

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

JAMES E. R. BRADLEY, M.D., RESPONDENT

FILE Nos. 02-07-559 & 02-08-618

**STATEMENT OF CHARGES AND SETTLEMENT AGREEMENT
(Combined)**

COMES NOW the Iowa Board of Medicine (Board), and James E. R. Bradley, M.D., (Respondent), on October 22, 2010, 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. 36439 on November 22, 2005.
2. Respondent's Iowa medical license is active and will next expire on June 1, 2010.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.

COUNT I

4. 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) for failing to conform to the minimal standard of acceptable and prevailing practice of medicine in Iowa.

STATEMENT OF MATTERS ASSERTED

5. Respondent is an Iowa-licensed physician who practiced general surgery in Clarinda, Iowa.

6. The Board alleges that Respondent failed to conform to the minimal standard of acceptable and prevailing practice of medicine in Iowa in his treatment of numerous surgery patients in Clarinda, Iowa, between 2006 and 2008, including Respondent's:

- A. Pre-operative planning;
- B. Surgical judgment;
- C. Operative performance;
- D. Surgical complications; and
- E. Post-operative management.

7. On September 2, 2009, the Board ordered Respondent to complete a comprehensive competency evaluation at the Center for Personalized Education for Physicians (CPEP) a nationally-recognized physician assessment program. Respondent completed the evaluation on November 17, 2009, and CPEP identified significant areas of need in Respondent's surgical practice, including medical knowledge, clinical judgment and reasoning, and physician-patient communication. CPEP recommended that Respondent have another physician read all of his Electrocardiograms or pursue more training. CPEP recommended that Respondent complete a supervised educational program including a point of care experience, educational preceptor and continuing medical education.

8. Respondent has cooperated with the Board and voluntarily stopped practicing medicine while he makes arrangements to establish a supervised educational program.

SETTLEMENT AGREEMENT

9. **CITATION AND WARNING:** Respondent is hereby **CITED** for failing to conform to the prevailing standard of care in his treatment of numerous surgery patients in Clarinda, Iowa, between 2006 and 2008. Respondent is hereby **WARNED** that failure to conform to the prevailing standard of care in the practice of medicine in Iowa in the future may result in further disciplinary action, including suspension or revocation of his Iowa medical license.

10. **CIVIL PENALTY:** Respondent shall pay a **\$5,000** 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.

11. **PROHIBITION - READING ELECTROCARDIOGRAMS:** Respondent shall not read electrocardiograms unless he demonstrates to the Board that he is safe to do so and he receives prior written approval from the Board.

12. **FIVE YEARS PROBATION:** Respondent shall be placed on **probation for a period of five years** subject to the following terms and conditions:

- A. **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. **Recommendations of CPEP and the Board:** Respondent shall fully comply with all recommendations made by CPEP.

- C. **CPEP Remediation Plan:** Respondent shall successfully complete a Board-approved educational program as recommended by CPEP including the following:
- 1) **Point-of-Care Experience:** Respondent shall complete a Board-approved point-of-care experience under the supervision of CPEP and the Board.
 - 2) **Educational Preceptor:** Respondent shall submit the name and CV of an Iowa-licensed general surgeon to serve as his educational preceptor as recommended by CPEP. Respondent shall meet regularly with the educational preceptor to review cases, discuss decisions, review specific areas of need and engage in a quality improvement processes.
 - 3) **Continuing Medical Education and Self-Study:** Respondent shall complete continuing medical education and self-study as recommended by CPEP.
 - 4) **CPEP Reassessment:** Respondent shall complete a reassessment as recommended by CPEP.
- D. **Practice Monitoring Plan:** Respondent shall fully comply with the written practice monitoring plan agreed upon by the parties. Respondent shall submit the name and CV of an Iowa-licensed, board-certified, general surgeon, to serve as his practice monitor. The Board shall provide the practice monitor a copy of the practice monitoring plan, all CPEP reports and all other Board material in this matter. The practice monitor shall provide a written statement indicating that the practice monitor has read and understands all Board material provided by the Board and agrees to serve as the practice monitor under the terms of the practice

monitoring plan. The practice monitor shall meet with Respondent regularly, review selected patients records, ensure that Respondent provides appropriate care and treatment to patients and engage in a quality improvement process that addresses deficiencies identified by CPEP and through the monitoring process based on the prevailing standard of care for the practice of medicine in Iowa. The practice monitor shall contact the Board immediately if there is evidence that Respondent has provided substandard medical care to patients. The practice monitor shall agree to submit written quarterly reports to the Board not later than 1/20, 4/20, 7/20 and 10/20 of each year of this order.

- E. **Quarterly Reports:** Respondent agrees to file sworn quarterly reports attesting to his compliance with the terms and conditions of this Order not later than 1/10, 4/10, 7/10 and 10/10 of each year of this Order.
- F. **Board Appearances:** Respondent agrees to appear before the Board annually or upon request for the duration of the period of probation. 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).
- G. **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 required under 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.

13. 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 12.2.

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

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

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

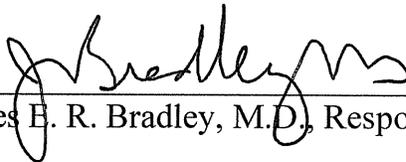
17. Periods of residence or practice outside the state of Iowa shall not apply to the duration of this Order unless Respondent obtains prior written approval from the Board. Periods in which Respondent does not practice medicine or fails to comply with the terms established in this Order shall not apply to the duration of this Order unless Respondent obtains prior written approval from the Board.

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 Order.

19. 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.

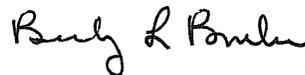
20. This Order is subject to approval by the Board. If the Board fails to approve this Order, it shall be of no force or effect to either party.

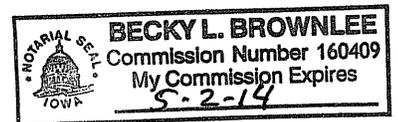
21. The Board's approval of this Order shall constitute a **Final Order** of the Board.


James E. R. Bradley, M.D., Respondent

Subscribed and sworn to before me on September 9, 2010.

Notary Public, State of Iowa





This Order is approved by the Board on October 22, 2010.


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