

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

THOMAS J. GETTA, M.D., RESPONDENT

FILE No. 02-07-801 & 02-08-364

TERMINATION ORDER

Date: August 6, 2014.

1. Respondent was issued Iowa medical license no. 24188 on June 1, 1984.
2. **License Status:** Respondent's Iowa medical license is active and will next expire on September 1, 2015.
3. **Practice Setting:** Respondent is an Iowa-licensed physician who formerly practiced obstetrics and gynecology in Cedar Rapids, Iowa, and currently practices in Coralville, Iowa.
4. **Statement of Charges and Settlement Agreement:** On August 6, 2009, Respondent entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board charged Respondent with failing to provide appropriate obstetrical and gynecological care to multiple patients in Cedar Rapids, Iowa, between May 2005 and July 2007. The Board issued Respondent a Citation and Warning and placed him on probation subject to remediation and Board monitoring for a period of five years.

5. **Successful Completion:** On August 6, 2014, Respondent successfully completed the terms and conditions of the August 6, 2009, combined Statement of Charges and Settlement Agreement.

THEREFORE IT IS HEREBY ORDERED: that the terms and conditions of the August 6, 2009, combined Statement of Charges and Settlement Agreement are terminated and Respondent's Iowa medical license is returned to its full privileges, free and clear of all restrictions.

IOWA BOARD OF MEDICINE



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

August 6, 2014

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

THOMAS J. GETTA, M.D., RESPONDENT

FILE No. 02-07-801 & 02-08-364

AMENDED ORDER

Date: November 25, 2009.

1. Respondent was issued Iowa medical license no. 24188 on June 1, 1984.
2. Respondent's Iowa medical license is active and will next expire on September 1, 2011.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.
4. Respondent practices obstetrics and gynecology in Cedar Rapids and Clarion, Iowa.
5. The Board received information which raises concerns about surgical complications that occurred during six gynecological surgical cases between May 2005 and February 2007.

6. The Board received information which raises concerns about surgical complications that occurred during seven Caesarian Sections between May 2005 and September 2006.

7. The Board received information which raises concerns about Respondent's management of nine obstetrical cases between March 2005 and July 2007.

8. Respondent completed a comprehensive clinical competency evaluation at the Center for Personalized Education for Physicians (CPEP) in Denver, Colorado, on November 12-13, 2007. CPEP determined that Respondent demonstrated educational needs including discrete gaps in medical knowledge, clinical reasoning and documentation and recommended that he complete a structured education program which includes an educational preceptor.

9. On August 6, 2009, Respondent entered into a combined Statement of Charges and Settlement Agreement with the Board to resolve a pending disciplinary matter. The Board charged Respondent pursuant to Iowa Code sections 147.55(2), 148.6(2)(g) and 272C.10(2) and 653 IAC 23.1(2)(f) for failing to conform to the minimal standard of acceptable and prevailing practice of medicine in Iowa. Under the terms of the Settlement Agreement, Respondent was placed on probation for a period of five years subject to certain terms and conditions.

10. Recently, the Board voted to amend the terms and conditions of the Settlement Agreement. The amended terms and conditions are included in this Amended Order.

11. **FIVE YEARS PROBATION:** Respondent shall be placed on **probation for a period of five years** subject to the following terms and conditions:

- A. **Monitoring Program:** Respondent shall contact Shantel Billington, Compliance Monitor, Iowa Board of Medicine, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686, Ph.#515-281-3654 to establish a monitoring program and he shall fully comply with the monitoring program.
- B. **CPEP Educational Plan:** Respondent shall fully comply with the CPEP recommendations, including completion of the CPEP education program
- C. **Current Medical Practice:** Respondent agrees to limit his gynecological practice to an office-based practice until he receives written approval from the Board. Respondent shall not perform surgery except for the following minor gynecological surgical procedures (performed either in the office or at a hospital with appropriate surgical privileges): biopsy or colposcopy of vulva, vagina and cervix; uterine endometrial ablations including Novasure and Gynecare Ballon ablation; hysteroscopy of uterine cavity; endometrial biopsies; IUD insertion and removal; essure tubal sterilization; and cauterization of anal skin tags. All other gynecological procedures shall only be performed within the educational preceptor plan described below

- D. **Educational Preceptor Plan:** Respondent has submitted a written educational preceptor plan for Board approval. The plan includes a board-certified obstetrician and gynecologist to serve as educational preceptor. The educational preceptor agrees to serve under the supervision of CPEP and the terms of the Board-approved educational preceptor plan. The educational preceptor agrees to review the outcomes of all surgeries performed by Respondent and report to the Board. The educational preceptor agrees to review medical records for selected patients and meet regularly with Respondent to review cases, review specific topics and engage in a quality improvement processes. Respondent shall fully comply with all recommendations of the educational preceptor. The educational preceptor agrees to inform the Board immediately if there is evidence of substandard medical care, evidence Respondent has practiced beyond the scope of his educational preceptor plan, a violation of the terms of this Order or any violation of the laws and rules governing the practice of medicine. The educational preceptor agrees to submit written quarterly reports to the Board describing Respondent's progress no later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.
- E. **Obstetrics:** Respondent has successfully completed the Board-approved remediation plan in obstetrics. Respondent may return to the practice obstetrics without restriction under his Iowa medical license.

- F. **Worksite Monitor:** Respondent shall submit for Board approval the name of a physician or other Board-approved healthcare professional who regularly observes and/or supervises Respondent in a practice setting to serve as worksite monitor. The Board shall provide the worksite monitor a copy of all Board orders relating to this matter. The worksite monitor shall provide a written statement indicating that the monitor has read and understands the Board orders relating to this disciplinary action and agrees to act as the worksite monitor under the terms of this agreement. The worksite monitor shall agree to inform the Board immediately if there is evidence of substandard medical care, evidence Respondent has practiced beyond the scope of his Board-approved written practice plan, a violation of the terms of this Order or any violation of the laws and rules governing the practice of medicine. The monitor shall submit written quarterly reports to the Board no later than 1/20, 4/20, 7/20 and 10/20 of each year.
- G. **Quarterly Reports:** Respondent shall file sworn quarterly reports attesting to his compliance with all the terms of this Order no later than 1/10, 4/10, 7/10 and 10/10 of each year of this Order.
- H. **Board Appearances:** Respondent shall appear before the Board annually or upon request of the Board during the period his probation. Respondent shall be given notice of the date, time and location of the appearances. The appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(2).

- I. **Monitoring Fee:** Respondent shall make a payment of \$100 to the Board each quarter for the duration of his probation to cover the Board's monitoring expenses in this matter. The monitoring fee shall be received by the Board with all quarterly reports required during his probation. 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.
13. Respondent's five year probation shall end on August 6, 2014.
14. Respondent voluntarily submits this Order to the Board for consideration.
15. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.
16. 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.
17. 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.

18. Periods of residence or practice outside the state of Iowa shall not apply to the duration of probation unless Respondent obtains written approval of the Board.

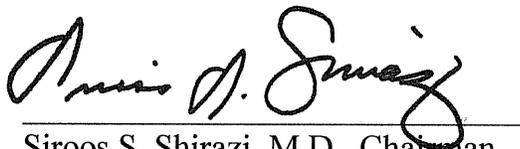
19. This Order constitutes the resolution of a contested case proceeding.

20. By entering into this Order, Respondent 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.

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

22. 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.

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



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

Date: November 25, 2009.

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

THOMAS J. GETTA, M.D., RESPONDENT

FILE No. 02-07-801 & 02-08-364

STATEMENT OF CHARGES AND SETTLEMENT AGREEMENT

(Combined)

COMES NOW the Iowa Board of Medicine (Board), and Thomas J. Getta, M.D., (Respondent), on August 6, 2009, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) (2007), enter into this combined Statement of Charges and Settlement Agreement to resolve this matter.

STATEMENT OF CHARGES

1. Respondent was issued Iowa medical license no. 24188 on June 1, 1984.
2. Respondent's Iowa medical license is active and will next expire on September 1, 2011.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

COUNT I

4. Respondent is charged under Iowa Code sections 147.55(2), 148.6(2)(g) and 272C.10(2) and 653 IAC 23.1(2)(f) for failing to conform to the minimal standard of acceptable and prevailing practice of medicine in Iowa.

STATEMENT OF MATTERS ASSERTED

5. Respondent practices obstetrics and gynecology in Cedar Rapids, Iowa.

6. The Board received information which raises concerns about surgical complications that occurred during six gynecological surgical cases between May 2005 and February 2007.

7. The Board received information which raises concerns about surgical complications that occurred during seven Caesarian Sections between May 2005 and September 2006.

8. The Board received information which raises concerns about Respondent's management of nine obstetrical cases between March 2005 and July 2007.

9. Respondent completed a comprehensive clinical competency evaluation at the Center for Personalized Education for Physicians (CPEP) in Denver, Colorado, on November 12-13, 2007. CPEP determined that Respondent demonstrated educational needs including discrete gaps in medical knowledge, clinical reasoning and documentation and recommended that he complete a structured education program which includes an educational preceptor.

SETTLEMENT AGREEMENT

10. **CITATION AND WARNING:** Respondent is hereby **CITED** for failing to conform to the minimal standard of practice of medicine in Iowa. Respondent is hereby **WARNED** that such practice in the future may result in further formal disciplinary action, including suspension or revocation of his Iowa medical license.

11. **FIVE YEARS PROBATION:** Respondent shall be placed on **probation for a period of five years** subject to the following terms and conditions:

A. **Monitoring Program:** Respondent shall contact Shantel Billington, Compliance Monitor, Iowa Board of Medicine, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686, Ph.#515-281-3654 to establish a monitoring program and he shall fully comply with the monitoring program.

B. **CPEP Educational Plan:** Respondent shall fully comply with the CPEP recommendations, including completion of the CPEP education program

C. **Current Medical Practice:** Prior to receiving Board approval of a written educational preceptor plan, Respondent shall limit his medical practice to an office-based, gynecological practice. Respondent shall not perform surgery except for the following minor gynecological surgical procedures (performed either in the office or at a hospital with appropriate surgical privileges): biopsy or colposcopy of vulva, vagina and cervix; uterine endometrial ablations including Novasure and Gynecare Ballon ablation; hysteroscopy of uterine

cavity; operative hysteroscopy; endometrial biopsies; IUD insertion and removal; Essure tubal sterilization; and cauterization of anal skin tags.

- D. **Educational Preceptor:** Prior to expanding his surgical practice, Respondent shall submit a written educational preceptor plan for Board approval. The plan shall include a board-certified obstetrician and gynecologist to serve as the educational preceptor. The educational preceptor shall agree to serve under the supervision of CPEP and the terms of the Board-approved educational preceptor plan. The educational preceptor shall review the outcomes of all surgeries performed by Respondent and report to the Board. The educational preceptor shall review medical records for selected patients and meet regularly with Respondent to review cases, review specific topics and engage in a quality improvement processes. Respondent shall fully comply with all recommendations of the educational preceptor. The educational preceptor shall agree to inform the Board immediately if there is evidence of substandard medical care, evidence Respondent has practiced beyond the scope of his educational preceptor plan, a violation of the terms of this Order or any violation of the laws and rules governing the practice of medicine. The educational preceptor shall submit written quarterly reports to the Board describing Respondent's progress no later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.

- E. **Worksite Monitor:** Respondent shall submit for Board approval the name of a physician or other Board-approved healthcare professional who regularly observes and/or supervises Respondent in a practice setting to serve as worksite monitor. The Board shall provide the worksite monitor a copy of all Board orders relating to this matter. The worksite monitor shall provide a written statement indicating that the monitor has read and understands the Board orders relating to this disciplinary action and agrees to act as the worksite monitor under the terms of this agreement. The worksite monitor shall agree to inform the Board immediately if there is evidence of substandard medical care, evidence Respondent has practiced beyond the scope of his Board-approved written practice plan, a violation of the terms of this Order or any violation of the laws and rules governing the practice of medicine. The monitor shall submit written quarterly reports to the Board no later than 1/20, 4/20, 7/20 and 10/20 of each year.
- F. **Quarterly Reports:** Respondent shall file sworn quarterly reports attesting to his compliance with all the terms of this Order no later than 1/10, 4/10, 7/10 and 10/10 of each year of this Order.
- G. **Board Appearances:** Respondent shall appear before the Board annually or upon request of the Board during the period his probation. Respondent shall be given notice of the date, time and location of the appearances. The appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(2).

- H. **Monitoring Fee:** Respondent shall make a payment of \$100 to the Board each quarter for the duration of his probation to cover the Board's monitoring expenses in this matter. The monitoring fee shall be received by the Board with all quarterly reports required during his probation. 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.
12. Respondent voluntarily submits this Order to the Board for consideration.
13. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.
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. Periods of residence or practice outside the state of Iowa shall not apply to the duration of probation unless Respondent obtains written approval of the Board.

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

18. By entering into this Order, Respondent 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.

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

20. 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.

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



Thomas J. Getta, M.D., Respondent

Subscribed and sworn to before me on July 24, 2009.

Notary Public, State of Iowa.



Donna Martinson

This Order is approved by the Board on August 6, 2009.



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