 2535C, which are amendments to 653 Iowa Administrative Code Chapter 13. The amendments update the list of Board-recommended resources for chronic pain management, including the new Centers for Disease Control guideline on opioid prescribing. The amendments are scheduled to be published in the Administrative Bulletin on August 31, making them effective October 3.
- Received a report from the Iowa Physician Health program, which monitors physicians with mental health issues, physical disabilities or substance use disorders. The program had 55 participants under contract and 17 potential participants in the review process on June 30.
- Received reports from the Iowa Attorney General's Office on four disciplinary cases under judicial review.

A press release describing public disciplinary action taken by the Board was distributed and posted on the Board's Website on August 9, 2016. If you have questions about this summary or the Board's press release, please contact Kent M. Nebel, J.D., Legal Director, at (515) 281-7088 or kent.nebel@iowa.gov.