

BEFORE THE IOWA BOARD OF MEDICINE

**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST
WENDELL C. DANFORTH, M.D., RESPONDENT**

FILE No. 02-13-313

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

COMES NOW the Iowa Board of Medicine (Board) and Wendell C. Danforth, M.D., (Respondent), on April 17, 2014, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) and 653 IAC 25.3, enter into this combined Statement of Charges and Settlement Agreement.

STATEMENT OF CHARGES

1. Respondent was issued Iowa medical license no. 31738 on April 8, 1997.
2. Respondent's Iowa medical license went inactive due to nonrenewal on April 1, 2000.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

COUNT I

4. **Discipline by Another Licensing Authority:** Respondent is charged pursuant to Iowa Code section 148.6(2)(d) and 653 IAC 23.1(1) with having a license to practice medicine and surgery or osteopathic medicine and surgery revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the order of disciplinary action is prima facie evidence.

STATEMENT OF THE MATTERS ASSERTED

5. Respondent is an Iowa-licensed physician who formerly practiced ophthalmology in Fayetteville, North Carolina.

6. **North Carolina Disciplinary Action:** On October 28, 2013, Respondent was disciplined by the North Carolina Medical Board (North Carolina Board). The North Carolina Board alleged that Respondent:

- A. Prescribed controlled substances to five (5) patients in Fayetteville, North Carolina, without establishing a documented physician-patient relationship, without performing histories and physical examinations and without maintaining medical records;
- B. Prescribed controlled substances to one of the patients with the knowledge and intent that the medication would be provided to another of the patients; and
- C. Prescribed controlled substances to one of the patients while he was engaged in an intimate personal relationship with the patient.

Respondent voluntarily surrendered his North Carolina medical license on May 24, 2013. Respondent completed residential treatment for an alcohol disorder and is currently a participant in the North Carolina Physicians Health Program (NCPHP). The North Carolina Board concluded that Respondent engaged in unprofessional conduct in violation of the laws and rules governing the practice of medicine in North Carolina and indefinitely suspended his North Carolina medical license. See Attachment A.

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

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

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

10. By entering into this Order, Respondent understands that he has a right to be represented by 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.

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

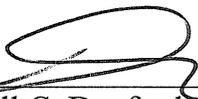
12. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

13. Respondent understands that the Board is required by Federal law (45 C.F.R. 60.8) to report this Order to the National Practitioner Data Bank.

14. The 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.

15. 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.

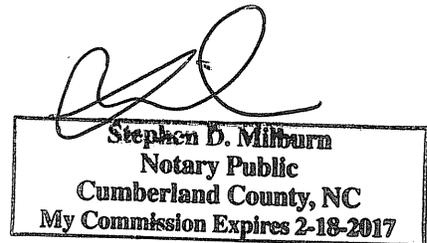
16. The Board's approval of this Order shall constitute a **Final Order** of the Board.



Wendell C. Danforth, M.D., Respondent

Subscribed and sworn to before me on 6 May, 2014.

Notary Public, State of North Carolina



This Order is approved by the Board on April 17, 2014.



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

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
Wendell Calvin Danforth, M.D.) CONSENT ORDER
)
Respondent.)

This matter is before the North Carolina Medical Board ("Board") on information regarding Wendell Calvin Danforth, M.D. ("Dr. Danforth"). Dr. Danforth admits and the Board finds and concludes that:

STATUTORY AUTHORITY

The Board is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Article 1 of Chapter 90 of the North Carolina General Statutes and the rules and regulations promulgated thereto.

FINDINGS OF FACT

Dr. Danforth was first licensed by the Board on or about January 29, 2010, license number 9801628. At all times relevant herein, Dr. Danforth practiced ophthalmology in Fayetteville, North Carolina.

Dr. Danforth prescribed controlled substances, including Oxycodone, a Schedule II controlled substance, and Xanax, a Schedule IV controlled substance, to Patients A, B, C, and D for

the treatment of anxiety and chronic pain. Dr. Danforth prescribed Oxycodone to Patient E.

Dr. Danforth did not obtain a history or perform a physical examination prior to prescribing medications to Patients A through E as described above.

Dr. Danforth did not have documented patient-physician relationships with Patients A through E.

Dr. Danforth did not maintain medical records of his treatment or prescribing to Patients A through E.

Dr. Danforth prescribed Oxycodone in Patient C's name with the knowledge and intent that the medication would be provided to Patient D.

During the time that he prescribed Oxycodone to Patient E, Dr. Danforth was engaged in an intimate personal relationship with Patient E.

On May 24, 2013, Dr. Danforth voluntarily surrendered his North Carolina license to practice medicine.

Dr. Danforth has recently completed residential treatment for alcohol use disorder. He is a participant in the North Carolina Physicians Health Program (NCPHP), and NCPHP reports he is fully compliant. Dr. Danforth believes his judgment about

the above-mentioned prescribing was impaired by his use of alcohol.

CONCLUSIONS OF LAW

Dr. Danforth's care and treatment of Patients A through E and his failure to maintain accurate, current and complete medical records constitutes unprofessional conduct, in that it was a departure from, or the failure to conform to, the standards of acceptable and prevailing medical practice within the meaning of N.C. Gen. Stat. § 90-14(a)(6), and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, or limit his license to practice medicine and surgery issued by the Board or deny any application he might make in the future.

Dr. Danforth committed unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6) by prescribing controlled substances to a person (Patient E) with whom he was engaged in an intimate personal relationship and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, or limit his license to practice medicine and surgery issued by the Board or deny any application he might make in the future.

PROCEDURAL STIPULATIONS

Dr. Danforth acknowledges and agrees that the Board has jurisdiction over him and over the subject matter of this case.

Dr. Danforth knowingly waives his right to any hearing and to any judicial review or appeal in this case.

Dr. Danforth acknowledges that he has read and understands this Consent Order and enters into it voluntarily.

Dr. Danforth would like to resolve this matter without the need for more formal proceedings.

The Board has determined that it is in the public interest to resolve this case as set forth below.

ORDER

Now, therefore, with Dr. Danforth's consent, it is ORDERED that:

1. Dr. Danforth's license to practice medicine in North Carolina is hereby INDEFINITELY SUSPENDED.

2. Dr. Danforth shall obey all laws. Likewise, he shall obey all rules or regulations involving the practice of medicine.

3. Dr. Danforth shall notify the Board in writing of any change in his residence or practice addresses within ten (10) days of the change.

4. Dr. Danforth shall meet with the Board or members of the Board for an investigative interview at such times as requested by the Board.

5. If Dr. Danforth fails to comply with any of the terms of this Consent Order, that failure shall constitute unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6) and shall be grounds, after any required notice and hearing, for the Board to annul, suspend, revoke, condition, or limit Dr. Danforth's license to practice medicine and surgery or to deny any application he might make in the future or then have pending for a license.

6. This Consent Order shall take effect immediately upon its execution by both Dr. Danforth and the Board and it shall continue in effect until specifically ordered otherwise by the Board.

7. Dr. Danforth hereby waives any requirement under any law or rule that this Consent Order be served on him.

8. Upon execution by Dr. Danforth and the Board, this Consent Order shall become a public record within the meaning of Chapter 132 of the North Carolina General Statutes and shall be subject to public inspection and dissemination pursuant to the provisions thereof. Additionally, it will be reported to persons, entities, agencies, and clearinghouses, as required and

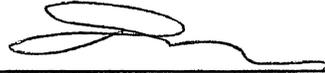
permitted by law, including but not limited to the National Practitioners Data Bank and the Health Integrity and Protection Data Bank.

By Order of the North Carolina Medical Board this the 28th day of October, 2013.

NORTH CAROLINA MEDICAL BOARD

By: William A. Walker MD
William A. Walker, M.D.
President

Consented to this the 21 day of October, 2013.



Wendell Calvin Danforth, M.D.

State of North Carolina

County of Cumberland

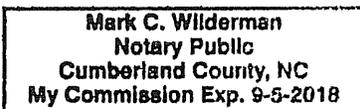
I, Mark C Wilderman, a Notary Public for the above named County and State, do hereby certify that Wendell Calvin Danforth, M.D. personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal

this the 21 day of October, 2013.

Mark C Wilderman
Notary Public

(SEAL)



My Commission expires: 9-5-2018