

**BEFORE THE IOWA BOARD OF MEDICINE**

\*\*\*\*\*

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

**STEPHEN B. GRUBA, M.D., RESPONDENT**

**FILE No. 02-12-786**

\*\*\*\*\*

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

\*\*\*\*\*

COMES NOW the Iowa Board of Medicine (Board), and Stephen B. Gruba, M.D., (Respondent), on August 8, 2014, 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. 25322 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 pursuant to Iowa Code Chapters 147, 148 and 272C.

## COUNT I

4. **Unprofessional Conduct:** Respondent is charged pursuant to Iowa Code sections 147.55(3) and 272C.10(3) and 653 IAC sections 23.1(4) with engaging in unprofessional conduct in violation of the laws and rules governing the practice of medicine in Iowa.

### STATEMENT OF MATTERS ASSERTED

5. **Practice Setting:** Respondent is an Iowa-licensed physician who formerly practiced family medicine in Corning, Iowa.

6. **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 for the treatment of chronic pain to at least four patients. The Board issued Respondent a Citation and Warning and ordered him to pay a \$2,500 civil penalty and complete a Board-approved comprehensive continuing medical education program for the appropriate treatment of chronic pain.

7. **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 of controlled substances to multiple patients for the treatment of chronic pain. The Board issued Respondent a Citation and Warning, ordered him to pay a \$5,000 civil penalty and prohibited him from prescribing, administering or dispensing controlled substances for the treatment of chronic, nonmalignant pain. 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.

8. **New Allegations:** The Board received information which indicates that Respondent inappropriately accessed the medical records of multiple individuals who were not under his care in violation of patient privacy standards. The information reviewed by the Board indicates that Respondent accessed the electronic medical records of multiple individuals including a business associate, hospital staff and their family members and a former patient for other than a legitimate medical purpose in Corning, Iowa, in 2012.

### SETTLEMENT AGREEMENT

9. **CITATION AND WARNING:** Respondent is hereby **CITED** for engaging in unprofessional conduct when he inappropriately accessed the electronic medical records of multiple individuals who were not under his care for other than a legitimate medical purpose in violation of patient privacy standards in Corning, Iowa, in 2012. Respondent is hereby **WARNED** that violating the laws and rules governing the practice of medicine in Iowa in the future may result in further disciplinary action, including suspension or revocation of his Iowa medical license.

10. **CIVIL PENALTY:** Respondent shall be assessed a **\$7,500 civil penalty**. The civil penalty shall be paid within twenty (20) days of the date of this Order. The civil penalty shall be payable to the Treasurer of Iowa, shall be mailed to the executive director of the Board and shall be deposited into the State General Fund.

11. **PROFESSIONAL ETHICS PROGRAM:** Respondent shall successfully complete the Professional/Problem Based Ethics (PROBE) program sponsored by the Center for Personalized Education for Physicians (CPEP), 7351 Lowry Blvd., Suite 100, Denver, CO 80230, 303-577-3232, within ninety (90) days of the date of this order. Respondent shall ensure that a report is sent

directly to the Board and Respondent is responsible for all costs associated with the program.

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

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

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

15. 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 contained in the Statement of Charges and waives any objections to the terms of this Order.

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 violates or fails to comply with any of the terms or conditions of this Order, the Board may impose other license discipline as authorized in Iowa Code Chapters 148 and 272 and 653 IAC 23.

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

19. Respondent understands that the Board is required by Federal law (45 C.F.R. 60.8) to report this disciplinary action to the National Practitioner Data Bank.

20. 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.

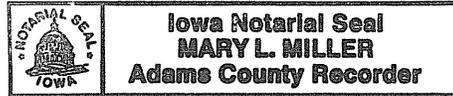
21. This Order is subject to approval by the Board. If the Board fails to approve this Order, it shall be of no force or effect to either party.

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

Stephen B. Gruba MD  
Stephen B. Gruba, M.D., Respondent

Subscribed and sworn to before me on July 23  
, 2014.

Mary L. Miller  
Notary Public, State of Iowa  
Comm. Expires 12-31-2014



This Order is approved by the Board on August 8,  
, 2014.

A handwritten signature in black ink, appearing to read "Hamed H. Tewfik".

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