

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

WILLIAM L. DULL, M.D., RESPONDENT

FILE NOS. 02-06-001 & 02-06-870

SETTLEMENT AGREEMENT

COMES NOW the Iowa Board of Medicine (the Board), and William L. Dull, M.D., (Respondent), on May 15, 2008, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4)(2005), file this Settlement Agreement.

1. Respondent was issued Iowa medical license no. 18978 on July 2, 1973.
2. Respondent's Iowa medical license is active and will next expire on June 1, 2008.
3. On July 18, 2007, the Board charged Respondent with failing to fully comply with the laws and rules governing the treatment of patients with chronic pain.
4. Respondent subsequently referred his patients with chronic pain who require further treatment with controlled substances to another provider for such treatment.
5. Without admission of wrongdoing or guilt Respondent agrees not to contest the Statement of Charges.

6. **CITATION AND WARNING:** Respondent is hereby **CITED** for failing to fully comply with the laws and rules governing the treatment of patients with chronic pain. Respondent is hereby **WARNED** that such conduct in the future may result in further disciplinary action, including suspension or revocation of his Iowa medical license.

7. **CIVIL PENALTY:** Respondent shall be assessed a **\$5,000** civil penalty. 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.

8. Respondent agrees not to prescribe controlled substances for the treatment of patients with chronic pain in an outpatient setting.

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

10. 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.

11. 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 25.

12. This Order is voluntarily submitted by Respondent to the Board for consideration.

13. 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.

14. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.



William L. Dull, M.D.

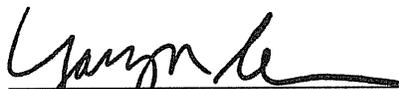
5.1.08
Date

Date Subscribed and sworn to before me on May 1, 2008.

Notary Public, State of Iowa - Michael J. Pitton



This Order is approved by the Board on May 15, 2008.



Yasyn Lee, M.D., Chairperson
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, IA 50309-4686

BEFORE THE BOARD OF MEDICINE OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

WILLIAM L. DULL, M.D., RESPONDENT

FILE NOS. 02-06-001 & 02-06-870

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medicine July 18, 2007, and files this Statement of Charges pursuant to Iowa Code section 17A.12(2). Respondent was issued Iowa medical license no. 18978 on July 2, 1973. Respondent's license is active and will next expire on June 1, 2008.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on August 29, 2007, before the Iowa Board of Medicine. The hearing shall begin at 8:30 a.m. and shall be located in the conference room at the Iowa Board of Medicine office at 400 SW 8th Street, Suite C, Des Moines, Iowa.

2. Answer. Within twenty (20) days of the date you are served this Statement of Charges you are required by 653 Iowa Administrative Code 24.2(5)(d) to file an Answer. In that Answer, you should also state whether you will require a continuance of the date and time of the hearing.

3. Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on prehearing matters, and be present to assist and advise the board at hearing.

4. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 653 Iowa Administrative Code 25. At hearing, you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. If you need to request an alternative time or date for hearing, you must review the requirements in 653 Iowa Administrative Code 25.16. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

5. Prosecution. The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address: Heather Palmer, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319.

6. Communications. You may not contact board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You should direct any questions to Kent M. Nebel, J.D., the Board's Legal Director at 515-281-7088 or to Assistant Attorney General Heather Palmer at 515-281-7262.

B. LEGAL AUTHORITY AND JURISDICTION

7. Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 17A, 147, 148, and 272C (2007).

8. Legal Authority: If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 148, and 272C (2007) and 653 Iowa Administrative Code 25.

9. Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code Section 17A.12(3) and 653 Iowa Administrative Code 25.20.

C. SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

10. Respondent is charged with professional incompetency pursuant to Iowa Code sections 147.55(2), 148.6(2)(g) and (i), and 272C.10(2) (2007), and 653 IAC 23.1(2)(c), (d), (e) and (f), by demonstrating one or more of the following:

- A. A substantial lack of knowledge or ability to discharge professional obligations within the scope of the physician's or surgeon's practice;
- B. A substantial deviation from the standards of learning or skill ordinarily possessed and applied by other physicians or surgeons in the state of Iowa acting in the same or similar circumstances;
- C. A failure by a physician or surgeon to exercise in a substantial respect that degree of care which is ordinarily exercised by the average physician or surgeon in the state of

Iowa acting in the same or similar circumstances; and

- D. A willful or repeated departure from, or the failure to conform to, the minimal standard of acceptable and prevailing practice of medicine and surgery in the state of Iowa.

COUNT II

11. Respondent is charged under Iowa Code sections 147.55(3) and 272C.10(3) (2007) and 653 IAC 23.1(3) with engaging in a practice harmful or detrimental to the public.

D. STATEMENT OF MATTERS ASSERTED

12. On February 13, 2002, the Board sent Respondent a Letter of Warning expressing concerns that he failed to fully comply with the laws and rules in Iowa governing the treatment of patients with chronic pain.

13. On April 10, 2002, the Board sent Respondent a Letter of Warning expressing concerns that he inappropriately issued a “do-not-resuscitate” (DNR) order against the wishes of an elderly patient and her family.

14. On September 30, 2004, the Board sent Respondent a Letter of Warning expressing concern that he failed to properly protect confidential patient medical information.

15. The Board reviewed new information and concluded that Respondent failed to fully comply with the laws and rules governing the treatment of patients with chronic pain by:

- A. Failing to maintain proper medical records;
- B. Failing to perform initial and ongoing assessments;

- C. Inappropriately refilling controlled substance prescriptions to patients living in Iowa and to a patient living outside of Iowa, without establishing appropriate procedures to prevent possible drug abuse.

E. SETTLEMENT

16. Settlement. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 653 Iowa Administrative Code 25. If you are interested in pursuing settlement of this matter, please contact Kent M. Nebel, J.D., Legal Director at 515-281-7088.

F. PROBABLE CAUSE FINDING

17. On this 18th day of July 2007, the Iowa Board of Medicine found probable cause to file this Statement of Charges.



Yashin Lee, M.D., Chairperson
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686