

April 19, 2017

Summary of April 13-14, 2017, Board Meeting

This is a summary of the April 13-14, 2017, meeting of the Iowa Board of Medicine.

Cases Reviewed: The Board reviewed 150 cases.

New Investigative Cases: The Board reviewed 90 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 one (1) Statement of Charges.

1. An Iowa-licensed physician who formerly practiced psychiatry in Iowa City, Iowa, had formal disciplinary charges filed against him by the Board on April 14, 2017. The Board alleged that the physician violated the laws and rules governing the practice of medicine in Iowa when he failed to comply with the terms of a physician health contract that he entered into with the Iowa Physician Health Program (IPHP) and when he failed to comply with a Confidential Evaluation Order issued by the Board. On December 19, 2013, the physician entered into a physician health contract with the IPHP which included provisions requiring drug screening; quarterly reports; an aftercare program and notification of non-compliance. The Board alleges that the physician failed to comply with these requirements on multiple occasions. On January 19, 2017, the Board issued a Confidential Evaluation Order requiring the physician to successfully complete a comprehensive physical, neuropsychological, mental health, unprofessional conduct, professional boundaries and sexual misconduct evaluation within sixty (60) days. The Board alleges that the physician failed to complete the Board-ordered evaluation. A hearing is scheduled on June 2, 2017.

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 1 combined Statement of Charges and Settlement Agreement.

1. An Iowa-licensed physician who formerly practiced emergency medicine in Iowa City, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on April 14, 2017. The Board charged the physician with violating the laws and rules governing the practice of medicine in Iowa when he knowingly made misleading, deceptive, untrue or fraudulent representations in the practice of medicine. The Board alleged that the physician submitted a falsified certificate to an employer or prospective employer which indicated that he was certified in emergency medicine by the American College of Osteopathic Emergency Physicians (ACOEP) when he was not and that he submitted false information to the Board which indicated that he was certified in emergency medicine by the American Osteopathic Association (AOA) when he was not. The Board also alleged that the physician failed to pay a qualifying state debt as evidenced by a certificate of noncompliance issued by the department of revenue in violation of Iowa Code section 272D and 653 IAC 12 and 23.1(43). The physician agreed to surrender his Iowa medical license to resolve this matter.

Settlement Agreement: 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 1 Settlement Agreement.

1. An Iowa-licensed physician who formerly practiced pain medicine in Iowa City, Iowa, and currently practices in Manteca, California, entered into a Settlement Agreement with the Board on April 14, 2017. On October 28, 2016, the Board filed a Statement of Charges against The physician alleging that he engaged in sexual harassment and/or unethical or unprofessional conduct in violation of the laws and rules governing the practice of Iowa. The Board alleged that The physician engaged in unwanted conduct of a sexual nature toward a female co-worker in Iowa City, Iowa, between March and October 2014, including unwanted sexual comments and unwanted hugging; touching; fondling; and kissing. Under the terms of the April 14, 2017, Settlement Agreement, the Board issued The physician a Citation and Warning

and ordered him to pay a \$2,500 civil penalty. The physician also agreed to complete a Board-approved professional boundaries program.

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's investigation.

The Board met with 1 physician to discuss the following concerns:

1. Concerns about the physician's treatment of patients who experienced fetal distress and a uterine rupture during labor and delivery.

Referral to Another Licensing Board or Government Agency: The Board may refer an investigation to another licensing board or government agency when the Board determines that the other board or agency has jurisdiction over all or part of the matter reviewed by the Board.

The Board voted to refer 1 investigation to the Iowa Board of Nursing due to the following areas of concern:

1. Concerns that a nurse may have administered the wrong dose of medication to a patient.

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 11 confidential Letters of Warning or Education due to the following areas of concern:

1. Concerns about the physician's treatment of patients who experienced fetal distress and a uterine rupture during labor and delivery.
2. Concerns that a physician failed to submit proof of completion of the continuing medical education (CME) required for renewal of their Iowa medical license.
3. Concerns that a physician failed to submit proof of completion of the continuing medical education (CME) required for renewal of their Iowa medical license.
4. Concerns that a physician failed to complete the continuing medical education (CME) required for renewal of their Iowa medical license and that the physician failed to respond to a Board CME audit in a timely manner.
5. Concerns that a physician ordered medical products that were not FDA approved from unlicensed suppliers and provided inaccurate information to the Board.
6. Concerns that a physician failed to complete their medical records in a timely manner.
7. Concerns about a physician's anticoagulation management for a patient.
8. Concerns that a physician had their cardiac surgery privileges restricted due to excessive infection rates.
9. Concerns that a physician misread a CT angiogram resulting in unnecessary cardiovascular surgery.

10. Concerns that a physician prescribed injectable Benadryl to a patient and failed to maintain appropriate physician-patient boundaries.
11. Concerns that a physician may have engaged in a romantic relationship with a former patient/co-worker and provided false information to the Board.

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

The Monitoring Committee reviewed 12 physicians who are being monitored by the Board and held 2 physician appearances.

Screening Committee: The Screening Committee reviews cases that are lower priority to determine whether investigation is warranted.

The Screening Committee reviewed 25 cases, closed 23 cases and left 2 cases open for further investigation.

Licensure Committee: The Licensure Committee reviews initial license applications, renewals, and reinstatements and 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.

Committee Work:

The Committee reviewed 5 licensure applications. One permanent license was granted and four applications were left open to obtain more information or allow the applicant to withdraw.

The Committee recommended the Board deny a request for waiver of Iowa Administrative Code 653-9.3(1)c which states that applicants must complete postgraduate training in a program approved by the Board. The Board approves programs accredited by the Accreditation Council for Graduate Medical Education, American Osteopathic Association; Royal College of Physicians and Surgeons of Canada, and the College of Family Physicians of Canada. The applicant completed a three-year non-accredited Radiation Oncology research fellowship and a two-year non-accredited Oncology Fellowship at Northwestern University School of Medicine. The Board approved the Committee's recommendation and denied the petition for waiver.

The Committee approved 10 Letters of Warning that were issued due to concerns that the applicants failed to provide truthful, accurate or complete information on the applications.

Committee Discussion Items:

Petitions for Waiver

The Committee reviewed all petitions for waiver of licensure rules submitted to the Board since 1998. The Committee does a periodic review of all waiver petitions and determines whether or not a change to Iowa Administrative Code is warranted.

Special License Discussion

The Committee continued an ongoing discussion about Special licenses. A special license allows practice by a highly specialized physician who is appointed as an academic staff member of a college of medicine when the physician does not meet qualifications for permanent licensure. The Committee reviewed information provided by the University of Iowa Hospitals and Clinics at the request of the Committee. Staff was instructed to gather additional information for continued discussion at the June 1, 2017, meeting.

In other action the Board:

- Recognized Ronald Cheney, D.O., Carroll, whose term on the Board will end on April 30, 2017. He will be succeeded by Brian Wilson, D.O., Spencer.
- Approved a meeting schedule for 2018: February 15-16, April 5-6, June 7-8, July 26-27, September 13-14, October 25-26, and December 13-14. The Board's scheduled teleconferences for 2018 are January 11, March 8, May 10, August 9, and November 8.
- 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 47 participants and 13 in the review process on March 31.
- Received a report from the Iowa Attorney General's Office on one disciplinary case under judicial review.
- Reviewed a report from the Office of the Ombudsman concerning the performance of Iowa's state boards that regulate licensed professionals.

A press release describing public disciplinary action taken by the Board was distributed and posted on the Board's Website on April 19, 2017. If you have any questions about this summary or the press release, please contact Kent M. Nebel, J.D., Legal Director, at (515) 281-7088 or kent.nebel@iowa.gov.