

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

TED A. BONEBRAKE, M.D., RESPONDENT

FILE No. 02-05-881

REINSTATEMENT ORDER

COMES NOW the Iowa Board of Medicine (Board) and Ted A. Bonebrake, M.D. (Respondent), on May 23, 2013, and enter into this Reinstatement Order.

1. Respondent was issued Iowa medical license no. 32655 October 20, 1998.
2. Respondent's Iowa medical license went inactive due to nonrenewal on March 1, 2008.
3. The Board has jurisdiction pursuant to Iowa Code Chapters 147, 148, and 272C.
4. **FIRST DISCIPLINARY ACTION:** On September 19, 2003, the Board charged Respondent for violating the terms of his Iowa Physician Health Program (IPHP) Health Contract when he failed to comply with the IPHP's drug screening program, failed to attend required substance abuse aftercare meetings and tested positive for drugs or alcohol on three occasions. On October 22, 2003, Respondent entered into a Settlement Agreement with the Board. Respondent was required to complete residential treatment at a Board-approved substance abuse program. Respondent was placed on probation for a period of five (5) years subject to Board monitoring for substance abuse. Respondent was prohibited from consuming alcohol during the period of his probation.

5. **SECOND DISCIPLINARY ACTION:** On September 2, 2004, the Board filed formal disciplinary charges against Respondent for consuming alcohol in violation of the terms of his probation. On February 10, 2005, Respondent entered into a Settlement Agreement with the Board to resolve the pending disciplinary charges. Respondent was required to complete substance abuse treatment and his Iowa medical license was placed on indefinite probation subject to Board monitoring for substance abuse.

6. **AUTOMOBILE ACCIDENT:** On December 22, 2005, Respondent was involved in a serious automobile accident after consuming alcohol. Respondent violated the terms of his probation when he consumed alcohol.

7. **THIRD DISCIPLINARY ACTION:** On January 25, 2006, Respondent entered into a combined Statement of Charges, Settlement Agreement and Final Order. The Board charged Respondent with violating a lawful order of the Board and habitual intoxication or addiction to the use of drugs or alcohol and suspended Respondent's Iowa medical license.

8. **APPLICATION FOR REINSTATEMENT:** Respondent petitioned the Board for reinstatement of his Iowa medical license. Respondent demonstrated the following:

- A. **Abstinence:** Respondent has abstained from the use of drugs and alcohol since May 5, 2010.
- B. **Alcoholics Anonymous:** Respondent has documented his attendance at Alcoholics Anonymous since January 1, 2011.

- C. **Therapy:** Respondent has participated in individual and group therapy with a Board-approved therapist since July 21, 2011.
- D. **Comprehensive Evaluation:** Respondent completed a comprehensive physical, neuropsychological, mental health and substance abuse evaluation at Resurrection Health Care (Resurrection), a Board-approved substance abuse assessment program, on May 18, 2011. The Resurrection recommendations have been incorporated in this order.
- E. **Drug Screening:** Respondent has fully complied with the Board's drug screening program since July 15, 2011.
- F. **Counseling:** Respondent has participated in individual counseling with a Board-approved addictionologist since August 4, 2011.
- G. **Clinical Competency Evaluation:** Respondent completed a comprehensive clinical competency evaluation at the Center for Personalized Education for Physicians (CPEP) on September 13, 2011. Respondent shall fully comply with the CPEP recommendations.
- H. **Family Practice Review Course:** Respondent completed a comprehensive family practice review course on February 12, 2012.
- I. **Board Appearance:** Respondent made an appearance before the Board March 1, 2012.
- 9. **REINSTATEMENT:** On May 23, 2013, the Board voted to reinstate Respondent's Iowa medical license subject to the following terms and conditions.

10. **INDEFINITE PROBATION:** Respondent shall be placed on **indefinite probation** subject to the following terms and conditions:

- A. **Board Monitoring Program:** Prior to returning to the practice of medicine, Respondent shall establish a Board monitoring program with Mary Knapp, Compliance Monitor, Iowa Board of Medicine, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686, Ph.#515-281-3654. Respondent shall fully comply with all requirements of the Board monitoring program.
- B. **CPEP Recommendations:** Respondent completed a comprehensive clinical competency evaluation at the Center for Personalized Education for Physicians (CPEP) on September 13, 2011. Respondent demonstrated deficiencies in the following areas, medical knowledge, clinical judgment and reasoning and documentation. Respondent shall fully comply with the CPEP recommendations including a supervised remediation program, continuing medical education and self-study and documentation coaching.
- C. **Board-Approved Residency Training Program:** Respondent shall only practice medicine in a Board-approved ACGME accredited residency training program until and unless he receives prior written approval from the Board.
- D. **Clinical Competency Re-Evaluation:** Prior to returning to private practice, Respondent shall complete a comprehensive clinical competency re-evaluation under the direction of CPEP and receive written approval of the Board.

- E. **Professional Competence:** Prior to returning to private practice, Respondent shall demonstrate to the Board that he is competent to practice medicine with reasonable skill and safety.
- F. **Board-Approved Practice Monitoring Program:** Upon completion of his training in the Board-approved residency training program and completion of the comprehensive clinical competency re-evaluation, Respondent agrees that he shall fully comply with the terms and conditions of a practice monitoring plan established by the Board, if necessary.
- G. **Group Practice Setting:** Upon return to private practice, Respondent shall practice medicine in a Board-approved group practice setting only. Respondent shall seek written approval from the Board prior to practicing medicine in a new practice setting.
- H. **Worksite Monitor:** Respondent shall submit for Board approval the name of a physician who regularly observes and/or supervises Respondent at all practice locations to serve as worksite monitor. Respondent hereby gives the Board a release to 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 they have read and understand all materials relating to this disciplinary action 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 substance abuse, unprofessional conduct or a violation of the terms 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 Respondent's probation.

- I. **Resurrection Recommendations:** Respondent shall fully comply with the recommendations made by Resurrection Health Care following the comprehensive substance abuse evaluation.
- J. **Drug and Alcohol Prohibition:** Respondent shall not use illicit drugs or consume alcohol.
- K. **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 substance abuse prior to receiving any prescription drug.
- L. **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.

- M. **Alcoholics Anonymous Meetings:** Respondent shall attend at least four (4) meetings of Alcoholics Anonymous (AA) or a similar substance abuse program weekly. Respondent shall obtain documentation of attendance and include copies of this documentation with his quarterly reports. Respondent shall have at least weekly contact with his AA sponsor.
- N. **Substance Abuse Counseling:** Respondent shall continue Board-approved substance abuse counseling.
- (1) The substance abuse physician or counselor shall continue to 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 Respondent's probation.
 - (2) Respondent shall continue with counseling until discharged by the Board-approved physician or counselor and until Respondent's discharge from counseling is approved by the Board.
 - (3) Respondent shall meet with his Board-approved physician or counselor as frequently as recommended by the physician or counselor and approved by the Board.
 - (4) Respondent is responsible for all costs associated with the counseling.
- O. **Board-Approved Psychiatrist:** Respondent shall engage in treatment with a Board-approved psychiatrist who is also an addictionologist.
- (1) The psychiatrist 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 Respondent's probation.

(2) Respondent shall continue with treatment until discharged by the Board-approved psychiatrist and until Respondent's discharge from counseling is approved by the Board.

(3) Respondent shall meet with his Board-approved psychiatrist as frequently as recommended by the psychiatrist and approved by the Board.

(4) Respondent is responsible for all costs associated with the treatment.

P. **Quarterly Reports:** Respondent shall file sworn quarterly reports with the Board attesting to his compliance with all the terms and conditions 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 Respondent's probation.

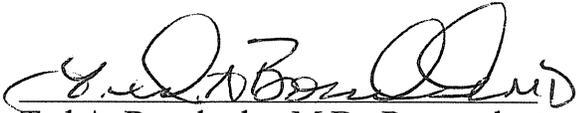
Q. **Board Appearances:** Respondent shall make appearances before the Board or a Board committee annually or upon request. Respondent shall be given reasonable notice of the date, time and location for the appearances. Said appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(e)(3).

R. **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 submitted to the Monitoring Committee with Respondent's quarterly reports. The Monitoring Fee shall be sent to: Coordinator of Monitoring Programs, 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.

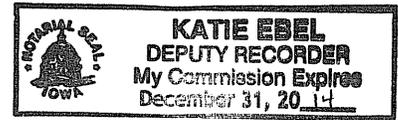
11. Respondent voluntarily submits this Order to the Board for consideration.
12. This Order constitutes the resolution of a contested case proceeding.
13. By entering into this Order, Respondent voluntarily waives any rights to a contested case hearing and waives any objections to the terms of this Order.
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 revoke Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code Chapters 148 and 272 and 653 IAC 12.2.
15. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa in the future.
16. 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.
17. Respondent understands that the Board is required by Federal law to report this Order to the National Practitioner Data Bank and Healthcare Integrity and Protection Data Bank.
18. 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.

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


Ted A. Bonebrake, M.D., Respondent

Subscribed and sworn to before me on May 8th, 2013.

Notary Public, State of Iowa.



~~This Order is approved by the Board on May 23, 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 May 23, 2013.



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

BEFORE THE BOARD OF MEDICAL EXAMINERS STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

TED A. BONEBRAKE, M.D., RESPONDENT

FILE No. 02-05-881

STATEMENT OF CHARGES,

**SETTLEMENT AGREEMENT and FINAL ORDER
(combined)**

COMES NOW the Iowa Board of Medical Examiners (the Board), and Ted A. Bonebrake, M.D. (Respondent), on January 25, 2006, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into the following combined Statement of Charges, Settlement Agreement and Final Order.

STATEMENT OF CHARGES

1. Respondent was issued Iowa medical license no. 32655 October 20, 1998.
2. Respondent's Iowa medical license is active and will next expire on January 1, 2008.
3. The Board has jurisdiction over the parties and subject matter.

COUNT I

4. Respondent is charged pursuant to Iowa Code section 148.6(2)(i) (2005) and 653 IAC 12.4(16) with violating a lawful order of the Board.

COUNT II

5. Respondent is charged pursuant to Iowa Code section 148.6(2)(h) (2005) and 653 IAC sections 12.4(4) with habitual intoxication or addiction to the use of drugs or alcohol.

CIRCUMSTANCES

6. On September 19, 2003, the Board filed formal disciplinary charges against Respondent for violating the terms of his Iowa Physician Health Program (IPHP) monitoring agreement when he failed to comply with the IPHP's drug screening program, failed to attend required substance abuse aftercare meetings and tested positive for drugs or alcohol on three occasions.

7. On October 22, 2003, Respondent entered into a Settlement Agreement with the Board to resolve the pending disciplinary charges. Respondent was required to complete residential treatment at a Board-approved substance abuse program. Respondent's Iowa medical license was placed on probation for a period of five (5) years subject to certain monitoring conditions for substance abuse. Respondent was prohibited from consuming alcohol during the period of his probation.

8. In August 2004, Respondent consumed alcohol in violation of the terms of his probation.

9. On September 2, 2004, the Board filed formal disciplinary charges against Respondent for consuming alcohol in violation of the terms of his probation.

10. On February 10, 2005, Respondent entered into a Settlement Agreement with the Board to resolve the pending disciplinary charges. Respondent was required to complete substance abuse treatment and his Iowa medical license was placed on indefinite probation subject to monitoring conditions for substance abuse.

11. On December 22, 2005, Respondent was involved in a serious automobile accident after consuming alcohol. Respondent violated the terms of his probation when he consumed alcohol.

SETTLEMENT AGREEMENT

12. **CITATION AND WARNING:** Respondent is hereby **CITED** for violating a Board Order. Respondent is hereby **WARNED** that future violations may result in further disciplinary action, including revocation of his Iowa medical license.

13. **INDEFINITE SUSPENSION:** Respondent's Iowa medical license shall be **indefinitely suspended** upon the date of this Order. During the period of suspension, Respondent shall not engage in the practice medicine under his Iowa medical license. The Board will not consider reinstatement of Respondent's Iowa medical license until Respondent has successfully completed substance abuse treatment at a Board-approved treatment program and he demonstrated that it is safe for him to return to the practice of medicine.

14. **INDEFINITE PROBATION:** Should the Board choose to reinstate Respondent's Iowa medical license, Respondent's license shall be subject to certain terms and conditions of **indefinite probation**, including but not limited to the following terms and conditions:

- A. **Monitoring Program:** Respondent shall fully comply with all requirements established in his Board 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 substance abuse 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. **Alcoholics Anonymous Meetings:** Respondent shall attend at least four (4) meetings of Alcoholics Anonymous (AA) or a similar substance abuse program weekly. Respondent shall obtain documentation of attendance and include copies of this documentation with his quarterly reports. Respondent shall have at least weekly contact with his AA sponsor.

F. **Substance Abuse Treatment:** Respondent shall continue Board-approved substance abuse treatment.

(1) The substance abuse physician or counselor shall continue to 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 Respondent's probation.

(2) Respondent shall continue with counseling until discharged by the Board-approved physician or counselor and until Respondent's discharge from counseling is approved by the Board.

(3) Respondent shall meet with his Board-approved physician or counselor as frequently as recommended by the physician or 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 and/or supervises Respondent at all practice locations to serve as worksite monitor. Respondent hereby gives the Board a release to 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 they have read and understand all materials relating to this disciplinary action 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 inappropriate behavior, professional misconduct, a violation of the terms of

this Settlement Agreement or any violation of the laws and rules governing the practice of medicine. 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 Respondent's probation.

- H. **Quarterly Reports:** Respondent shall file sworn quarterly reports with the Board attesting to his compliance with all the terms and conditions 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 Respondent's probation.
- 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 12.6(6)(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 no later than the 15th of the month three months after the date of this order and every quarter thereafter. The Monitoring Fee shall be sent to: Coordinator of Monitoring Programs, Iowa Board of Medical Examiners, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686. The check shall be made payable to the Iowa Board of Medical Examiners. The Monitoring

Fee shall be considered repayment receipts as defined in Iowa Code section 8.2.

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

16. In the event Respondent leaves Iowa to reside or practice outside the state, Respondent shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside the state of Iowa will not apply to the duration of the Settlement Agreement and Final Order.

17. In the event Respondent violates or fails to comply with any of the terms or conditions of this Settlement Agreement and Final Order, the Board may initiate action to suspend or revoke the Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code Chapters 148 and 272 and 653 IAC 12.2.

18. Upon full compliance with the terms of this combined Statement of Charges, Settlement Agreement and Final Order, and upon expiration of the period of probation, Respondent's Iowa medical license shall be restored to its full privileges free and clear of the terms of probation.

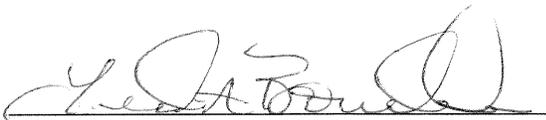
19. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

20. By entering into this combined Statement of Charges, Settlement Agreement and Final 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.

21. This combined Statement of Charges, Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.

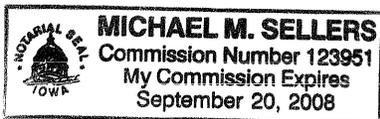
22. This combined Statement of Charges, Settlement Agreement and Final Order, is subject to approval of the Board. If the Board fails to approve this Settlement Agreement and Final Order, it shall be of no force or effect to either party.

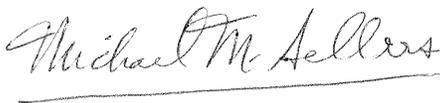
23. The Board's approval of this combined Statement of Charges, Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.


Ted A. Bonebrake, M.D., Respondent

Subscribed and sworn to before me on JANUARY 20, 2006.

Notary Public, State of IOWA.




Michael M. Sellers

This combined Statement of Charges, Settlement Agreement and Final Order is approved by the Board on January 25, 2006.


Bruce L. Hughes, M.D., Chairperson
Iowa Board of Medical Examiners
400 S.W. 8th Street, Suite C
Des Moines, IA 50309-4686