

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

ROBERT A. BISCHOFF, M.D., RESPONDENT

FILE NO. 02-07-293

SETTLEMENT AGREEMENT

COMES NOW the Iowa Board of Medicine (Board), and Robert A. Bischoff, M.D., (Respondent), and on September 9, 2010, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into this Settlement Agreement to resolve this matter.

1. Respondent was issued Iowa license No. 26642 on July 8, 1988.
2. Respondent's Iowa license is active and will next expire on May 1, 2011.
3. The Board has jurisdiction pursuant to Iowa Code chapters 147, 148 and 272C.

STATEMENT OF THE MATTERS ASSERTED

4. Respondent practices family medicine in Belle Plaine, Iowa.
5. On June 18, 2009, the Board ordered Respondent to complete a comprehensive physical, neuropsychological, mental health, sexual misconduct and substance abuse evaluation due to concerns that he engaged in sexual misconduct and unprofessional conduct. Respondent completed the Board-approved evaluation on July 29-31, 2009.

6. On September 2, 2009, the Board filed formal disciplinary charges against Respondent alleging that he engaged in a pattern of unprofessional conduct and sexual misconduct in violation of the laws and rules governing the practice of medicine in Iowa

7. On October 21, 2009, Respondent entered into an Agreement not to treat patients until this matter is resolved.

SETTLEMENT AGREEMENT

8. **CITATION AND WARNING:** Respondent is hereby **CITED** for engaging in a pattern of unprofessional conduct and sexual misconduct. Respondent is hereby **WARNED** to avoid engaging in such in the future.

9. **VOLUNTARY SURRENDER:** Respondent voluntarily surrenders his Iowa medical license to resolve this matter.

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

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

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

13. 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.

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

8-19-2010 Robert Buschhoff

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

Robert A. Bischoff, M.D., Respondent

This Order is approved by the Board on September 9, 2010.



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)	
)	FILE NO. 02-07-293
STATEMENT OF CHARGES AGAINST)	
)	
ROBERT A. BISCHOFF, M.D.,)	AGREEMENT NOT TO
)	PRACTICE
RESPONDENT.)	

COMES NOW the Iowa Board of Medicine (Board), and Robert A. Bischoff, M.D., (Respondent), and on October 21, 2009, and pursuant to Iowa Code sections 17A.10 and 272C.3(4)(2007), enter into this Agreement.

1. Respondent was issued Iowa license No. 26642 on July 8, 1988.
2. Respondent's Iowa license is active and will next expire on May 1, 2011.
3. A Statement of Charges was filed by the Board on September 2, 2009. The Board set a hearing on October 21, 2009.
3. The Board has jurisdiction pursuant to Iowa Code chapters 147, 148 and 272C.
4. Respondent is not currently treating patients but is working in an administrative capacity at the University of Iowa Family Clinic in Belle Plaine, Iowa.

AGREEMENT

5. Respondent hereby agrees not to treat patients until the resolution of the pending contested case before the Board, whether in the Family Clinic, a hospital, or any other setting.
6. Respondent acknowledges that this agreement is a public record.
7. The Board's approval of this Order shall constitute a **Formal Order** of the Board.

Robert Bischoff

Robert A. Bischoff, M.D., Respondent

Subscribed and sworn to before me on 29th September 2009.

Notary Public, State of Iowa.



This Order is approved by the Board on October 21, 2009.

Siroos S. Shirazi

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

ROBERT A. BISCHOFF, M.D., RESPONDENT

FILE NO. 02-07-293

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medicine on September 2, 2009, and files this Statement of Charges pursuant to Iowa Code section 17A.12(2). Respondent was issued Iowa medical license no. 26642 on July 8, 1988. Respondent's Iowa medical license is active and will next expire on May 1, 2011.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on October 21, 2009, before the Board. The hearing shall begin at 11:00 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 pre-hearing 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 pursuant to Iowa Code section 147.55(3) and 653 IAC sections 23.1(5) with engaging in sexual misconduct as defined by 653 IAC 13.7(4) and (6).

COUNT II

11. Respondent is charged pursuant to Iowa Code sections 147.55(3) and 272C.10(3) and 653 IAC 23.1(4) with engaging in unprofessional conduct.

COUNT III

12. Respondent is charged pursuant to Iowa Code sections 148.6(2)(i) and 653 IAC 13.7(5) with engaging in disruptive behavior, which is defined as a pattern of contentious, threatening, or intractable behavior that interferes with, or has the potential to interfere with, patient care or the effective functioning of health care staff.

STATEMENT OF THE MATTERS ASSERTED

13. Respondent practices family medicine in Belle Plaine, Iowa.

14. The Board alleges that Respondent has engaged in a pattern of unprofessional conduct and sexual misconduct in violation of the laws and rules governing the practice of medicine in Iowa including, but not limited to, the following:

- A. Respondent engaged in an inappropriate sexual relationship with a former patient in 2007. The patient stole Respondent's prescription pad and illegally obtained prescription drugs;
- B. Respondent was reprimanded by his former employer for making inappropriate sexual advances toward a female co-worker in 2006;
- C. Respondent was the subject of a number of complaints from female patients who alleged that Respondent engaged in inappropriate touching and unprofessional comments;
- D. Respondent has viewed and stored pornographic images on a computer at his workplace;
- E. Respondent made inappropriate remarks about females in the workplace;
- F. Respondent frequently becomes angry and screams and yells at co-workers and other healthcare providers.

15. On June 18, 2009, the Board ordered Respondent to complete a Board-approved comprehensive physical, neuropsychological, mental health, sexual misconduct and substance abuse evaluation. Respondent completed the Board-approved evaluation on July 29-31, 2009. After careful consideration the Board has serious concerns that Respondent has engaged in a pattern of sexual misconduct, unprofessional conduct and disruptive behavior.

E. SETTLEMENT

16. 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

17. On September 2, 2009, the Iowa Board of Medicine found probable cause to file this Statement of Charges.



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