BEFORE THE IOWA BOARD OF MEDICINE

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IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

ANTHONY O. COLBY, M.D., RESPONDENT

FILE No. 02-09-088

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STATEMENT OF CHARGES AND SETTLEMENT AGREEMENT
(Combined)

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COMES NOW the Iowa Board of Medicine (Board), and Anthony O. Colby, M.D., (Respondent), on February 4, 2010, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into this combined Statement of Charges and Settlement Agreement to resolve this matter.

STATEMENT OF CHARGES

1. Respondent was issued Iowa medical license no. 17072 on July 1, 1965.

2. Respondent's license is active and will next expire on July 1, 2011.

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) (2007), and 653 IAC 23.1(2)(f) for failing to conform to the minimal standard of acceptable and prevailing practice of medicine in Iowa.

COUNT II

5. Respondent is charged pursuant to Iowa Code sections 147.55(3) and 272C.10(3) and 653 IAC 23.1(3) with engaging in practice harmful or detrimental to the public.

STATEMENT OF MATTERS ASSERTED

6. Respondent formerly practiced general medicine in Iowa City, Iowa.

7. Respondent retired from the active practice of medicine in 2006.

8. Respondent served as medical director and/or supervising physician for American Laser Center, a medical spa located in Coralville, Iowa, between March 20, 2007, and the present.

9. Respondent also served as medical director and/or supervising physician for two American Laser Center medical spas located in West Des Moines and Bettendorf, Iowa.

10 American Laser Center advertises and performs laser hair removal, skin rejuvenation, FotoFacial therapy, microdermabrasion and cellulite reduction therapy services.

11. **TRAINING AND EXPERIENCE:** The Board alleges that Respondent has insufficient training or experience to supervise individuals who perform medical aesthetic services in Iowa, including, but not limited to, the following:

A. Respondent lacks appropriate training or experience for the skin care services performed by the individuals under his supervision; and

B. Respondent lacks appropriate training or experience for the skin care devices utilized by the individuals under his supervision.

12. **SUPERVISION:** The Board alleges that Respondent failed to provide appropriate supervision to individuals who performed medical aesthetic services in Iowa, including, but not limited to, the following:

A. Respondent failed to provide appropriate supervision to individuals who performed skin care services under his supervision;

B. Respondent permitted individuals under his supervision to perform skin care services without determining whether the individuals were competent to perform the services provided;

C. Respondent failed to appropriately review the skin care services provided by the individuals under his supervision;

D. Respondent failed to document that consultation occurred between Respondent and the individuals who performed skin care services under his supervision;

E. Respondent failed to appropriately visit the sites where individuals performed skin care services under his supervision; and

F. Respondent failed to ensure proper referral of a patient who suffered serious complications that resulted from skin care services performed by individuals under his supervision.

13. The Board alleges that at least one patient suffered serious burns on her arms, after receiving skin care services, for hyper pigmentation on her face and arms, performed by individuals under Respondent's supervision.

SETTLEMENT AGREEMENT

14. **PROHIBITION - SUPERVISING MEDICAL AESTHETIC SERVICES:** Respondent shall not serve as the medical director of any medical spa which provides medical aesthetic services and/or supervising any individual who performs medical aesthetic services in the future.

15. **CITATION AND WARNING**: Respondent is hereby **CITED** for failing to provide appropriate supervision to individuals who performed skin care services in Iowa. Respondent is hereby **WARNED** that evidence of such conduct in the future may result in further formal disciplinary action, including suspension or revocation of his Iowa medical license.

16. **CIVIL PENALTY:** Respondent shall pay a civil penalty in the amount of $5,000 within twenty (20) days of the date of this Order. The civil penalty shall be payable to the Treasurer of Iowa, and shall be mailed to the Executive Director of the Board. The civil penalty shall be deposited into the State General Fund.

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

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

19. In the event Respondent violates or fails to comply with any of the terms 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 25.

20. 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.

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

22. 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.

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

Anthony O. Colby, M.D., Respondent

Subscribed and sworn to before me on January 8, 2010.

Notary Public, State of Iowa

JOHN W. HAYEK
Commission Number 141009
My Commission Expires
March 24, 2011

This Order is approved by the Board on February 4, 2010.

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