

July 31, 2017

FOR IMMEDIATE RELEASE

Summary of July 20-21, 2017, Board Meeting

This is a summary of the July 20-21, 2017, meeting of the Iowa Board of Medicine.

Cases Reviewed: The Board reviewed 100 cases.

New Investigative Cases: The Board reviewed 66 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 physician who practices family medicine in Missouri Valley, Iowa, had a Statement of Charges filed against him by the Board on July 20, 2017. The physician entered into a Stipulated Order: Agreement Not to Prescribe Controlled Substances with the Board on May 19, 2017. The Board alleged that the physician failed to provide appropriate pain management to patients in Missouri Valley, Iowa, and the physician agreed not to prescribe controlled substances with the exception of testosterone and patients in residential hospice and nursing home settings, until this matter is resolved. Under the terms of the July 20, 2017, Statement of Charges, the Board alleged that the physician willfully or repeatedly violated the laws and rules governing the practice of medicine in Iowa when he failed to provide appropriate medical care and/or pain management to numerous patients in Missouri Valley, Iowa, between 2011 and 2017, resulting in serious harm to patients and the public, including overdose deaths. A hearing is scheduled on September 21-22, 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 Statements of Charges and Settlement Agreement.

1. An Iowa-licensed physician who practices psychiatry in Des Moines, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on July 20, 2017. The Board charged the physician with violating the laws and rules governing the practice of medicine when he maintained multiple pre-signed prescriptions that were intended to be completed and issued by staff at a later time at his office in Des Moines, Iowa. The pre-signed prescriptions were kept in a locked office which, according to the physician, was accessible only by his staff. Under the terms of the July 20, 2017, 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 professional ethics program.

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 2 Termination Orders.

1. An Iowa-licensed physician who formerly practiced family medicine in Fort. Dodge, Iowa, had the terms of an order terminated by the Board on July 20, 2017. On March 6, 2014, the physician entered into a combined Statement of Charges and Settlement Agreement with the Board. 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 Fort Dodge, Iowa, in 2009 and 2010. The Board issued the physician a Citation and Warning and ordered him to pay a \$5,000 civil penalty and complete a Board-approved professional ethics program. The Board also prohibited the physician from prescribing, administering or dispensing controlled substances for the treatment of chronic pain and placed him on probation for a period of five years subject to Board monitoring, including prescribing audits. Recently, the physician submitted a request to terminate the terms of the March 6, 2014, combined Statement of Charges and Settlement Agreement and demonstrated that he has fully complied with the terms of the order. The Board noted that the physician paid the \$5,000 civil penalty; successfully completed a Board-approved professional ethics program; and fully complied with the terms of his probation, including Board monitoring and prescribing audits. On July 20, 2017, the Board voted to terminate the terms of the May 15, 2015, combined Statement of Charges and Settlement Agreement and the physician's Iowa medical license is returned to its full privileges, free and clear of all restrictions.
2. An Iowa-licensed physician who practices family medicine in Pella, Iowa, had the terms of an order terminated by the Board on July 20, 2017. On May 15, 2015, the physician entered into a combined Statement of Charges and Settlement Agreement with the Board. 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 Pella, Iowa, between 2007 and 2014. The Board issued the physician a Citation and Warning and ordered him to pay a \$5,000 civil penalty and complete a medical record keeping course. The Board also prohibited the physician from prescribing, administering or dispensing controlled substances for the treatment of chronic pain and placed him on probation for a period of five years subject to Board monitoring, including prescribing

audits. Recently, the physician submitted a request to terminate the terms of the May 15, 2015, combined Statement of Charges and Settlement Agreement and demonstrated that he has fully complied with the terms of the order. The Board noted that the physician paid the \$5,000 civil penalty; successfully completed a Board-approved record keeping course; and fully complied with the terms of his probation, including Board monitoring and prescribing audits. On July 20, 2017, the Board voted to terminate the terms of the May 15, 2015, combined Statement of Charges and Settlement Agreement and the physician's 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 1 appearance due to the following concerns:

1. Concerns that a physician engaged in unprofessional conduct while performing neurosurgery on the patient.

Referral to the Iowa Physician Health Program (IPHP): If the Board determines that a licensee may suffer from a physical, mental or substance abuse impairment, the Board may refer the physician to the IPHP for evaluation, monitoring and assistance.

The Board referred 2 licensees to the IPHP due to the following concerns:

1. Concerns that a physician may be impaired due to substance abuse.
2. Concerns that a physician may be impaired due to substance abuse.

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

1. Concerns that a physician prescribed pain medications to a physician colleague without performing appropriate examinations and without maintaining appropriate medical records.
2. Concerns that a physician engaged in unprofessional conduct while performing neurosurgery on the patient.
3. Concerns that a physician prescribed combinations of opioids and benzodiazepines to patients without performing appropriate counseling and documentation.
4. Concerns that a physician misrepresented the number of continuing medical education credits he completed during the last renewal period.
5. Concerns about a physician's treatment of patients in the emergency department.
6. Concerns that a physician engaged in domestic violence.

7. Concerns that a physician failed to provide appropriate postoperative care to a patient who underwent surgery.
8. Concerns that a physician violated hospital policies regarding treatment of patients outside of the clinic setting and medication use and violated appropriate professional boundaries.
9. Concerns that a physician prescribed pain medications to a physician colleague without maintaining appropriate medical records and failed to report the physician's potential substance abuse impairment.
10. Concerns that a physician prescribed pain medications to patients and diverted the drugs for his own use.
11. Concerns about a physician's evaluation and treatment of a patient with anemia.
12. Concerns that a physician failed to perform a thorough physical examination on a patient and documented a more thorough examination than was performed.
13. Concerns that a physician was disciplined in another state for misreading a chest x-ray.

Petition for Waiver of Administrative Rule: The Board may grant waiver of an administrative rule if the board has jurisdiction over the rule and the requested waiver is consistent with applicable statutes, constitutional provisions, or other provisions of law. The board may not waive requirements created or duties imposed by statute.

The Board voted to grant 3 petitions for waiver of Iowa Administrative Code 653-9.3(1)c(3).

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

The Monitoring Committee reviewed 9 physicians who are being monitored by the Board and held 1 appearance.

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

The Screening Committee reviewed 18 cases and closed 18 cases.

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 five licensure applications. Two permanent licenses were granted. Three applications had corresponding waiver petitions which requires review and vote by the full board.

The Committee recommended the Board grant 3 requests for waiver of Iowa Administrative Code 653-9.3(1)c(3) which defines approved postgraduate training as those programs accredited by 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.

All of the applicants obtained alternative pathway board certification by the American Board of Medical Specialties. The Board approved the Committee's recommendation.

The Committee approved one Letter of Warning that was issued due to concerns that the applicants failed to provide truthful, accurate or complete information on the applications.

In other action the Board:

- Voted to adopt and file ARC 3069C, which amends 653 IAC Chapter 21, "Physician Supervision of a Physician Assistant." The new rule establishes that a physician is ineligible to supervise a physician assistant if the supervising physician does not have a written supervisory agreement with the physician assistant. The rulemaking will be submitted for publication in the Iowa Administrative Bulletin on August 16, 2017, and is scheduled to become effective September 20, 2017. The adopted amendments are available at http://www.medicalboard.iowa.gov/iowa_code/index.html
- Voted to amend for 653 IAC Chapter 8, "Fees." The amendments recognize an existing online transaction fee and existing service fees associated with licensure through the Interstate Medical Licensure Compact. The amendments also update the descriptions of data lists. The rulemaking will be submitted for publication in the Iowa Administrative Bulletin on August 16, 2017, and a public hearing on the amendments is scheduled for 10:00 a.m. Tuesday, September 5, 2017, at the Board's office. The amendments are available at http://www.medicalboard.iowa.gov/iowa_code/index.html
- Voted to amend 653 IAC Chapter 9, "Permanent Physician Licensure." The amendments recognize the Interstate Medical Licensure Compact's license process and retire the Board's outdated rule on an Iowa-specific expedited licensure process. The amendments also update language throughout the chapter. The rulemaking will be submitted for publication in the Iowa Administrative Bulletin on August 16, 2017, and a public hearing on the amendments is scheduled for 10:00 a.m. Tuesday, September 5, 2017, at the Board's office. The amendments are available at http://www.medicalboard.iowa.gov/iowa_code/index.html
- Approved a report on a five-year comprehensive review of the Board's administrative rules found in section 653 of the Iowa Administrative Code. The review, completed by staff with stakeholder input, captures all adopted amendments between January 1, 2012, and June 30, 2017, and identifies potential amendments by topic that may be initiated for adoption by the Board in FY2018. The report will be submitted to the Administrative Rules Review Committee of the Iowa Legislature and the Administrative Rules Coordinator of the Office of the Governor of Iowa. The report is available at http://www.medicalboard.iowa.gov/iowa_code/index.html

- Approved the FY2018 Regulatory Plan, which identifies potential rulemaking in FY2018 (July 1, 2017, through June 30, 2018). The Board's priorities for rules are as follows: Fulfill any requirements imposed new laws; complete changes resulting from administrative and judicial decisions; address public health issues; and update or rescind rules that are outdated. The regulatory plan is available at **http://www.medicalboard.iowa.gov/iowa_code/index.html**
- Received a report on the Iowa Physician Health Program by Ray Harre, M.D., co-chair of the Iowa Physician Health Committee, and Amy Van Maanen, coordinator of the program. Dr. Harre and Ms. Van Maanen explained changes in processes and procedures for administering the program and the Committee's work. Ms. Van Maanen reported that the program had 48 participants and 14 under review on June 30, 2017.
- Received a report from the Iowa Attorney General's Office on one disciplinary case under judicial review and two lawsuits that have been filed against the Board.
- Determined that three Iowa-licensed physicians who applied for a letter of qualification are not eligible for the expedited licensure process through the new Interstate Medical Licensure Compact. The letters express either a physician is eligible or ineligible based on nine requirements for the new expedited licensure process. Since the Compact licensure process started on April 4, 2017, the Iowa Board has received applications for 43 letters of qualification. On July 18, 2017, 20 of the applications had been determined eligible, 20 applications were under review, 2 applications were canceled and 1 applicant had been determined to be ineligible. Concurrently, the Board has issued three Iowa medical licenses based on letters of qualifications approved by medical boards in Idaho, Kansas and Wisconsin.
- Referred to the Muscatine County Attorney's Office and the Iowa Attorney General's Office a report of unlicensed practice of medicine.

A press release describing public disciplinary action taken by the Board was distributed and posted on the Board's Website on July 26, 2017. 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.