

**BEFORE THE IOWA BOARD OF MEDICINE**

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

**TOBIN E. JACKS, M.D., RESPONDENT**

**FILE No. 02-09-105**

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

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COMES NOW the Iowa Board of Medicine (Board), and Tobin E. Jacks, M.D., (Respondent), on June 11, 2010, 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. 26026 on May 19, 1987.
2. Respondent's Iowa medical license expired on March 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 formerly practiced family medicine and obstetrics in Knoxville, Iowa.

6. Respondent currently practices general medicine at the Iowa Medical and Classification Center in Coralville, Iowa.

7. On August 31, 1987, the Board charged Respondent with the inability to practice medicine with reasonable skill and safety due to his excessive use of drugs.

8. On October 7, 1987, Respondent entered into an Informal Settlement with the Board to resolve the pending disciplinary charges. Under the terms of the Informal Settlement, Respondent was placed on probation for a period of five years subject to counseling and monitoring for drug abuse.

9. On October 8, 1992, the Board terminated the terms of Respondent's probation.

10. On August 10, 1995, the Board again disciplined Respondent for the inability to practice medicine with reasonable skill and safety due to his excessive use of drugs. Respondent was again placed on probation for a period of five years subject to counseling and monitoring for drug abuse.

11. On June 1, 2000, the Board terminated the terms of Respondent's probation.

12. On numerous occasions between January 28, 2001, and October 24, 2001, Respondent inappropriately prescribed drugs to a co-worker who exhibited drug seeking behavior. Respondent failed to maintain appropriate medical records for the prescribing,

failed to establish appropriate safeguards to prevent abuse, and failed to recognize the co-worker's drug seeking behavior. The co-worker later developed a drug abuse problem.

13. On September 2, 2004, the Board charged Respondent with diverting drugs he had prescribed for a co-worker, for his own use, on numerous occasions in 2001.

14. On September 29, 2005, Respondent was issued a Citation and Warning for engaging in improper prescribing practices and diverting the drugs for his own use. He was ordered to complete a Board-approved course for prescribing controlled substances in the treatment of chronic pain and he was ordered to pay a \$2,000.

15. On or about March 8, 2002, Respondent entered into a contract with the Iowa Physician Health Program (IPHP) for substance abuse monitoring.

16. Respondent violated the terms of his Physician Health Contract when he:

- A. Improperly diverted controlled substances intended for his patients for his own use on more than one occasion;
- B. Utilized urine from a patient and a member of his family to avoid detection of his use of controlled substances by a Board-approved drug screening program;
- C. Failed to have his urine drugs screens witnessed; and
- D. Enrolled in a non-approved drug treatment program for substance abuse relapse.

17. On June 9, 2006, the IPHP referred Respondent to the Board for disciplinary action for violating the terms of his IPHP Physician Health Contract.

18. On June 22, 2006, the Board charged Respondent with violating the terms of his IPHP Physician Health Contract when he diverted drugs intended for his patients for his own use and with utilizing urine from a patient and a family member to avoid the detection of his drug use by the Board's drug screening program.

19. A hearing on the disciplinary charges was held before a panel of the Board on December 12, 2006.

20. On March 9, 2007, the Board issued a Final Order to resolve the disciplinary charges. The Board concluded that Respondent violated the terms of his IPHP Physician Health Contract when he diverted drugs intended for his patients for his own use and when he used urine from a patient and a family member to avoid detection of his drug abuse by the Board's drug screening program. The Board issued Respondent a Citation and Warning for habitual intoxication or addiction to drugs, violating an IPHP physician health contract and violating a Board order and ordered Respondent to pay a \$5,000 civil penalty. The Board also suspended Respondent's Iowa medical license for a minimum of six months and prohibited him from prescribing, administering or dispensing any controlled substances.

21. On April 28, 2008, following a hearing, the Board reinstated Respondent's Iowa medical license. Respondent was placed on indefinite probation subject to counseling and monitoring for substance abuse, he is prohibited from prescribing, administering and dispensing controlled substance and he may only practice medicine within the Iowa Department of Corrections as approved by the Board.

22. The Board received information which indicates that Respondent was the subject of a professional liability claim which was reported to the Board on March 3, 2009, after a settlement was reached. The Board alleges that Respondent failed to conform to the minimal standard of acceptable practice of medicine in Iowa when he provided obstetrical care during the delivery of a baby in Knoxville, Iowa, on February 16, 2005, where the child suffered a permanent brain injury, including the following:

- A. Failed to appropriately monitor the mother's diabetes during the pregnancy;
- B. Failed to perform an appropriate assessment of the mother and child prior to the delivery;
- C. Failed to order a Caesarian Section given the child's high birth weight;
- D. Chose a forceful vaginal delivery using a vacuum extraction even though he did not have appropriate training; and
- E. Improperly utilized forceps during the delivery.

#### **SETTLEMENT AGREEMENT**

23. **CITATION AND WARNING:** Respondent is hereby **CITED** for failing to conform to the minimal standard of practice of medicine in Iowa while providing obstetrical care during a delivery on February 16, 2005. 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.

24. **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 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.

25. **PROHIBITION – OBSTETRICS:** Respondent is prohibited from practicing any aspect of the practice of obstetrics in the future.

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

27. 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.

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

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

30. 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.

31. Respondent understands that by entering into this Statement of Charges and Settlement Agreement, he 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.

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

33. 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.

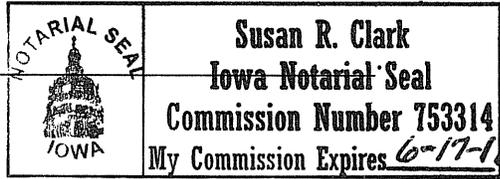
34. The Board's approval of this Order shall constitute a **Final Order** of the Board.



Tobin E. Jacks, M.D., Respondent

Subscribed and sworn to before me on May 27, 2010.

Notary Public, State of \_\_\_\_\_



This Order is approved by the Board on June 11, 2010.



Siroos S. Shirazi, M.D., Chairman  
Iowa Board of Medicine  
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Des Moines, Iowa 50309-4686