BEFORE THE IOWA BOARD OF MEDICINE

****

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

WILLIAM L. DULL, M.D., RESPONDENT

FILE Nos. 02-07-507, 02-07-545, 02-07-611, 02-07-806, 02-08-629

****

SETTLEMENT AGREEMENT

****

COMES NOW the Iowa Board of Medicine (Board), and William L. Dull, M.D., (Respondent), on October 22, 2010, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into this Settlement Agreement to resolve the contested case currently on file.

1. Respondent was issued Iowa medical license no. 18978 on July 2, 1973.

2. Respondent's Iowa medical license expired on June 1, 2010.

3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.

4. Respondent formerly practiced internal medicine in Iowa City, Iowa.

5. On May 21, 2009, the Board charged Respondent with engaging in unprofessional conduct in the practice of medicine.

6. At the direction of the Board, Respondent completed a comprehensive physical, neuropsychological, mental health, and disruptive behavior evaluation at a Board-approved program.

SETTLEMENT AGREEMENT

7. **CITATION AND WARNING**: Respondent is hereby **CITED** for engaging in disruptive behavior in the practice of medicine. Respondent is hereby **WARNED** that engaging in such conduct in the future may result in further disciplinary action, including suspension or revocation of his Iowa medical license.

8. **RETIREMENT:** Respondent informed the Board that he has retired from the practice of medicine and he does not intend to practice medicine in the future. Respondent's Iowa medical license became inactive on June 1, 2010. Respondent agrees that his Iowa medical license will remain inactive in the future.

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

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

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

12. 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.

13. 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.

14. 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.

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

William L. Dull, M.D., Respondent

Subscribed and sworn to before me on September 15 2010.

Notary Public, State of Iowa.

NOTARIAL SEAL IOWA
HALEY M SCUDDER
Commission Number 764242
My Commission Expires
8/17/13

Haley M Scudder
notary public

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

Janice K. Galli, M.D., Secretary
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

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

Janice K. Galli, D.O., Secretary
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

Nebel, Kent [IBM]

From: LaMarche, Maggie [DIA]
Sent: Monday, February 01, 2010 11:01 AM
To: Weeg, Theresa [AG]; Mike Pitton
Cc: Nebel, Kent [IBM]; Bowden, Mark [IBM]
Subject: RE: Dr. Dull Motion to Extend Discovery Deadline

Dear Mr. Pitton and Ms. Weeg,

I am granting Respondent's unresisted motion to extend the discovery deadline to March 30, 2010. I will not issue a separate order so please retain this email for your record.

Margaret LaMarche
Administrative Law Judge
Iowa Department Of Inspections and Appeals
Administrative Hearings Division
Wallace State Office Building-Third Floor
Des Moines, Iowa

From: Weeg, Theresa [AG]
Sent: Friday, January 29, 2010 5:57 PM
To: Mike Pitton; LaMarche, Maggie [DIA]
Subject: RE: Dr. Dull Motion to Extend Discovery Deadline

Thanks.

From: Mike Pitton [mailto:mpitton@pittonlaw.com]
Sent: Friday, January 29, 2010 4:16 PM
To: LaMarche, Maggie [DIA]; Weeg, Theresa [AG]
Subject: Dr. Dull Motion to Extend Discovery Deadline

Judge,

I have attached an unresisted motion to extend deadline for your review with a copy to counsel. Thank you for your consideration.

Michael Pitton

BEFORE THE IOWA BOARD OF MEDICINE

	) FILE NO. 02-07-507, 545,611,806, 629
IN THE MATTER OF THE	)DIA NO. 09DPHMB007
STATEMENT OF CHARGES AGAINST	)
	)
WILLIAM L. DULL, M.D.	) ORDER FOLLOWING
Respondent	) PREHEARING CONFERENCE

A telephone prehearing conference was held by the undersigned on Thursday, November 12, 2009 at 10:00 a.m. Assistant Attorney General (AAG) Jordan Esbrook and Respondent's Attorney, Michael Pitton, both participated. Mr. Pitton has filed interrogatories and requests for production and has received the state's responses, which he feels lack specificity. The attorneys were encouraged to attempt to informally resolve the discovery issues. Mr. Pitton anticipates that he may file a Motion to Compel and may be filing a Motion to Dismiss. The parties discussed potential hearing dates and discovery deadlines. They anticipate that the hearing will take a full day. The parties discussed and agreed to the following deadlines, with the understanding that motions to extend the deadlines may be filed if discovery issues require more time to be resolved.

The parties have agreed to a tentative hearing date of April 7, 2010, provided a Board quorum is available on that day. The parties further agreed to the following discovery deadlines:

January 29, 2010: Close of discovery
February 17, 2010: Deadline to file any dispositive motions
March 1, 2010: Deadline to respond to dispositive motions
Mid March: Board would consider and rule on dispositive motions
March 25, 2010: Parties exchange final exhibits and witness lists and provide stipulated exhibits to Board office for distribution to the Board.

Dated this 12th day of November, 2009.

Margaret LaMarche

Margaret LaMarche
Administrative Law Judge
Iowa Department of Inspections and Appeals
Division of Administrative Hearings
Wallace State Office Building-Third Floor
Des Moines, Iowa 50319
Voice: (515) 281-7177
Facsimile: (515) 281-4477

cc: Michael Pitton, Respondent's Attorney
Jordan Esbrook/Theresa O'Connell Weeg, Assistant Attorneys General
Kent Nebel, Iowa Board of Medicine [all served solely by email]

BEFORE THE IOWA BOARD OF MEDICINE

	) FILE NO. 02-07-507, 545,611,806, 629
IN THE MATTER OF THE	)DIA NO. 09DPHMB007
STATEMENT OF CHARGES AGAINST	)
	)
WILLIAM L. DULL, M.D.	) ORDER FOR PREHEARING
Respondent	) CONFERENCE

The parties have agreed to a telephone prehearing conference on Thursday, November 12, 2009 at 10:00 a.m. The administrative law judge will call the attorneys at their office telephone numbers at that time, unless alternative telephone numbers are provided.

Dated this 23rd day of October, 2009.

Margaret LaMarche

Margaret LaMarche
Administrative Law Judge
Iowa Department of Inspections and Appeals
Division of Administrative Hearings
Wallace State Office Building-Third Floor
Des Moines, Iowa 50319
Voice: (515) 281-7177
Facsimile: (515) 281-4477

cc: Michael Pitton, Respondent's Attorney
Jordan Esbrook/Theresa O'Connell Weeg, Assistant Attorneys General
Kent Nebel, Iowa Board of Medicine [all served solely by email]

BEFORE THE IOWA BOARD OF MEDICINE

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IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

WILLIAM L. DULL, M.D., RESPONDENT

FILE Nos. 02-07-507, 02-07-545, 02-07-611, 02-07-806 & 02-08-629

****

STATEMENT OF CHARGES

****

COMES NOW the Iowa Board of Medicine on May 21, 2009, 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 Iowa medical license is active and will next expire on June 1, 2010.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on July 7, 2009, before the Board. The hearing shall begin at 8:30 a.m. and shall be located in the conference room at the Board 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 IAC 24.2(5)(d) to file an Answer. In that Answer, you should 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 pre-hearing 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 IAC 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 IAC 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: Theresa O'Connell Weeg, 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 Theresa O'Connell Weeg at 515-281-6858.

B. LEGAL AUTHORITY AND JURISDICTION

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

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 and 653 IAC 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 IAC 25.20.

C. SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

10. Respondent is charged pursuant to Iowa Code section 147.55(3) and 272C.10(3) and 653 IAC sections 23.1(4) with engaging in unethical and/or unprofessional conduct in the practice of medicine.

COUNT II

11. Respondent is charged pursuant to Iowa Code sections 148.6(2)(i) and 653 IAC 13.7(5) with engaging in disruptive behavior, which is defined as a pattern of contentious, threatening, or intractable behavior that interferes with, or has the potential to interfere with, patient care or the effective functioning of health care staff.

STATEMENT OF THE MATTERS ASSERTED

12. Respondent practices internal medicine in Iowa City, Iowa.

13. The Board alleges that Respondent violated the laws and rules governing the practice of medicine in Iowa when he engaged in a pattern of unprofessional conduct in the

practice of medicine which interfered with effective patient care, including but not limited to, the following:

A. The Board has received information which alleged that Respondent made rude, berating and cruel comments to patients and demonstrated a lack of concern for patients' condition on six occasions.

B. The Board has received information which alleged that Respondent stated a patient was not worth treating or resuscitating on three occasions.

C. The Board has received information which alleged that Respondent improperly entered "Do Not Resuscitate" orders on two occasions.

D. The Board has received information which alleged that Respondent's uncaring attitude led to a delay in the diagnosis of the patient's lung cancer.

E. On February 13, 2002, the Board sent Respondent a Letter of Warning due to concerns that Respondent inappropriately prescribed controlled drugs to numerous patients without maintaining appropriate documentation, without documenting treatment plans and without documenting periodic evaluations.

F. On April 10, 2002, the Board sent Respondent a Letter of Warning due to concerns that he entered a "Do Not Resuscitate" order in a patient's chart in direct contravention of her expressed wishes and without the consent of her family. Respondent allegedly indicated that the he did not believe the patient's "quality of life warranted resuscitation."

G. On September 30, 2004, the Board sent Respondent a Letter of Warning due to concerns that he violated appropriate physician-patient confidentiality when he shared a patient's HIV diagnosis and condition with family members without obtaining the patient's authorization. The information also alleges that Respondent discussed the patient's HIV diagnosis and condition in a waiting area where others could hear.

H. On July 18, 2007, the Board charged Respondent with failure to fully comply with the laws and rules governing the treatment of patients with chronic pain. Respondent was issued a Citation and Warning, ordered to pay a $5,000 Civil Penalty, and agreed not to prescribe controlled substances for the treatment of patients with chronic pain in an outpatient setting.

14. On August 6, 2008, the Board ordered Respondent to undergo a comprehensive physical, neuropsychological, mental health and disruptive behavior evaluation pursuant to Iowa Code section 272C.9(1) at a Board-approved, nationally-recognized, assessment program. The assessment program recommended that Respondent:

A. Abstain from alcohol when on call, plan for back-up coverage when he plans to drink alcohol while on call and develop a system to communicate when he is not to be called;

B. Enter into a contract with the Iowa Physician Health Program for monitoring and random drug screening to assure Respondent's abstinence when he is on call;

C. Enter into psychotherapy with an approved therapist to explore the behaviors which have generated the complaints in this matter;

D. Establish a relationship with a physician mentor in the workplace who will meet with Respondent regularly to discuss how he is relating to staff and patients; and

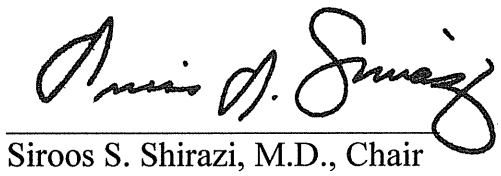
E. Follow-up with a primary care physician to address Respondent's medical needs.

E. SETTLEMENT

15. Settlement. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 653 IAC 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

16. On May 21, 2009, the Iowa Board of Medicine found probable cause to file this Statement of Charges.



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