

**December 28, 2017**

## Summary of December 14-15, 2017, Board Meeting

**This is a summary of the December 14-15, 2017, meeting of the Iowa Board of Medicine.**

**Cases Reviewed:** The Board reviewed 110 cases.

**New Investigative Cases:** The Board reviewed 55 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 3 Statements of Charges.

1. An Iowa-licensed physician who formerly practiced family medicine in Grinnell, Iowa, had a Statement of Charges issued by the Board on December 15, 2017. The charges allege the physician engaged sexual misconduct when he engaged in inappropriate sexual contact with a female patient, who was also a family friend and was staying at his home, on multiple occasions in March 2017. On September 27, 2017, the physician was charged in Poweshiek County, Iowa, with one count of Sexual Abuse – 3<sup>rd</sup> degree, a class C felony and two counts of Assault with Intent to Commit Sexual Abuse, aggravated misdemeanors. A hearing is scheduled on February 23, 2018.
2. An Iowa-licensed physician who practices rheumatology in Dubuque, Iowa, had a Statement of Charges issued by the Board on December 15, 2017. The charges allege the physician engaged in professional incompetency and violated the standards of practice for appropriate pain management when he failed to provide appropriate medical care to multiple patients in Dubuque, Iowa, between 2010 and 2015. The charges allege improper medication management; inadequate documentation; improper polypharmacy; inadequate coordination of care; failure to explore and/or recommend available non-pharmacological treatment options and improper chronic pain management. A hearing is scheduled on February 23, 2018.
3. An Iowa-licensed physician who formerly practiced family medicine in Marengo, Iowa, had a Statement of Charges issued by the Board on December 15, 2017. The Board alleged that the physician engaged in sexual misconduct when he sent sexually explicit Facebook messages and text messages to a female patient in Marengo, Iowa, in February 2017. On April 4, 2013, the physician entered into a combined Statement of Charges and Settlement

Agreement with the Board. The Board charged the physician with engaging in a pattern of unprofessional conduct, dishonesty and/or disruptive behavior between 2005 and 2013. The Board issued the physician a Citation and Warning and ordered him to pay a \$5,000 civil penalty. The Board also ordered the physician to complete a Board-approved professional ethics program and placed him on probation for a period of five years subject to counseling and Board monitoring. On February 6, 2015, the physician entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board charged the physician with engaging in sexual misconduct when he engaged in a consensual sexual relationship with a female patient in Marengo, Iowa, in 2011. The Board issued the physician a Citation and Warning and ordered him to pay a \$7,500 civil penalty. The Board also ordered the physician to have a Board-approved female healthcare provider chaperone continually present when treating female patients and placed him on indefinite probation subject to sexual misconduct counseling; professional ethics training; polygraph examinations and Board monitoring. A hearing is scheduled on February 23, 2018.

**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 3 Combined Statement of Charges and Settlement Agreements.

1. An Iowa-licensed physician who formerly practiced orthopedic surgery in Fort Madison, Iowa, and currently practices in Kirksville, Missouri, entered into a combined Statement of Charges and Settlement Agreement with the Board on December 15, 2017. The Board charged the physician with engaging in sexual misconduct when he engaged in a sexual relationship with a female patient concurrent with, or immediately following, the physician-patient relationship, in Fort Madison, Iowa, in 2014. The physician subsequently married the female patient. Under the terms of the December 15, 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, complete neuropsychological testing under the direction of a Board-approved neuropsychologist, complete a Board-approved treatment program for professional boundaries and establish a worksite monitor with the Board.
2. An Iowa-licensed physician who formerly practiced surgery in Libertyville, Illinois, entered into a combined Statement of Charges and Settlement Agreement with the Iowa Board on December 15, 2017. The Board charged the physician with being disciplined by another licensing authority in violation of the laws and rules governing the practice of medicine in Iowa. On May 12, 2017, the physician entered into a Consent Order with the Illinois Division of Professional Regulation (Illinois Board). The Illinois Board alleged that the physician violated the laws and rules governing the practice of medicine in Illinois when he engaged in treatment of a patient of his practice while the physician had a power of attorney over the patient. The Illinois Board issued the physician a Reprimand and ordered him to pay a \$10,000 fine and take and pass the Ethics and Boundaries Post-

Licensure Essay Examination, and prohibited him from practicing medicine or surgery in a solo practice. Under the terms of the December 15, 2017, combined Statement of Charges and Settlement Agreement, the Iowa Board issued the physician a Citation and Warning, ordered him to pay a \$5,000 civil penalty and prohibited him from practicing medicine or surgery in a solo practice under his Iowa medical license.

3. An Iowa-licensed physician who formerly practiced pediatric surgery in Eatontown, New Jersey, entered into a combined Statement of Charges and Settlement Agreement with the Iowa Board on December 15, 2017. The Board charged the physician with being disciplined by another licensing board in violation of the laws and rules governing the practice of medicine in Iowa. On July 17, 2017, the physician was arrested in Eatontown, New Jersey, and charged with endangering the welfare of a child and criminal sexual contact, two counts alleging improper and inappropriate touching of a minor patient. On August 15, 2017, the physician entered into an Interim Consent Order with the New Jersey State Board of Medical Examiners (New Jersey Board). The New Jersey Board alleged that the physician violated the laws and rules governing the practice of medicine in New Jersey when he engaged in gross and/or repeated acts of negligence; professional misconduct; sexual misconduct; acts constituting crimes of moral turpitude; and crimes which relate adversely to the practice of medicine. The New Jersey Board alleged that the physician's conduct demonstrates a clear and imminent danger to the public health, safety and welfare to the people of the State of New Jersey. The physician agreed to immediately surrender his license to practice medicine and surgery in the State of New Jersey. Such surrender was deemed a temporary suspension of his license to practice medicine and surgery pending the disposition of the criminal charges and until further order of the New Jersey Board. Under the terms of the December 15, 2017, combined Statement of Charges and Settlement Agreement, the Iowa Board issued the physician a Citation and Warning and the physician voluntarily surrendered his Iowa medical license to resolve this matter.

**Consent Agreement:** The Board may issue an Iowa medical license subject to a Consent Agreement if an applicant has engaged in conduct that is probable cause for disciplinary action.

The Board approved 1 Consent Agreement.

1. A physician entered into a Consent Agreement with the Board for the issuance of an Iowa resident physician license on December 15, 2017. The physician previously held an Iowa resident physician license. On October 3, 2017, the physician submitted an application for a new Iowa resident physician license and the Board learned that the physician improperly managed medical records when she disclosed patients' personally identifiable health information that she obtained during her previous residency training in Cedar Rapids, Iowa, in 2013, in violation of patient privacy standards. Under the terms of the December 15, 2017, Consent Agreement, the Board granted the physician an Iowa resident physician license, issued her a Citation and Warning and ordered her to pay a \$2,500 civil penalty and successfully complete a Board-approved professional ethics program.

**Termination Order:** The Board may issue a Termination Order when a physician successfully completes the requirements of a disciplinary order including the terms of probation.

The Board approved 3 Termination Orders.

1. An Iowa-licensed physician who practices internal medicine in Council Bluffs, Iowa, had the terms of an order terminated by the Board on December 15, 2017. On July 26, 2012, the Board filed formal disciplinary charges against the physician alleging that he engaged in a pattern of disruptive behavior in violation of the laws and rules governing the practice of medicine in Iowa. A hearing was held before the Board on April 26, 2013, and the Board issued a Findings of Fact, Conclusions of Law, Decision and Order on June 6, 2013. The Board concluded that the physician engaged in a pattern of disruptive behavior. Under the terms of the June 6, 2013, Findings of Fact, Conclusions of Law, Decision and Order, the Board issued the physician a Citation and Warning and ordered him to pay a \$1,000 civil penalty. The Board also ordered the physician to complete a Board-approved program for physicians who have behavioral problems in the workplace and placed him on probation for a period of five years subject to Board monitoring. Recently, the physician submitted a request to terminate the terms of the June 6, 2013, Findings of Fact, Conclusions of Law, Decision and Order. The physician demonstrated that he has fully complied with the terms of the order. The Board noted that the physician paid the \$1,000 civil penalty and successfully completed a Board-approved program for physicians who have behavioral problems in the workplace. The Board also noted that the physician has fully complied with the terms of his probation, including Board monitoring. On December 15, 2017, the Board voted to terminate the terms of the June 6, 2013, Findings of Fact, Conclusions of Law, Decision and Order and the physician's Iowa medical license is returned to its full privileges, free and clear of all restrictions.
2. Iowa-licensed physician who formerly practiced general medicine in Dubuque, Iowa, and currently practices occupational medicine and wound care in Dubuque, Iowa, had the terms of an order terminated by the Board on December 15, 2017. On August 8, 2014, the physician entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board alleged that the physician failed to provide appropriate chronic pain management to multiple patients in Dubuque, Iowa, between May 2009 and November 2010. The Board issued the physician a Citation and Warning and ordered her to pay a \$5,000 civil penalty and complete a Board-approved professional ethics program and medical recordkeeping course. The Board also prohibited the physician from prescribing, administering or dispensing controlled substances for the treatment of chronic pain and placed her on probation for a period of five years subject to Board monitoring, including prescribing audits. The Board noted that the physician has fully complied with the terms of the order. The Board noted that the physician paid the \$5,000 civil penalty and successfully completed a Board-approved professional ethics program and medical recordkeeping course. The Board also noted that the physician has fully complied with the terms of her probation, including Board monitoring and prescribing audits. On December 15, 2017, the Board voted to terminate the terms of the August 8, 2014, 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.

3. An Iowa-licensed physician who practices internal medicine in Cleveland, Tennessee, had the terms of an order terminated by the Board on December 15, 2017. On November 3, 2010, the physician entered into a Consent Order with the Tennessee Board of Osteopathic Examination (Tennessee Board). The Tennessee Board alleged that the physician pre-signed prescription pads to be used by unlicensed staff when he was not available; prescribed controlled substances to his wife for his personal use and abused controlled substances. The Tennessee Board placed the physician on probation for a period of four years subject to Board monitoring, prohibited him from practicing medicine in a solo practice, and ordered him to pay a \$4,000 Civil Penalty. On August 30, 2011, the physician entered into a Consent Agreement with the Iowa Board based on the Tennessee Consent Order. The Iowa Board granted the physician a permanent Iowa medical license and issued him a Citation and Warning, ordered him to pay a \$1,000 civil penalty, prohibited him from practicing medicine in a solo practice setting and referred him to the Iowa Physician Health Program for assistance and monitoring for substance abuse. Recently, the physician submitted a request to terminate the terms of his Iowa Consent Agreement. The physician demonstrated that he has fully complied with the terms of the Tennessee Consent Order and the Iowa Consent Agreement, including successful participation in the Iowa Physician Health Program. On December 15, 2017, the Board voted to terminate the terms of the physician's Iowa Consent Agreement and the physician's Iowa medical license is returned to its full privileges, free and clear of all restrictions.

**Confidential Evaluation Order:** The Board may issue a confidential evaluation order requiring a licensee to complete a Board-approved evaluation if the Board determines that a licensee suffers from substance abuse; a mental health condition; a physical condition; has engaged in sexual misconduct or unprofessional conduct or has demonstrated evidence of professional incompetence.

The Board issued 2 Confidential Evaluation Orders due to the following Concerns:

1. Concerns that a physician may suffer from a mental health condition that impairs their ability to practice medicine with reasonable skill and safety.
2. Concerns that a physician has engaged in a pattern of unprofessional conduct and/or violations of professional boundaries.

**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 2 appearances due to the following concerns:

1. Concerns about a physician's treatment of a patient with a dangerously low potassium level.
2. Concerns about a psychiatrist's diagnosis and treatment of children with mental health conditions.

**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 the licensee a confidential, non-disciplinary letter expressing concerns and requesting that the licensee take corrective action, including further education.

The Board voted to issue 7 confidential Letters of Warning or Education due to the following concerns:

1. Concerns about a physician's prescribing practices and treatment of chronic pain.
2. Concerns about a physician's treatment of a patient with a dangerously low potassium level.
3. Concerns about a psychiatrist's diagnosis and treatment of children with mental health conditions.
4. Concerns that a physician surrendered his hospital privileges while under investigation due to concerns about the physician's quality of care and medical documentation.
5. Concerns about a physician's diagnosis and treatment of a patient with congestive heart failure.
6. Concerns that a physician misread an MRI resulting in the delayed diagnosis and treatment of an epidural abscess.
7. Concerns about a physician's management of patient's anticoagulation.

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

The Monitoring Committee reviewed 10 physicians who are being monitored by the Board and held 4 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 17 cases, closed 16 and left 1 open for further investigation.

**Licensure Committee:** The Licensure Committee reviews initial applications, renewals, and reinstatements, and licensure policies and issues. Most applications are approved by Board staff without committee review. However, some concerns about an applicant must be reviewed by the committee to determine whether a license should be granted, renewed or reinstated.

**Committee Work:**

- The committee reviewed 11 license applications. The committee granted 4 permanent licenses. The committee left 5 permanent license applications and 1 special license application open to obtain further information or allow the applicant to withdraw. The committee recommended the Board grant 1 temporary license; the Board approved the committee's recommendations.

- The committee approved 5 Letters of Warning that were issued due to concerns that the applicants failed to provide truthful, accurate or complete information on their applications or to express concerns about the applicant's past behavior.

**In other action the Board:**

- Voted to adopt **ARC 3360C**, a rule-making action to implement 2017 Iowa Acts, Senate File 404, which concerns the use of experimental medicines and devices to treat patients with a terminal illness. These amendments to Iowa Administrative Code 653-Chapter 13 are scheduled to become effective February 21, 2018.
- Voted to adopt **ARC 3361C**, a rule-making action to implement 2017 Iowa Acts, House File 577, which concerns the diagnosis and treatment of tick-borne diseases. These amendments to Iowa Administrative Code 653-Chapter 13 are scheduled to become effective February 21, 2018.
- Voted to adopt **ARC 3368C**, a rule-making action to update Iowa Administrative Code 653-Chapter 9, "Permanent and Administrative Medicine Physician Licensure." These amendments are scheduled to become effective February 21, 2018.
- Received a report from the Board's ad hoc committee established in October to make recommendations on legislative strategies to combat opioid abuse and addiction. In discussing the report, the Board also reviewed legislative priorities from I Hate Heroin, a Dubuque-based organization; the Iowa Board of Pharmacy; and the Iowa Medical Society. The Board will finalize its 2018 legislative recommendations at a teleconference meeting on January 11.
- Received a report from the Iowa Physician Health Program, which had 44 participants and 12 potential participants under review on December 1, 2017. In addition, the program reported one physician to the Board for contract non-compliance for failure to abstain from the use of drugs and alcohol.
- Appointed Jeanine Freeman of Des Moines to a second three-year term on the Iowa Physician Health Committee. She is one of three public members on the committee.
- Received a report from the Iowa Attorney General's Office on one disciplinary case from February 2015 under judicial review and one lawsuit filed against the State of Iowa and the Board over a disciplinary action taken in 2012.

**A press release describing public disciplinary action taken by the Board was distributed and posted on the Board's Website on December 20, 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](mailto:kent.nebel@iowa.gov).**