

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

NELSON L. ASTLE, M.D., RESPONDENT

FILE No. 02-12-445

STATEMENT OF CHARGES and SETTLEMENT AGREEMENT
(Combined)

COMES NOW the Iowa Board of Medicine (Board) and Nelson L. Astle, M.D., (Respondent), on August 30, 2013, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) and 653 IAC 25.3, enter into this combined Statement of Charges and Settlement Agreement.

STATEMENT OF CHARGES

1. Respondent was issued Iowa medical license no. 23200 on August 20, 1982.
2. Respondent's Iowa medical license went inactive due to nonrenewal on September 1, 1984.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

COUNT I

4. **Discipline by Another Licensing Authority:** Respondent is charged pursuant to Iowa Code section 148.6(2)(d) and 653 IAC 23.1(1) with having a license to practice medicine and surgery or osteopathic medicine and surgery revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the order of disciplinary action is prima facie evidence.

STATEMENT OF THE MATTERS ASSERTED

5. Respondent is an Iowa-licensed physician who currently practices family medicine in Ogden, Utah.

6. **Utah Disciplinary Action:** On or about April 17, 2012, Respondent was disciplined by the Utah Division of Occupational and Professional Licensing (Utah Board). The Utah Board alleged that Respondent inappropriately obtained a Schedule III controlled substance prescription from a physician assistant who subject to Respondent's supervision. The Utah Board issued Respondent a Citation and ordered him to pay a 1,000 fine. See Attachment A.

SETTLEMENT AGREEMENT

7. **CITATION AND WARNING:** Respondent is hereby **CITED** for being disciplined by the Utah Board for inappropriately obtaining a Schedule III controlled substance prescription from a physician assistant who subject to Respondent's supervision.. Respondent is hereby **WARNED** that being

disciplined by another state licensing board and/or violating the laws and rules governing the practice of medicine in Iowa in the future may result in further formal disciplinary action against his Iowa medical license.

8. Respondent voluntarily submits this Order to the Board for consideration.

9. Respondent agrees that the State's counsel may present this Order to the Board for consideration.

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

11. By entering into this Order, Respondent understands that he has a right to be represented by legal counsel, voluntarily waives any rights to a contested case hearing on the allegations in the Statement of Charges, and waives any objections to the terms of this Order. This Order constitutes the resolution of a contested case proceeding.

12. Respondent understands that the Board is required by Federal law to report this Order to the National Practitioner Data Bank.

13. The Order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.

14. This Order is subject to approval of the Board. If the Board fails to approve this Order it shall be of no force or effect to either party.

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


Nelson L. Astle, M.D., Respondent

Subscribed and sworn before me on July 26, 2013.

Notary Public, State of Utah.

This Order is approved by the Board on _____, 2013.

Gregory B. Hoversten, D.O., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

This Order is approved by the Board on August 30, 2013.

A handwritten signature in cursive script that reads "Greg Hoversten". The signature is written in black ink and is positioned above a horizontal line.

Gregory B. Hoversten, D.O., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

CITATION

Attachment A
22191

Department of Commerce
Division of Occupational & Professional Licensing
Attn: Citation Coordinator
P.O. Box 146741
160 East 300 South
Salt Lake City, Utah 84114-6741

PAID IN FULL

on 6/13/2012



ISSUED TO: <i>Nelson Asthe</i>		DOPL #: <i>59124</i>
BUSINESS ADDRESS: <i>1477 North 2200 West Clinton, Utah 84012</i>		
HOME ADDRESS: _____		
BUSINESS PHONE: <i>801-714-6888</i>	HOME PHONE: _____	
DOB: <i>9/1/1948</i>	SSN: _____	DL#: _____
LOCATION OF OFFENSE: <i>1477 North 2200 West Clinton, Utah 84012</i>		
DATE OF OFFENSE: <i>4/13/2011 to 3/12/2012</i>	DATE ISSUED: <i>April 17/2012</i>	
OFFENSE CODE	DESCRIPTION	
<i>59-67-502 (1)</i>	<i>using the services of any individual to assist in any manner, not in accordance with the generally accepted professional standards, or ethics of the profession, state laws or division rules.</i>	
REMARKS: <i>Respondent is the supervising physician for P4 bonded prescriber. Respondent is required to co-sign all schedule II & III controlled substances on the medical chart. Apparently the Respondent Asthe was approving and signing his own medical chart and was issuing prescriptions for that young schedule II & III Hydrocodone to himself.</i>		
DATE SERVED: <i>4/17/12</i>	PERSON SERVED: <i>Nelson Asthe</i>	SERVED BY: <i>L. Hooper</i>
<input checked="" type="checkbox"/> FINE (See schedule) \$ <i>1,000.00</i>		<input checked="" type="checkbox"/> CEASE AND DESIST ORDER
I ACKNOWLEDGE RECEIPT OF THIS CITATION AND CERTIFY THAT I HAVE READ AND UNDERSTAND THE RIGHTS ADVISEMENT CONTAINED BELOW AND HAVE BEEN PROVIDED A NOTICE OF RESPONSE. <i>Nelson C. Asthe 4/17/12</i>		I CERTIFY THAT THE INFORMATION IN THIS CITATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. <i>L. Hooper</i>
RECIPIENT'S SIGNATURE _____ DATE _____		INVESTIGATOR'S SIGNATURE _____

READ CAREFULLY

- If you wish to contest this citation at a hearing, you must notify the Division in writing within 20 calendar days of receipt. The hearing will be conducted according to Title 63, Chapter 46b.
- If you do not contest the citation within 20 calendar days of receipt, the citation will become a final order of the Division and is not subject to further agency review.
- Failure to comply with a final order of the Division is a Class A misdemeanor. The Division may refuse to issue or renew or may suspend, revoke, or place on probation a license you hold or apply for.

INVESTIGATOR