

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

WING TAI FUNG, M.D., RESPONDENT

FILE No. 02-14-250

06-26-15P12:11 RCVD

**ANSWER TO STATEMENT OF CHARGES
AND SETTLEMENT AGREEMENT (COMBINED)**

COMES NOW the Respondent, Wing Tai Fung, M.D., and for his Answer to the Statement of Charges and Settlement Agreement (Combined) in this matter states as follows:

STATEMENT OF CHARGES

1. Respondent admits Paragraph No. 1.
2. Respondent admits Paragraph No. 2.
3. Respondent admits Paragraph No. 3.

COUNT I

4. Respondent acknowledges the disciplinary charge in Count I, Par. No. 4 and refers to his response to Paragraph No. 8, below.

COUNT II

5. Respondent acknowledges the disciplinary charge in Count II, Par. No. 5 and refers to his response to Paragraph No. 9 and No. 10, below.

COUNT III

6. Respondent acknowledges the disciplinary charge in Count III, Par. No. 6 and refers to his response to Paragraph No. 9 and No. 10, below.

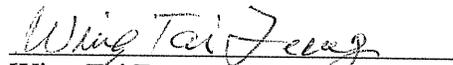
STATEMENT OF MATTERS ASSERTED BY BOARD OF MEDICINE

7. Respondent admits Paragraph No. 7.
8. With regard to Paragraph No. 8, Respondent acknowledges the guilty plea, conviction and sentence in the Iowa District Court for Shelby County.
9. With regard to Paragraph No. 9, Respondent acknowledges that the Board has notified him that its investigation includes accusations by other patients, but states that pursuant to Iowa law he has not been provided with access to the Board's investigation file(s).
10. With regard to Paragraph No. 10, Respondent states that he filed a Answer to the Combined Statement of Charges and Settlement Agreement, incorporated by reference.

SETTLEMENT AGREEMENT

11. With regard to Paragraph No. 11 through Paragraph No. 22, Respondent acknowledges the settlement terms described and his consent to those settlement terms.
12. Respondent states that his consent to the settlement terms set forth in the Combined Statement of Charges and Settlement Agreement, together with this Answer, should not be construed as an admission of liability with regard to any matters, except as specifically stated in Par. No. 8, above.

Signed:


Wing Tai Fung, M.D., Respondent

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

WING TAI FUNG, M.D., RESPONDENT

FILE No. 02-14-250

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

COMES NOW the Iowa Board of Medicine (Board) and Wing Tai Fung, M.D., (Respondent), on July 10, 2015, 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 granted Iowa medical license no. 18513 on October 14, 1971.
2. Respondent's Iowa medical license went inactive due to nonrenewal on December 1, 2014.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

COUNT I

4. **Criminal Conviction:** Respondent is charged pursuant to Iowa Code section 148.6(2)(c) and 653 IAC 23.1(10) for violating a statute or law of this state, another state, or the United States, without regard to its designation as a felony or misdemeanor, which statute or law relates to the practice of medicine.

COUNT II

5. **Sexual Misconduct:** Respondent is charged pursuant to Iowa Code section 148.6(2)(i) and 653 IAC 23.1(10), 23.1(5) and 13.7(4)(a) with engaging in sexual misconduct in violation of the laws and rules governing the practice of medicine in Iowa:

- a. In the course of providing medical care, a physician shall not engage in contact, touching, or comments of a sexual nature with a patient.

COUNT III

6. **Unethical or Unprofessional Conduct:** Respondent is charged pursuant to Iowa Code sections 147.55(3) and 272C.10(3) and 653 IAC 23.1(4) with engaging in unethical or unprofessional conduct. Engaging in unethical or unprofessional conduct includes, but is not limited to, the committing by a licensee of an act contrary to honesty, justice or good morals, whether the same is committed in the course of the licensee's practice or otherwise and whether committed within this state or elsewhere; or a violation of the standards and principles of medical ethics.

STATEMENT OF MATTERS ASSERTED

7. **Practice Setting:** Respondent is an Iowa-licensed physician who formerly practiced family medicine in Harlan, Iowa. Respondent has not practiced medicine under his Iowa medical license since December 31, 2008.

8. **Criminal Conviction:** On or about March 27, 2015, Respondent was convicted of assault with intent to commit sexual abuse (Iowa Code §708.1(1) and Iowa Code §709.11), an aggravated misdemeanor, and indecent contact with a minor (Iowa Code §709.12(1)), an aggravated misdemeanor, in the Iowa District Court for Shelby County, following submission of a written plea of guilty. The criminal charges alleged that Respondent engaged in inappropriate sexual contact with a 10-year-old female patient during a physical exam at Myrtue Medical Center in Harlan, Iowa, on January 12, 1999. Respondent was sentenced to prison for a term not to exceed two years for each count, the prison terms were suspended and Respondent was placed on probation for a period of two years. Respondent was also ordered to register as a sex offender and immediately surrender his Iowa medical license. Respondent was also ordered to enter into a plan of restitution for the payment of all court costs, fines and victim restitution.

9. **Sexual Misconduct:** The Board also received information which alleges that Respondent engaged in inappropriate sexual contact with six other female patients, most of whom were minors at the time of the alleged misconduct, between 1979 and 2000.

10. **Answer:** Respondent filed an Answer in conjunction with this order denying the allegations set forth in Paragraph 9.

SETTLEMENT AGREEMENT

11. **CITATION AND WARNING:** Respondent is hereby **CITED** for violating a statute or law of this state, another state, or the United States, without regard to its designation as a felony or misdemeanor, which statute or law relates to the practice of medicine and engaging in sexual misconduct and unethical or unprofessional conduct in violation of the laws and rules governing the practice of medicine in Iowa. Respondent is hereby **WARNED** that engaging in such conduct will not be tolerated.

12. **CIVIL PENALTY:** Respondent shall pay a **\$10,000 civil penalty** within forty five (45) days of the date of this order. The civil penalty shall be made payable to the Treasurer of Iowa and mailed to the executive director of the Board. The civil penalty shall be deposited into the State General Fund.

13. **VOLUNTARY SURRENDER:** Respondent has **voluntarily surrendered** his Iowa medical license to resolve this matter.

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

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

16. Respondent understands that by entering into this Order, 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.

17. Respondent understands that by entering into this Order, 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.

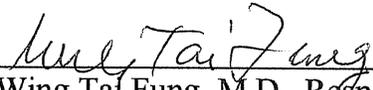
18. This Order constitutes the resolution of a contested case proceeding.

19. Respondent understands that the Board is required by Federal law to report this Order to the National Practitioner Data Bank.

20. This 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.

21. 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.

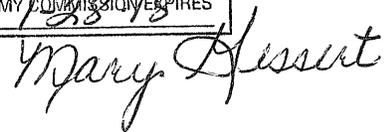
22. The Board's approval of this Order shall constitute a **Final Order** of the Board.


Wing Tai Fung, M.D., Respondent

Subscribed and sworn to before me on June 23, 2015.

Notary Public, State of Iowa.





This Order is approved by the Board on July 10, 2015.



Hamed H. Tewfik, M.D., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686