

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

JOHN T. GOLDEN, M.D., RESPONDENT

FILE No. 02-11-615

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

COMES NOW the Iowa Board of Medicine (Board) and John T. Golden, M.D., (Respondent), on August 30, 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. 27322 on October 10, 1989.
2. Respondent's Iowa medical license went inactive due to nonrenewal on November 1, 2004.
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 internal medicine in Roseville, Michigan.

6. **Michigan Disciplinary Action:** On or about October 15, 2010, Respondent was disciplined by the Michigan Board of Medicine (Michigan Board). The Michigan Board alleged that Respondent inappropriately prescribed controlled substances to multiple patients between January 2003 and February 2009. The Michigan Board alleged that Respondent prescribed numerous controlled substances to patients without reviewing previous medical records, without performing and/or documenting adequate evaluation and medical rationale to support the long-term prescription of controlled substances and without making appropriate referrals. The Michigan Board ordered Respondent to pay a \$5,000 fine. Respondent also completed Board-approved continuing medical education for the appropriate treatment of chronic pain and has taken additional steps to address the Michigan Board's concerns. See Attachment A.

SETTLEMENT AGREEMENT

7. **CITATION AND WARNING:** Respondent is hereby **CITED** for being disciplined by the Michigan Board for inappropriately prescribing controlled substances to multiple patients between January 2003 and February 2009. 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 Iowa in the future may result in further formal disciplinary action against his Iowa medical license.

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

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

10. 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.

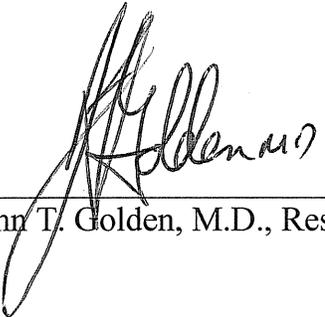
11. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

12. 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.

13. 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.

14. 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.

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



John T. Golden, M.D., Respondent

Subscribed and sworn to before me on _____, 2013.

Notary Public, State of _____.

This Order is approved by the Board on _____, 2013.

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

This Order is approved by the Board on August 30, 2013.

A handwritten signature in cursive script, reading "Greg Hoversten".

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

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
BUREAU OF HEALTH PROFESSIONS
BOARD OF MEDICINE
DISCIPLINARY SUBCOMMITTEE

In the Matter of

JOHN T. GOLDEN, M.D.
License No. 43-01-052077

Complaint No. 43-05-98573

CONSENT ORDER AND STIPULATION

CONSENT ORDER

An Administrative Complaint was filed with the Disciplinary Subcommittee of the Board of Medicine on August 25, 2009, charging John T. Golden, M.D. (Respondent), with having violated sections 16221(a), (b)(i), (b)(vi) and (c)(iv) of the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq.*

The parties have stipulated that the Disciplinary Subcommittee may enter this Consent Order. The Disciplinary Subcommittee has reviewed the Stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding Complaint. Therefore, the Disciplinary Subcommittee finds that the allegations of fact contained in the Complaint are true and that Respondent has violated sections 16221(a), and (b)(i) of the Public Health Code.

STATE OF MICHIGAN-INGHAM COUNTY

Accordingly, for these violations, IT IS ORDERED:

We certify that the foregoing is a true copy of the original on file in the office of the Department of Licensing & Regulatory Affairs Bureau of Health Professions.

Respondent is FINED Five Thousand Dollars (\$5,000.00) to be paid by check, money order or cashier's check made payable to the State of Michigan (with Complaint Number 43-05-

98573 clearly indicated on the check or money order) within 30 days from the effective date of this Order. The timely payment of the fine shall be Respondent's responsibility. Failure to comply within the time limitations provided will constitute a violation of this Order.

Respondent shall mail the fine required by the terms of this order to: Sanction Monitoring, Bureau of Health Professions, Department of Community Health, P.O. Box 30185, Lansing, Michigan 48909.

That portion of Count I of the Administrative Complaint alleging a violation of section 16221(b)(vi) of the Public Health Code is DISMISSED, and those portions of Counts II, III, and IV of the Administrative Complaint alleging a violation of section 16221(c)(iv) of the Public Health Code are DISMISSED.

If Respondent violates any term or condition set forth in this Order, Respondent will be in violation of 1996 AACRS, R 338.1632, and section 16221(h) of the Public Health Code.

This Order shall be effective thirty days from the date signed by the Chairperson of the Disciplinary Subcommittee or the Disciplinary Subcommittee's authorized representative, as set forth below.

Signed on 9/15, 2010.

STATE OF MICHIGAN-INGHAM COUNTY
We certify that the foregoing is a true copy of the original on file in the office of the Department of Licensing & Regulatory Affairs Bureau of Health Professions.

MICHIGAN BOARD OF MEDICINE

By [Signature]
Chairperson, Disciplinary Subcommittee

STIPULATION

STATE OF MICHIGAN-INGHAM COUNTY

The parties stipulate as follows:

We certify that the foregoing is a true copy of the original on file in the office of the Department of Licensing & Regulatory Affairs Bureau of Health Professions.

1. Respondent does not contest the allegations of fact and law in the Administrative Complaint. Respondent understands that, by pleading no contest, he does not admit the truth of the allegations but agrees that the Disciplinary Subcommittee may treat the allegations as true for resolution of the Administrative Complaint and may enter an order treating the allegations as true.

2. Respondent understands and intends that, by signing this stipulation, he is waiving the right under the Public Health Code, rules promulgated under the Public Health Code, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 *et seq*, to require the Department to prove the charges set forth in the Complaint by presentation of evidence and legal authority, and to present a defense to the charges before the Disciplinary Subcommittee or its authorized representative. Should the Disciplinary Subcommittee reject the proposed Consent Order, the parties reserve the right to proceed to hearing.

3. The Disciplinary Subcommittee may enter the above Consent Order, supported by Board conferee George Shade Jr., M.D. Dr. Shade or an attorney from the Licensing and Regulation Division may discuss this matter with the Disciplinary Subcommittee in order to recommend acceptance of this resolution.

4. Dr. Shade and the parties considered the following factors in reaching this agreement:

- A. Respondent has been pro-active in addressing the concerns raised by the Administrative Complaint. Respondent drafted an office policy for the use of opioids for treatment of chronic pain, along with an opioid (narcotic) consent form and pain management agreement that were reviewed and approved by Dr. Shade at Respondent's compliance conference.
- B. Respondent has successfully completed the following continuing education which was pre-approved by Dr. Shade: "Management of Chronic Pain Series" through the American Academy of Family Physicians; and "Pain Knowledge" through the University of Utah School of Medicine.
- C. Respondent has begun to utilize MAPS to ensure patients are not obtaining controlled substances from multiple sources.
- D. Respondent is now requesting records from previous treaters for new patients who request opioids for chronic pain.
- E. Respondent has taken steps to make his practice less dependent on chronic pain patients by applying to various health insurers to become a network provider. Respondent has been accepted by Priority Health and the McLaren Health Plan. Respondent also has applications pending with Health Plus of Michigan and all of the HAP plans.
- F. Respondent is making more referrals for pain management and psychiatric disorders.

STATE OF MICHIGAN-INGHAM COUNTY
We certify that the foregoing is a true copy of
the original on file in the office of the
Department of Licensing & Regulatory Affairs
Bureau of Health Professions.

By signing this Stipulation, the parties confirm that they have read, understand and agree with the terms of the Consent Order.

AGREED TO BY:

Kelly K. Elizondo

Kelly K. Elizondo (P45534)
Assistant Attorney General
Attorney for Complainant
Dated: 7/27/2010

AGREED TO BY:

John T. Golden

John T. Golden, M.D.
Respondent

Dated: 7/12/10

Andrew B. Wachler

Andrew B. Wachler (P29293)
Attorney for Respondent

Dated: 7/13/10

STATE OF MICHIGAN-INGHAM COUNTY

We certify that the foregoing is a true copy of the original on file in the office of the Department of Licensing & Regulatory Affairs Bureau of Health Professions.