

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF STATEMENT OF CHARGES AGAINST

DANIEL K. ANDERSON, M.D., RESPONDENT

File Nos. 02-06-326 & 02-07-124

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STIPULATED ORDER

COMES NOW the Iowa Board of Medicine (Board) and Daniel K. Anderson, M.D., (Respondent) and on December 16, 2010, enter into this Stipulated Order:

1. On September 13, 2007, the Board filed formal disciplinary charges against Respondent for violating an Initial Agreement that he entered into with the Iowa Physician Health Program (IPHP) and suffering from a mental condition which impairs his ability to practice medicine and surgery with reasonable skill and safety.

2. On November 8, 2007, Respondent entered into a Settlement Agreement and Final Order with the Board to resolve the pending charges. Under the terms of the Settlement Agreement and Final Order, the Board issued Respondent a Citation and Warning and ordered him to pay a \$2,500 civil penalty and placed Respondent on probation for a period of five years subject to substance abuse and mental health counseling and Board monitoring.

3. Recently, the Board received information which indicates that Respondent has moved out of the state of Iowa and does not intend to practice medicine under his Iowa medical license at this time.

4. Upon the Board's approval of this Stipulated Order, Respondent agrees that he shall not engage in any aspect of the practice of medicine under his Iowa medical license until and unless he receives prior written approval from the Board.

5. In the event that Respondent returns to the practice of medicine in the future, he shall fully comply with the terms and conditions established in the November 8, 2007, Settlement Agreement and Final Order.

6. Should Respondent practice medicine in violation of this Stipulated Order, the Board may initiate appropriate action to revoke or suspend Respondent's license or to impose other licensee discipline as authorized in Iowa Code Section 272C.3(2)(a).

7. This Stipulated Order is a public record.

8. This Stipulated Order must be approved by the Board. If the Board fails to approve this Stipulated Order it shall be of no force or effect to either party.



Daniel K. Anderson, M.D., Respondent

Subscribed and sworn to before me on November 8, 2010.

Notary Public, State of Vermont.



This Stipulated Order is approved by the Board on December 16, 2010.

A handwritten signature in cursive script, reading "Siroos S. Shirazi". The signature is written in black ink and is positioned above a horizontal line.

Siroos S. Shirazi, M.D., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

DANIEL K. ANDERSON, M.D., RESPONDENT

File Nos. 02-06-326 & 02-07-124

SETTLEMENT AGREEMENT

COMES NOW the Iowa Board of Medicine (Board), and Daniel K. Anderson, M.D., (Respondent), and on November 8, 2007, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4)(2007), enter into this Settlement Agreement to resolve the contested case currently on file.

1. Respondent was issued Iowa medical licnsc no. 27178 on June 30, 1989.
2. Respondent's Iowa medical license is active and will next expire on April 1, 2008.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

CIRCUMSTANCES

4. Respondent practices medicine in Grinnell, Iowa.
5. On May 15, 2006, Respondent self-reported to the Board's Iowa Physician Health Program (IPHP).

6. On July 19, 2006, Respondent entered into an Initial Agreement with the IPHP and he agreed to fully comply with the recommendations of the IPHP, including appropriate assessment, counseling and monitoring for mental health and substance abuse.

7. On November 28, 2006, the IPHP asked Respondent to enter into a Physician Health Contract for continued mental health and substance abuse monitoring.

8. Respondent declined to enter into the IPHP Physician Health Contract and he has not complied with the IPHP recommendations.

9. On September 13, 2007, the Board filed formal disciplinary charges against Respondent alleging the he violated the terms of the Initial Agreement that he entered into with the IPHP.

SETTLEMENT AGREEMENT

10. **CITATION AND WARNING:** Respondent is hereby **CITED** for violating the terms of the Initial Agreement that he entered into with the IPHP. Respondent is hereby **WARNED** that such conduct in the future may result in further disciplinary action, including suspension or revocation of his Iowa medical license.

11. **CIVIL PENALTY:** Prior to the Board's approval of this Order, Respondent shall pay a civil penalty in the amount of **\$2,500**. The civil penalty shall be made payable to the Treasurer of Iowa and mailed to the Executive Director of the Board. The civil penalty shall be deposited into the State General Fund.

12. **FIVE YEARS PROBATION:** Upon the Board's approval of this Order, Respondent shall be placed on **probation** for a period of five years subject to the following terms and conditions:

- A. **Board Monitoring Program:** Respondent shall contact Shantel Billington, Compliance Monitor, Iowa Board of Medicine, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686, Ph. #515-281-3654, to establish a monitoring program. Respondent shall fully comply with all requirements of the monitoring program.
- B. **Alcohol Prohibition:** Respondent shall not consume alcohol.
- C. **Controlled or Prescription Drug Restriction:** Respondent shall not use any controlled or prescription drug in any form unless the controlled or prescription drug has been prescribed for Respondent's use by another duly licensed treating physician or other qualified treating health care provider. Respondent shall provide the Board written notice within 72 hours of the use of any controlled or prescription drug. Respondent shall inform any treating physician or other treating health care provider of his history of alcohol dependence prior to receiving any prescription drug.
- D. **Drug Screening Program:** Respondent shall continue to submit to the Board's drug screening program. Respondent shall provide random blood or urine specimens when required. Respondent agrees to comply with all requirements of the drug-screening program. Respondent shall also provide random blood or urine specimens on demand by an agent of the Board. The specimens shall be used for drug and alcohol screening, all costs of which shall be paid by Respondent.

E. **Mental Health Counseling:** Respondent shall submit to the Board for approval the name and CV of a counselor to provide ongoing mental health counseling.

- (1) The counselor shall submit written quarterly reports to the Board concerning Respondent's progress. The reports shall be filed with the Board not later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.
- (2) Respondent shall continue with counseling until discharged by the Board-approved counselor and until Respondent's discharge from counseling is approved by the Board.
- (3) Respondent shall meet with his Board-approved counselor as frequently as recommended by the counselor and approved by the Board. All costs associated with the counseling shall be the responsibility of Respondent.

F. **Substance Abuse Counseling:** Respondent shall submit to the Board for approval the name and CV of a physician or counselor to provide substance abuse counseling.

- (1) The counselor shall submit written quarterly reports to the Board concerning Respondent's progress. The reports shall be filed with the Board not later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.
- (2) Respondent shall continue with counseling until discharged by the Board-approved counselor and until Respondent's discharge from counseling is approved by the Board.

(3) Respondent shall meet with his Board-approved counselor as frequently as recommended by the counselor and approved by the Board. All costs associated with the counseling shall be the responsibility of Respondent.

G. **Worksite Monitor:** Respondent shall submit for Board approval the name of a physician who regularly observes Respondent in the practice of medicine to serve as worksite monitor. The Board shall share a copy of all Board orders relating to this matter with the worksite monitor. The worksite monitor shall provide a written statement indicating that the monitor has read and understands all Board orders relating to this matter and agrees to act as the worksite monitor under the terms of this agreement. The worksite monitor shall agree to inform the Board immediately if there is evidence of a mental health impairment or substance abuse or a violation of this Order. The monitor shall agree to submit quarterly reports to the Board concerning Respondent's progress. The reports shall be filed with the Board not later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.

H. **Quarterly Reports:** Respondent shall file sworn quarterly reports with the Board attesting to his compliance with the terms of this Settlement Agreement. The reports shall be filed not later than 1/10, 4/10, 7/10 and 10/10 of each year of the Order.

I. **Board Appearances:** Respondent shall make appearances before the Board or a Board committee annually or upon request. Respondent shall be given reasonable notice of the date, time and location for the appearances. Said appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(d).

J. **Monitoring Fee:** Respondent shall make a payment of \$100 to the Board each quarter for the duration of this Order to cover the Board's monitoring expenses in this matter. The monitoring fee shall be received by the Board with each quarterly report from Respondent required by this Order. The monitoring fee shall be sent to: Shantel Billington, Compliance Monitor, Iowa Board of Medicine, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686. The check shall be made payable to the Iowa Board of Medicine. The Monitoring Fee shall be considered repayment receipts as defined in Iowa Code section 8.2.C.

13. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

14. In the event Respondent violates or fails to comply with any of the terms or conditions of this Order, the Board may initiate action to suspend or revoke Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code chapters 148 and 272 and 653 IAC 25.

15. Periods of residence or practice outside the state of Iowa shall not apply to the duration of this Order unless Respondent receives prior written approval from the Board. *WKA*

16. This Order constitutes the resolution of a contested case proceeding.

17. This Order is voluntarily submitted by Respondent to the Board for consideration.

18. By entering into this Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges and waives any objections to the terms of this Settlement Agreement.

19. This Order is subject to approval by the Board. If the Board fails to approve this Settlement Agreement and Final Order, it shall be of no force or effect to either party.

20. The Board's approval of this Order shall constitute a **Final Order** of the Board.

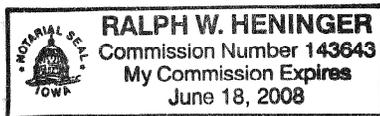
Dk Anderson MD

Daniel K. Anderson, M.D., Respondent

Subscribed and sworn to before me on October 23, 2007.

Ralph W. Heninger

Notary Public, State of Iowa.



This Order is approved by the Board on November 8, 2007.

Yasyn Lee

Yasyn Lee, M.D., Chair
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

DANIEL K. ANDERSON, M.D., RESPONDENT

File Nos. 02-06-326 & 02-07-124

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medicine on September 13, 2007, and files this Statement of Charges pursuant to Iowa Code section 17A.12(2)(2007). Respondent was issued Iowa medical license no. 27178 on June 30, 1989. Respondent's Iowa medical license is active and will next expire on April 1, 2008.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on November 6, 2007, before the Board. The hearing shall begin at 8:30 a.m. and shall be located in the conference room at the Board office at 400 SW 8th Street, Suite C, Des Moines, Iowa.

2. Answer. Within twenty (20) days of the date you are served this Statement of Charges you are required by 653 IAC 24.2(5)(d) to file an Answer. In that Answer, you should state whether you will require a continuance of the date and time of the hearing.

3. Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing.

4. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 653 IAC 25. At hearing, you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. If you need to request an alternative time or date for hearing, you must review the requirements in 653 IAC 25.16. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

5. Prosecution. The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address: Theresa O'Connell Weeg, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319.

6. Communications. You may not contact board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You should direct any questions to Kent M. Nebel, J.D., the Board's Legal Director at 515-281-7088 or to Assistant Attorney General Theresa O'Connell Weeg at 515-281-6858.

B. LEGAL AUTHORITY AND JURISDICTION

7. Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 148, and 272C.

8. Legal Authority: If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 148, and 272C and 653 IAC 25.

9. Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 653 IAC 25.20.

C. SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

10. Respondent is charged under Iowa Code section 272C.3(k) (2007) and 653 IAC 23.4(35) with violating an Initial Agreement that he entered into with the Iowa Physician Health Program (IPHP).

COUNT II

11. Respondent is charged under Iowa Code section 148.6(2)(h) (2007) and 653 IAC 23.1(8) with suffering from a mental condition which impairs his ability to practice medicine and surgery with reasonable skill and safety.

D. STATEMENT OF MATTERS ASSERTED

12. Respondent practices medicine in Grinnell, Iowa.

13. On May 15, 2006, Respondent self-reported to the Board's Iowa Physician Health Program (IPHP).

14. On July 19, 2006, Respondent entered into an Initial Agreement with the IPHP and he agreed to comply with the recommendations of the IPHP, including appropriate assessment, counseling and monitoring for mental health and substance abuse.

15. On November 28, 2006, the IPHP asked Respondent to enter into a Physician Health Contract for continued mental health and substance abuse monitoring.

16. Respondent declined to enter into the IPHP Physician Health Contract and he has not complied with the IPHP recommendations.

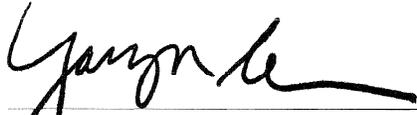
17. The Board found probable cause that Respondent violated the terms of the Initial Agreement that he entered into with the Iowa Physician Health Program (IPHP).

E. SETTLEMENT

18. Settlement. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 653 IAC 25. If you are interested in pursuing settlement of this matter, please contact Kent M. Nebel, J.D., Legal Director at 515-281-7088.

F. PROBABLE CAUSE FINDING

19. On this 13th day of September 2007, the Iowa Board of Medicine found probable cause to file this Statement of Charges.

A handwritten signature in black ink, appearing to read "Yasyn Lee", with a long horizontal flourish extending to the right.

Yasyn Lee, M.D., Chairperson
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686