

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

MICHAEL A. DEHNER, M.D., RESPONDENT

FILE No. 02-10-306

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

COMES NOW the Iowa Board of Medicine (Board), and Michael A. Dehner, M.D., (Respondent), on November 15, 2012, 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 a pending disciplinary matter.

STATEMENT OF CHARGES

1. Respondent was issued Iowa medical license no. 21100 on July 1, 1978.
2. Respondent's Iowa medical license is active and will next expire on April 1, 2014.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.

COUNT I

4. **Disciplinary Action by Another State Licensing Authority:**

Respondent is charged pursuant to Iowa Code section 148.6(2)(d) for having disciplinary action taken against him by a licensing authority of another state.

STATEMENT OF MATTERS ASSERTED

5. Respondent is an Iowa licensed physician who currently practices family medicine in Storm Lake, Iowa.

6. **Iowa Disciplinary Action:** On April 15, 1999, Respondent entered into a combined Statement of Charges, Settlement Agreement and Final Order with the Board. The Board charged Respondent with being disciplined by a licensing authority of the United States and willfully or repeatedly departing from the minimal standard of acceptable and prevailing practice of medicine. On October 19, 1998, Respondent entered into a Settlement Agreement with the Office of the United States Attorney for the Southern District of Iowa. Respondent was charged with failure to maintain appropriate records of controlled substance prescriptions between April 9, 1996 and April 9, 1998, in violation of 18 U.S.C. section 842(a)(5). Respondent prescribed excessive controlled substances to several patients without providing appropriate evaluations and/or referrals and without maintaining appropriate medical records. On March 12, 1999, Respondent surrendered his DEA registration. Respondent's Iowa medical license was placed on probation for a period of five years subject to Board monitoring. The probation was terminated on July 22, 2004.

7. **Wisconsin Disciplinary Action:** On July 19, 2006, the Wisconsin Medical Examining Board took disciplinary action against Respondent for failing to provide appropriate gastrointestinal care to a patient. The Wisconsin Medical Examining Board concluded that Respondent failed to properly address the patient's small bowel obstruction and the patient subsequently died. The Wisconsin Board issued Respondent a public reprimand and ordered him to complete a Board-approved gastroenterology review course containing at least thirty (30) hours of continuing medical education.

8. **Iowa Disciplinary Action:** On February 1, 2007, Respondent entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board charged Respondent with being disciplined by the Wisconsin Medical Examining Board. Under the terms of the Settlement Agreement, the Board issued Respondent a Citation and Warning and Respondent agreed to fully comply with the requirements established by the Wisconsin Board.

9. **Wisconsin Competency Assessment Order:** On February 4, 2009, the Wisconsin Medical Examining Board received a complaint alleging that Respondent misdiagnosed gallstones as chronic constipation. On May 19, 2010, the Wisconsin Medical Examining Board ordered Respondent to complete a comprehensive clinical competency assessment at the University of Wisconsin School of Medicine and Public Health. On June 9, 2011, the University of Wisconsin School of Medicine and Public Health submitted an assessment report, finding that Respondent demonstrated a number of deficiencies.

10. **Wisconsin Disciplinary Action:** On February 15, 2012, the Wisconsin Medical Examining Board issued a Final Decision and Order restricting Respondent's Wisconsin medicine license, including the following requirements:

- A. Respondent must complete a Board-approved comprehensive medical record keeping program by December 31, 2012, and must submit to three and six month follow-up chart reviews performed by the Wisconsin Board.
- B. Respondent must complete a Board-approved comprehensive family medicine review course by December 31, 2012.
- C. Respondent must submit to a follow-up chart reviews performed by the Wisconsin Board.

SETTLEMENT AGREEMENT

11. **CITATION AND WARNING:** Respondent is hereby **CITED** for being disciplined by the Wisconsin Medical Examining Board for failing to provide appropriate care and treatment to a patient. Respondent is hereby **WARNED** that such conduct in future may result in further disciplinary action, including suspension or revocation of his Iowa medical license.

12. **WISCONSIN ORDER:** Respondent shall fully comply with the requirements established in the Wisconsin Order.

13. **FIVE YEARS PROBATION:** Respondent is placed on **probation for a period of five (5) years** subject to the following terms and conditions:

A. **Board Monitoring Program:** Within thirty (30) days of the date of this Order, 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.#515-281-5525. If Respondent fails to establish a Board monitoring program within thirty (30) days of the date of this Order or fails to fully comply with the Board monitoring plan, the Board will issue a notice to Respondent that the license will be suspended within thirty (30) days of the date the notice is served on Respondent. The suspension shall occur automatically and without further Board action, unless Respondent files with the Board a request for hearing on the notice within ten (10) days of the date the notice is served.

B. **Practice Monitoring Program:** Within thirty (30) days of the date of this Order, Respondent shall fully comply with the written practice monitoring program agreed upon by the parties.

1) Respondent shall submit the name and CV of an Iowa-licensed, board-certified, family physician to serve as practice monitor.

- 2) The Board shall provide the practice monitor a copy of the practice monitoring plan and all other relevant material in this matter.
- 3) The practice monitor shall provide a written statement indicating that the practice monitor has read and understands this order 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 any deficiencies identified by CPEP. 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. The practice monitor may be asked to appear before the Board in-person, or by telephone or video conferencing. The practice monitor shall be given written notice of the date, time and location for the appearances. Such appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(e)(3).

- 4) If Respondent fails to establish a practice monitoring program within thirty days of the date of this Order or fails to fully comply with the practice monitoring program, the Board will issue a notice to Respondent that the license will be suspended within thirty (30) days of the date the notice is served on Respondent. The suspension shall occur automatically and without further Board action, unless Respondent files with the Board a request for hearing on the notice within ten (10) days of the date the notice is served.

C. **Worksite Monitoring Program:** Within thirty days of the date of this Order, Respondent shall establish a worksite monitoring program.

- 1) Respondent shall submit for Board approval the name of a physician who regularly observes and/or supervises Respondent in the practice of medicine.
- 2) The Board shall provide a copy of all Board orders relating to this matter to the worksite monitor.
- 3) The worksite monitor shall provide a written statement indicating that they have read and understand this Order and agrees to serve under the terms of this Order. The worksite monitor shall agree to inform the Board immediately if there is evidence that Respondent has provided substandard

medical care to patients or a violation of the terms of this Order. The worksite monitor shall submit quarterly reports to the Board no later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order. The worksite monitor may be asked to appear before the Board in-person, or by telephone or video conferencing. The worksite monitor shall be given written notice of the date, time and location for the appearances. Such appearances shall be subject to the provisions of 653 IAC 24.2(5)(d).

- 4) If Respondent fails to establish a worksite monitoring program within thirty days of the date of this Order or fails to fully comply with the worksite monitoring program, the Board will issue a notice to Respondent that the license will be suspended within thirty (30) days of the date the notice is served on Respondent. The suspension shall occur automatically and without further Board action, unless Respondent files with the Board a request for hearing on the notice within ten (10) days of the date the notice is served.

D. **Quarterly Reports:** Respondent shall 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.

- E. **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)(e)(3).
- F. **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.

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

15. 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.

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

17. 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.

18. 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.

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. Pursuant to 653 IAC 21.6, Respondent shall notify all physician assistant supervisees within one workday upon receiving disciplinary action from the Board or any other change in status that affects the physician's eligibility to supervise a physician assistant.

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

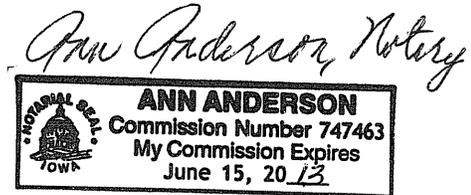
22. This Order is subject to approval by the Board. If the Board fails to approve this Order, it shall be of no force or effect to either party.

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


Michael A. Dehner, M.D., Respondent

Subscribed and sworn to before me on Oct. 2nd, 2012.

Notary Public, State of Iowa.



This Order is approved by the Board on November 15, 2012.


Colleen K. Stockdale, M.D., M.S., Chairwoman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686