

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

STEPHEN B. GRUBA, M.D., RESPONDENT

File No. 02-07-618

TERMINATION ORDER

COMES NOW the Iowa Board of Medicine (Board) on December 20, 2013, and enters this Termination Order.

1. Respondent was issued license number 25322 to practice medicine and surgery in Iowa on March 6, 1986.
2. Respondent's Iowa medical license is active and will next expire on September 1, 2014.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.
4. Respondent is an Iowa-licensed physician who formerly practiced family medicine in Corning, Iowa.

5. **First Disciplinary Action:** On July 28, 2005, Respondent entered into a combined Statement of Charges, Settlement Agreement and Final Order with the Board. The Board charged Respondent with inappropriately prescribing controlled substances to at least four patients. The Board issued Respondent Citation and Warning for prescribing controlled substances to patients in violation of the laws and rules governing the treatment of chronic pain in Iowa.

6. **Second Disciplinary Action:** On February 4, 2010, Respondent entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board charged Respondent with inappropriately prescribing controlled substances to multiple patients. Under the terms of the February 4, 2010, Settlement Agreement, the Board issued Respondent and Citation and Warning and ordered him to pay a \$5,000 civil penalty for inappropriately prescribing controlled substances to multiple patients. The Board also prohibited Respondent from prescribing, administering or dispensing controlled substances for the treatment of patients with chronic, nonmalignant pain under his Iowa medical license.

7. **Termination Request:** Recently, Respondent asked the Board to terminate the prohibition from prescribing, administering or dispensing controlled substances for the treatment of patients with chronic, nonmalignant pain under his Iowa medical license. Respondent has fully complied with the terms and conditions established in the February 4, 2010, combined Statement of Charges and Settlement Agreement.

8. **Termination:** On December 20, 2013, after careful consideration, the Board voted to terminate the terms and conditions established in the February 4, 2010, combined Statement of Charges and Settlement Agreement.

THEREFORE IT IS HEREBY ORDERED: that the terms and conditions of Respondent's February 4, 2010, 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.



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

December 20, 2013

Date

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

STEPHEN B. GRUBA, M.D., RESPONDENT

File No. 02-07-618

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

COMES NOW the Iowa Board of Medicine (Board), and Stephen B. Gruba, M.D., (Respondent), on February 4, 2010, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4)(2005), enter into this combined Statement of Charges and Settlement Agreement to resolve this disciplinary matter.

STATEMENT OF CHARGES

1. Respondent was issued license number 25322 to practice medicine and surgery in Iowa on March 6, 1986.
2. Respondent's Iowa medical license is current and will next expire on September 1, 2010.
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) and 13.2 for failing to conform to the minimal standard of acceptable and prevailing practice of medicine for the treatment of chronic pain in Iowa.

STATEMENT OF MATTERS ASSERTED

5. Respondent practices family medicine in Corning, Iowa.

6. On July 28, 2005, Respondent entered into a combined Statement of Charges, Settlement Agreement and Final Order. The Board charged Respondent with inappropriately prescribing controlled substances to at least four patients. The Board issued Respondent Citation and Warning for prescribing controlled substances to patients in violation of the laws and rules governing the treatment of chronic pain in Iowa.

7. Recently, the Board received information which indicates that Respondent has continued to prescribe controlled substances to patients in violation of the laws and rules governing the treatment of chronic pain in Iowa.

8. The Board alleges that Respondent violated the standard of practice for the appropriate treatment of chronic pain when he prescribed controlled substances to patients who exhibited drug seeking behavior without: performing and/or documenting appropriate patient evaluations; establishing and/or documenting appropriate treatment plans; obtaining and/or documenting appropriate informed consent; performing and/or documenting appropriate periodic review; considering and/or documenting appropriate consultations or referrals; maintaining appropriate documentation; utilizing and/or documenting appropriate

physician-patient agreements; or considering and/or documenting termination of care to patients with known drug abuse histories who exhibited drug seeking behavior.

SETTLEMENT AGREEMENT

9. **CITATION AND WARNING:** Respondent is hereby **CITED** for failing to conform to the minimal standard of acceptable and prevailing practice of medicine for the treatment of chronic pain in Iowa when he prescribed controlled substances to patients in violation of the laws and rules governing the 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.

10. **CIVIL PENALTY:** Respondent shall pay a **\$5,000** civil penalty within twenty days of the date of this Order. The civil penalty shall be paid by delivery of a check or money order, payable to the Treasurer of Iowa, to the executive director of the Board. The civil penalty shall be deposited into the State General Fund.

11. **PROHIBITION - CONTROLLED SUBSTANCES:** Respondent is prohibited from prescribing, administering or dispensing controlled substances for the treatment of patients with chronic, nonmalignant pain under his Iowa medical license.

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

13. 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.

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

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

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

17. 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.

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.

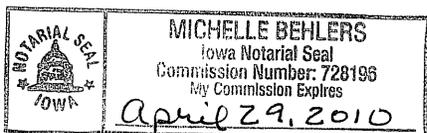
19. This Order is subject to approval of the Board. If the Board fails to approve this Order it shall be of no force or effect to either party.

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


Stephen B. Gruba, M.D., Respondent

Subscribed and sworn to before me on January 26, 2010.

Notary Public, State of Iowa.



This Order is approved by the Board on February 4, 2010.

A handwritten signature in cursive script, reading "Siros S. Shirazi". The signature is written in black ink and is positioned above a horizontal line.

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