

**BEFORE THE IOWA BOARD OF MEDICINE**

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

**DAVID K. JONES, M.D., RESPONDENT**

**File Nos. 02-07-579 & 02-08-575**

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**TERMINATION ORDER**

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Date: March 9, 2012.

1. On April 29, 2005, Respondent entered into a Physician Health Contract with the Iowa Physician Health Program (IPHP) and agreed to be monitored for mental health and substance abuse.

2. On August 24, 2007, the IPHP referred Respondent to the Board for consideration of disciplinary action for violating the terms of his Physician Health Contract.

3. On September 13, 2007, the Board filed formal disciplinary charges against Respondent charging him with violating the terms of his Physician Health Contract.

4. On November 8, 2007, Respondent entered into a Settlement Agreement with the Board to resolve the pending disciplinary charges. The Board issued Respondent a Citation and Warning and ordered him to pay a \$1,000 Civil Penalty. The Board also placed Respondent on probation for a period of five years subject to substance abuse and mental health monitoring.

5. On November 13, 2008, the Board filed formal disciplinary charges against Respondent charging him with violating the terms and conditions of his Board Order.

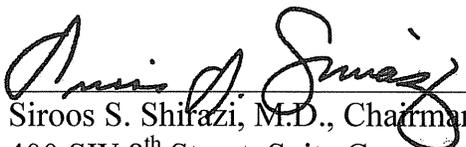
6. On April 16, 2009, Respondent entered into a Settlement Agreement with the Board to resolve the pending disciplinary charges. The Board issued Respondent a Citation and Warning and ordered him to pay a \$1,000 Civil Penalty. The Board also ordered Respondent to fully comply with the terms of probation established in the November 8, 2007, Settlement Agreement.

7. Recently, Respondent requested early termination of the terms of probation.

8. On March 1, 2012, the Board reviewed Respondent's request for termination of the terms of his probation. After careful consideration, the Board voted to terminate the terms of Respondent's probation.

**THEREFORE IT IS HEREBY ORDERED:** that the terms and conditions of Respondent's probation are terminated and Respondent's Iowa medical license is returned to its full privileges, free and clear of all restrictions.

**IOWA BOARD OF MEDICINE**

  
Siroos S. Shirazi, M.D., Chairman  
400 SW 8<sup>th</sup> Street, Suite C  
Des Moines, Iowa 50309-4686

March 9, 2012  
Date

**BEFORE THE IOWA BOARD OF MEDICINE**

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

**DAVID K. JONES, M.D., RESPONDENT**

**File Nos. 02-07-579**

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**SETTLEMENT AGREEMENT**

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**COMES NOW** the Iowa Board of Medicine (Board), and David K. Jones, M.D., (Respondent), and on November 8, 2007, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into this Settlement Agreement to resolve the contested case currently on file.

1. Respondent was issued Iowa medical license no. 36182 on June 2, 2005.
2. Respondent's Iowa medical license is active and will next expire on April 1, 2008.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

**CIRCUMSTANCES**

4. Respondent practices medicine in Des Moines, Iowa.
5. On April 29, 2005, Respondent entered into a Physician Health Contract with the Board's Iowa Physician Health Program (IPHP) and he agreed to fully comply with the recommendations of the IPHP, including appropriate assessment, treatment and monitoring for mental health and substance abuse.

6. On August 24, 2007, the IPHP referred this matter to the Board for consideration of disciplinary action against Respondent for violating the Physician Health Contract that he entered into with the IPHP and for failing to comply with the IPHP monitoring recommendations.

7. On September 13, 2007, the Board filed formal disciplinary charges against Respondent alleging the he violated the terms of the Physician Health Contract that he entered into with the IPHP.

### SETTLEMENT AGREEMENT

8. **CITATION AND WARNING:** Respondent is hereby **CITED** for violating the terms of the Physician Health Contract that he entered into with the IPHP. Respondent is hereby **WARNED** that such conduct in the future may result in further disciplinary action, including suspension or revocation of his Iowa medical license.

9. **CIVIL PENALTY:** Prior to the Board's approval of this Order, Respondent shall pay a civil penalty in the amount of **\$1,000**. 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.

10. **FIVE YEARS PROBATION:** Upon the Board's approval of this Order, Respondent shall be placed on **probation** for a period of five years subject to the following terms and conditions:

A. **Board Monitoring Program:** Respondent shall contact Shantel Billington, Compliance Monitor, Iowa Board of Medicine, 400 SW 8<sup>th</sup> Street, Suite C, Des Moines, IA 50309-4686, Ph. #515-281-3654, to establish a monitoring program. Respondent shall fully comply with all requirements of the monitoring program.

- B. **Alcohol Prohibition:** Respondent shall not consume alcohol.
- C. **Controlled or Prescription Drug Restriction:** Respondent shall not use any controlled or prescription drug in any form unless the controlled or prescription drug has been prescribed for Respondent's use by another duly licensed treating physician or other qualified treating health care provider. Respondent shall provide the Board written notice within 72 hours of the use of any controlled or prescription drug. Respondent shall inform any treating physician or other treating health care provider of his medical history prior to receiving any prescription drug.
- D. **Drug Screening Program:** Respondent shall continue to submit to the Board's drug screening program. Respondent shall provide random blood or urine specimens when required. Respondent agrees to comply with all requirements of the drug-screening program. Respondent shall also provide random blood or urine specimens on demand by an agent of the Board. The specimens shall be used for drug and alcohol screening, all costs of which shall be paid by Respondent.
- E. **Mental Health Counseling:** Respondent shall submit to the Board for approval the name and CV of a counselor to provide ongoing mental health counseling.
- (1) The counselor shall submit written quarterly reports to the Board concerning Respondent's progress. The reports shall be filed with the Board not later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.
  - (2) Respondent shall continue with counseling until discharged by the Board-approved counselor and until Respondent's discharge is approved by the Board.

(3) Respondent shall meet with his Board-approved counselor as frequently as recommended by the counselor and approved by the Board. All costs associated with the counseling shall be the responsibility of Respondent.

F. **Substance Abuse Counseling:** Respondent shall submit to the Board for approval the name and CV of a physician or counselor to provide substance abuse counseling.

(1) The counselor shall submit written quarterly reports to the Board concerning Respondent's progress. The reports shall be filed with the Board not later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.

(2) Respondent shall continue with counseling until discharged by the Board-approved counselor and until Respondent's discharge from counseling is approved by the Board.

(3) Respondent shall meet with his Board-approved counselor as frequently as recommended by the counselor and approved by the Board. All costs associated with the counseling shall be the responsibility of Respondent.

G. **Worksite Monitor:** Respondent shall submit for Board approval the name of a physician who regularly observes Respondent in the practice of medicine to serve as worksite monitor. The Board shall share a copy of all Board orders relating to this matter with the worksite monitor. The worksite monitor shall provide a written statement indicating that the monitor has read and understands all Board orders relating to this matter and agrees to act as the worksite monitor under the terms of this agreement. The worksite monitor shall agree to inform the Board immediately if there is evidence of a mental health impairment or substance

abuse or a violation of this Order. The monitor shall agree to submit quarterly reports to the Board concerning Respondent's progress. The reports shall be filed with the Board not later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.

- H. **Quarterly Reports:** Respondent shall file sworn quarterly reports with the Board attesting to his compliance with all the terms and conditions of this Settlement Agreement. The reports shall be filed not later than 1/10, 4/10, 7/10 and 10/10 of each year of this Order.
  - I. **Board Appearances:** Respondent shall make appearances before the Board or a Board committee annually or upon request. Respondent shall be given reasonable notice of the date, time and location for the appearances. Said appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(d).
  - J. **Monitoring Fee:** Respondent shall make a payment of \$100 to the Board each quarter for the duration of this Order to cover the Board's monitoring expenses in this matter. The monitoring fee shall be received by the Board with each quarterly report from Respondent required by this Order. The monitoring fee shall be sent to: Shantel Billington, Compliance Monitor, Iowa Board of Medicine, 400 SW 8<sup>th</sup> Street, Suite C, Des Moines, IA 50309-4686. The check shall be made payable to the Iowa Board of Medicine. The Monitoring Fee shall be considered repayment receipts as defined in Iowa Code section 8.2.C.
11. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.
  12. This Order constitutes the resolution of a contested case proceeding.
  13. This Order is voluntarily submitted by Respondent to the Board for consideration.

14. In the event Respondent violates or fails to comply with any of the terms or conditions of this Order, the Board may initiate action to suspend or revoke Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code Chapters 148 and 272 and 653 IAC 25.

15. Periods of residence or practice outside the state of Iowa shall not apply to the duration of this Order.

16. By entering into this Order, Respondent 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 Settlement Agreement.

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

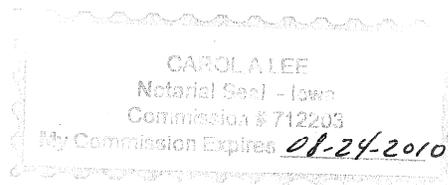
18. The Board's approval of this Order shall constitute a **Final Order** of the Board.



David K. Jones, M.D., Respondent

Subscribed and sworn to before me on October 30, 2007.

  
Notary Public, State of Iowa.



This Order is approved by the Board on November 8, 2007.



Yashn Lee, M.D., Chair  
Iowa Board of Medicine  
400 SW 8<sup>th</sup> Street, Suite C  
Des Moines, Iowa 50309-4686

**BEFORE THE IOWA BOARD OF MEDICINE**

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

**DAVID K. JONES, M.D., RESPONDENT**

**File Nos. 02-07-579**

\*\*\*\*\*

**STATEMENT OF CHARGES**

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**COMES NOW** the Iowa Board of Medicine on September 13, 2007, and files this Statement of Charges pursuant to Iowa Code Section 17A.12(2)(2007). Respondent was issued Iowa medical license no. 36182 on June 2, 2005. Respondent's Iowa medical license is active and will next expire on April 1, 2008.

**A. TIME, PLACE AND NATURE OF HEARING**

1. Hearing. A disciplinary contested case hearing shall be held on November 6, 2007, before the Board. The hearing shall begin at 1:00 p.m. and shall be located in the conference room at the Board office at 400 SW 8<sup>th</sup> Street, Suite C, Des Moines, Iowa.

2. Answer. Within twenty (20) days of the date you are served this Statement of Charges you are required by 653 IAC 24.2(5)(d) to file an Answer. In that Answer, you should state whether you will require a continuance of the date and time of the hearing.

3. Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing.

4. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 653 IAC 25. At hearing, you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. If you need to request an alternative time or date for hearing, you must review the requirements in 653 IAC 25.16. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

5. Prosecution. The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address: Theresa O'Connell Weeg, Assistant Attorney General, Iowa Attorney General's Office, 2<sup>nd</sup> Floor, Hoover State Office Building, Des Moines, Iowa 50319.

6. Communications. You may not contact board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing. Board members may only receive information about the case when all parties have an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You should direct any questions to Kent M. Nebel, J.D., Legal Director at 515-281-7088 or to Assistant Attorney General Theresa O'Connell Weeg at 515-281-6858.

## **B. LEGAL AUTHORITY AND JURISDICTION**

7. Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 148, and 272C.

8. Legal Authority: If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 148, and 272C and 653 IAC 25.

9. Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 653 IAC 25.20.

### **C. SECTIONS OF STATUTES AND RULES INVOLVED**

#### **COUNT I**

10. Respondent is charged under Iowa Code section 272C.3(k) (2007) and 653 IAC 23.1(35) with violating a Physician Health Contract that he entered into with the Iowa Physician Health Program (IPHP).

#### **COUNT II**

11. Respondent is charged under Iowa Code section 147.55(4), 148.6(2)(h) and 272C.10(4)(2007) and 653 IAC 23.1(6) with engaging in substance abuse which impairs his ability to practice medicine with reasonable skill and safety.

#### **COUNT III**

12. Respondent is charged under Iowa Code section 148.6(2)(h) (2007) and 653 IAC 23.1(8) with suffering from a mental condition which impairs his ability to practice medicine and surgery with reasonable skill and safety.

#### **D. STATEMENT OF MATTERS ASSERTED**

13. On April 29, 2005, Respondent entered into a Physician Health Contract with the Board's Iowa Physician Health Program (IPHP) and he agreed to fully comply with the recommendations of the IPHP, including appropriate assessment, treatment and monitoring for mental health and substance abuse.

14. The Board found probable cause that Respondent failed to comply with monitoring requirements of his IPHP Physician Health Contract.

#### **E. SETTLEMENT**

15. Settlement. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 653 IAC 25. If you are interested in pursuing settlement of this matter, please contact Kent M. Nebel, J.D., Legal Director at 515-281-7088.

#### **F. PROBABLE CAUSE FINDING**

16. On this 13<sup>th</sup> day of September 2007, the Iowa Board of Medicine found probable cause to file this Statement of Charges.

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