

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

JAMES R. EELKEMA, M.D., RESPONDENT

FILE No. 02-11-406

STATEMENT OF CHARGES and SETTLEMENT AGREEMENT
(Combined)

COMES NOW the Iowa Board of Medicine (Board) and James R. Eelkema, M.D., (Respondent), on December 20, 2013, 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. 22268 on September 30, 1980.
2. Respondent's Iowa medical license went inactive due to nonrenewal on February 1, 1991.
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 currently practices general medicine in Edina, Minnesota.

6. **Minnesota Disciplinary Action:** On or about May 14, 2011, Respondent entered into a Stipulation and Order with the Minnesota Board of Medical Practice (Minnesota Board). The Minnesota Board alleged that Respondent engaged in sexual conduct with a patient at a location outside of Respondent's office setting and authorized a prescription for narcotics for the patient without documenting the prescription in the clinic record on May 31, 2007.

The Minnesota Board established the following sanctions:

- A. Respondent was issued a public reprimand;
- B. Respondent was ordered to successfully complete a Board-approved professional boundaries course;

- C. Respondent was ordered not to engage in conduct which is sexual or may reasonably be interpreted by the patient as sexual;
- D. Respondent was ordered not to provide treatment for, or meet with, patients outside of a hospital or clinical setting;
- E. Respondent was ordered to practice in a Board-approved setting only;
- F. Respondent was ordered to meet with Board designee on a quarterly basis; and
- G. Respondent was ordered to pay a \$5,577.80 civil penalty.

7. **Termination Order:** On or about May 12, 2012, the Minnesota Board issued an Order terminating the terms and conditions placed on Respondent's Minnesota medical license.

SETTLEMENT AGREEMENT

8. **CITATION AND WARNING:** Respondent is hereby **CITED** for being disciplined by the Minnesota Board for engaging in sexual conduct with a patient at a location outside of Respondent's office setting and authorized a prescription for narcotics for the patient without documenting the prescription in the clinic record on May 31, 2007. Respondent is hereby **WARNED** that being disciplined by another state licensing board and/or violating the laws and rules governing the practice of medicine in the future may result in further formal disciplinary action against his Iowa medical license.

9. **COMPLAINEE WITH THE MINNESOTA ORDER:**

Respondent shall fully comply with the terms established by the Minnesota Board.

10. **VOLUNTARY SURRENDER:** Respondent voluntarily surrenders

his Iowa medical license to resolve this matter.

11. Respondent voluntarily submits this Order to the Board for

consideration.

12. Respondent agrees that the State's counsel may present this Order to

the Board for consideration.

13. By entering into this Order, Respondent understands that he has a

right to be represented by legal counsel, 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. This Order constitutes the resolution of a contested case proceeding.

14. 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.

15. In the event Respondent fails to comply with any of the terms of this

Order, the Board may initiate action to suspend or revoke Respondent's license or to impose other license discipline as authorized in Iowa Code chapters 148 and 272 and 653 IAC 25.

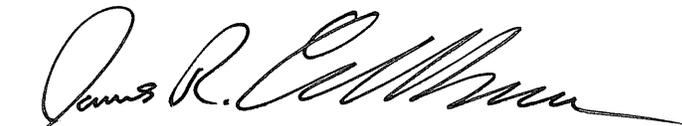
16. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

17. Respondent understands that the Board is required by Federal law to report this Order to the National Practitioner Data Bank and Healthcare Integrity and Protection Data Bank.

18. 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.

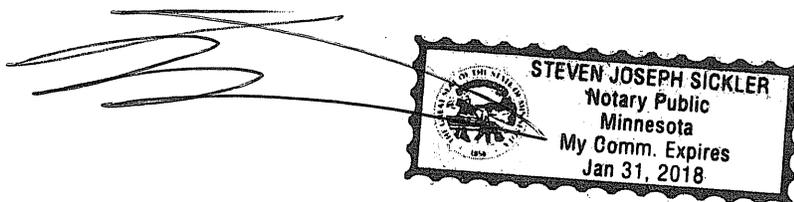
19. This Order is subject to approval of the Board. If the Board fails to approve this Order it shall be of no force or effect to either party.

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


James R. Eelkema, M.D., Respondent

Subscribed and sworn to before me on 9/30/13, 2013.

Notary Public, State of Minnesota.



This Order is approved by the Board on December 20, 2013.

A handwritten signature in black ink, appearing to read "G. Hoversten". The signature is fluid and cursive, with a large initial "G" and a stylized "H".

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