

BEFORE THE IOWA BOARD OF MEDICINE

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IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

PAUL M. BOLGER, M.D., RESPONDENT

FILE No. 02-15-242

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STATEMENT OF CHARGES AND SETTLEMENT AGREEMENT  
(Combined)

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COMES NOW the Iowa Board of Medicine (Board), and Paul M. Bolger, M.D., (Respondent), on February 5, 2016, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into this combined Statement of Charges and Settlement Agreement.

STATEMENT OF CHARGES

1. Respondent was issued Iowa medical license No. 35368 on October 20, 2003.
2. Respondent's Iowa medical license is active and will next expire on September 1, 2017.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148, and 272C.

## SECTIONS OF STATUTES AND RULES INVOLVED

### COUNT I

4. **Failure to Conform to the Minimal Standard of Acceptable and Prevailing Practice of Medicine:** Respondent is charged pursuant to Iowa Code sections 147.55(2), 148.6(2)(g) and 272C.10(2), and 653 IAC 23.1(2)(f) with failing to conform to the minimal standard of acceptable and prevailing practice of medicine in violation of the laws and rules governing the practice of medicine in Iowa.

### STATEMENT OF MATTERS ASSERTED

5. **Practice Setting:** Respondent is an Iowa-licensed physician who practices medicine in Bettendorf, Iowa.

6. **Failure to Conform, to the Minimal Standard of Acceptable and Prevailing Practice of Medicine:** The Board alleges that Respondent failed to conform to the minimal standard of acceptable and prevailing practice of medicine when he prescribed medications to multiple patients via telemedicine using electronic means, based solely on an internet request, without establishing a physician-patient relationship sufficient to establish an informed diagnosis and provide appropriate medical care.

A. **Medical History:** Respondent failed to obtain a medical history sufficient to establish an informed diagnosis and provide appropriate medical care; and

B. **Medical Interview or Physical Examination:** Respondent failed to perform a medical interview or physical examination sufficient to establish an informed diagnosis and provide appropriate medical care.

## SETTLEMENT AGREEMENT

7. **CITATION AND WARNING:** Respondent is hereby **CITED** for failing to conform to the minimal standard of acceptable and prevailing practice of medicine when he prescribed medications to multiple patients via telemedicine using electronic means, based solely on an internet request, without establishing a physician-patient relationship sufficient to establish an informed diagnosis and provide appropriate medical care in violation of the laws and rules governing the practice of medicine in Iowa. Respondent is hereby **WARNED** that engaging in such conduct in the future may result in further disciplinary action, including suspension or revocation of his Iowa medical license.

8. **CIVIL PENALTY:** Respondent shall pay a **\$10,000** civil penalty. The civil penalty shall be paid within twenty days of the date of this Order and shall be paid by delivery of a check or money order, payable to the Treasurer of Iowa, to the executive director of the Board. The civil penalty shall be deposited into the State General Fund.

9. **PRACTICE OF TELEMEDICINE:** Respondent is prohibited from engaging in the practice of telemedicine unless and until he demonstrates that he is able to do so in a safe manner and he receives prior written approval from the Board.

10. **PROFESSIONAL ETHICS PROGRAM:** Respondent shall successfully complete the Professional/Problem Based Ethics (PROBE) program sponsored by the Center for Personalized Education for Physicians (CPEP), 7351 Lowry Blvd., Suite 100, Denver, CO 80230, Ph.#303-577-3232, within ninety (90) days of the date of this order. Respondent shall ensure that a report is sent directly to the Board. Respondent is responsible for all costs associated with the program.

11. **Answer:** Respondent filed an Answer concurrently with this Order denying the allegations set forth above and denying having committed violations of any federal, state or local laws or regulations. However, to avoid substantial delay, uncertainty, inconvenience, and the expenses of investigation and litigation, and in consideration of the common interest of the Board and Respondent in resolving this matter, Respondent hereby agrees to enter into this Settlement Agreement.

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

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

14. This Order constitutes the negotiated resolution of a contested case proceeding.

15. Respondent shall submit a written statement to the Board which demonstrates that he has shared a copy of this order with all medical licensing boards where Respondent holds a license, whether active or not, within thirty (30) days of the date of this order.

16. Respondent shall submit a written statement to the Board which demonstrates that he has shared a copy of this order with all hospitals and clinics where Respondent practices medicine within thirty (30) days of the date of this order.

17. By entering into this Order, Respondent understands that he has a right to legal counsel in this matter, 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.

18. Respondent understands that by entering into this combined Statement of Charges and Settlement Agreement, Respondent cannot obtain a copy of the investigative file. Pursuant

to Iowa Code section 272C.6(4), a copy of the investigative file may only be provided to a licensee after a Statement of Charges is filed but before the final resolution of those charges.

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

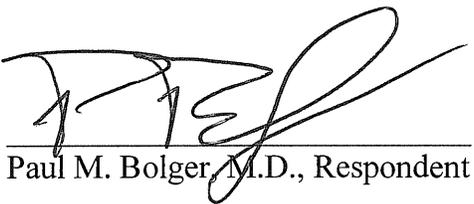
20. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

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

22. This 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.

23. 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.

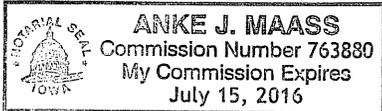
24. The Board's approval of this Order shall constitute a **Final Order** of the Board.

  
Paul M. Bolger, M.D., Respondent

Subscribed and sworn to before me on January 15, 2016.

Notary Public, State of Iowa.

Anke J Maass



This Order is approved by the Board on February 5, 2016.

A handwritten signature in black ink, appearing to read 'Hamed H. Tewfik', written over a horizontal line.

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Hamed H. Tewfik, M.D., Chairman  
Iowa Board of Medicine  
400 SW 8<sup>th</sup> Street, Suite C  
Des Moines, Iowa 50309-4686