

**BEFORE THE IOWA BOARD OF MEDICINE**

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**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST**

**DAVID V. GIERLUS, D.O., RESPONDENT**

**FILE Nos. 03-09-313, 03-09-600, 03-11-424,**

**03-12-370, 03-12-594, 03-12-601 & 03-12-662**

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

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COMES NOW the Iowa Board of Medicine (Board), and David V. Gierlus, D.O., (Respondent), on December 11 2013, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), 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. 02239 on July 15, 1987.
2. Respondent's Iowa medical license went inactive due to nonrenewal on May 1, 2013.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

## COUNT I

4. **Felony Conviction:** Respondent is charged pursuant to Iowa Code section 148.6(2)(c) and 653 IAC 23.1(9) for being convicted of a felony in the courts of this state or another state, territory, or country.

## 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)-(c) with engaging in sexual misconduct in violation of the laws and rules governing the practice of medicine in Iowa:

### STATEMENT OF MATTERS ASSERTED

6. Respondent is an Iowa-licensed physician who formerly practiced family medicine in Muscatine, Iowa.

7. **Original Criminal Charges:** On or about August 30, 2012, Respondent was charged in the United States District Court for the Southern District of Iowa with three (3) counts of unlawful distribution of controlled substances, not for a legitimate medical purpose and outside the scope of professional practice, in violation of federal law.

8. **Stipulated Order - Agreement Not to Practice Medicine:** On September 21, 2012, Respondent entered into a Stipulated Order – Agreement Not to Practice Medicine with the Board. Respondent agreed not to engage in any aspect of the practice of medicine until the Board approves his return to the practice of medicine.

9. **New Criminal Charges:** On or about January 16, 2013, Respondent was charged in the United States District Court for the Southern District of Iowa with ninety five (95) counts of unlawful distribution of controlled substances, not for a legitimate medical

purpose and outside the scope of professional practice, in violation of federal law.

10. **Felony Conviction:** On or about March 1, 2013, Respondent pleaded guilty in the United States District Court for the Southern District of Iowa to one (1) count of unlawful distribution of a Schedule III Controlled Substance (Hydrocodone), in violation of federal law. The remaining criminal charges were dismissed. On July 18, 2013, Respondent was sentenced to eight (8) years in prison and ordered to pay a \$400,000 fine.

11. **Sexual Misconduct:** Respondent engaged in sexual misconduct while treating female patients in Muscatine, Iowa.

#### **SETTLEMENT AGREEMENT**

12. **CITATION AND WARNING:** Respondent is hereby **CITED** for being convicted of a felony related to the practice of medicine and engaging in sexual misconduct while treating female patients in Muscatine, Iowa, 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.

13. **CIVIL PENALTY:** Respondent shall pay a **\$10,000 civil penalty** within twenty (20) 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.

14. **VOLUNTARY SURRENDER:** Respondent **voluntarily surrenders** his Iowa medical license no. 02239 to resolve this matter.

15. Respondent voluntarily submits this Order to the Board for consideration.
16. Respondent agrees that the State's counsel may present this Order to the Board for consideration.
17. By entering into this Order, Respondent understands that he has a right to legal counsel in this matter, 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.
18. 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.
19. This Order constitutes the resolution of a contested case proceeding.
20. Respondent understands that the Board is required by Federal law to report this Order to the National Practitioner Data Bank.
21. 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.
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.

  
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David V. Gierlus, D.O., Respondent

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 written in a cursive style with a large initial "G".

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

**BEFORE THE IOWA BOARD OF MEDICINE**

\*\*\*\*\*

**IN THE MATTER OF**

**DAVID V. GIERLUS, D.O.**

**FILE NO. 03-2012-0594**

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**STIPULATED ORDER - AGREEMENT NOT TO PRACTICE MEDICINE**

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COMES NOW the Iowa Board of Medicine (Board) and David V. Gierlus, D.O., (Respondent) on September 21, 2012, and pursuant to Iowa Code sections 17A.10 and 272C.3(4), enter into this Stipulated Order.

1. Respondent was issued Iowa license no. 02239 on July 15, 1987.
2. Respondent's Iowa medical license is active and will next expire on March 1, 2013.
3. Respondent is an Iowa-licensed physician who practices family medicine in Muscatine, Iowa.
4. Respondent has recently had three criminal charges filed against him on August 31, 2012, in the U.S. District Court for the Southern District of Iowa. A Board investigation is pending.
5. Respondent agrees he shall not engage in any aspect of the practice of medicine until the Board approves his return to the practice of medicine.

6. However, Respondent voluntarily agrees not to engage in any aspect of the practice of medicine until the Board approves his return to the practice of medicine.

7. This Stipulated Order is a public record.

8. Respondent voluntarily submits this Stipulated Order to the Board for consideration.

9. In the event Respondent violates or fails to comply with this Stipulated Order, the Board may initiate action to suspend or revoke Respondent's Iowa medical license or to impose other license discipline authorized in Iowa Code Chapters 147, 148 and 272 and 653 IAC 23.

10. 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.

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

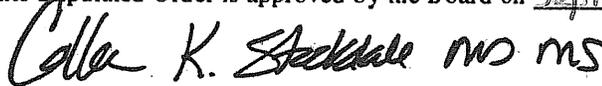


David V. Gierlus, D.O., Respondent



Date

This Stipulated Order is approved by the Board on September 21, 2012.



Colleen Stockdale, M.D., M.S., Chairperson  
Iowa Board of Medicine  
400 SW 8<sup>th</sup> Street, Suite C  
Des Moines, IA 50309-4686