

**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.

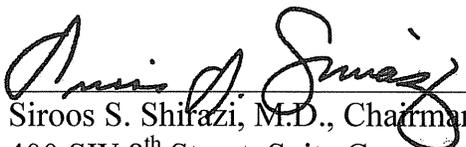
6. On April 16, 2009, Respondent entered into a Settlement Agreement with the Board to resolve the pending disciplinary charges. The Board issued Respondent a Citation and Warning and ordered him to pay a \$1,000 Civil Penalty. The Board also ordered Respondent to fully comply with the terms of probation 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. 02-08-575**

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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 April 16, 200~~8~~<sup>9</sup>, 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 expire on April 1, 2010.
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 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 charging him with violating the terms of the Physician Health Contract that he entered into with the IPHP.

8. On November 8, 2007, Respondent entered into a Settlement Agreement with the Board to resolve the pending disciplinary charges. Respondent was placed on probation for a period of five years subject to substance abuse and mental health monitoring. Respondent was required to fully comply with the Board's drug screening program.

9. The Board reviewed information which indicates that Respondent failed to properly call into the Board's drug screening program on five occasions.

10. On November 13, 2008, the Board filed formal disciplinary charges against Respondent charging him with violating the terms and conditions of a Board Order. Respondent filed an Answer denying the allegations.

#### **SETTLEMENT AGREEMENT**

11. **CITATION AND WARNING:** Respondent is hereby **CITED** for violating the terms and conditions of a Board Order. 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.

12. **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.

13. **NOVEMBER 8, 2007, SETTLEMENT AGREEMENT:** Respondent shall fully comply with the terms and conditions of the November 8, 2007, Settlement Agreement. In the event Respondent violates or fails to comply with any of the terms or conditions of the November 8, 2007, Settlement Agreement, 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.

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

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

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

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

18. 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.

19. 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.

20. 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 April 1, 2009.

Notary Public, State of Iowa.



This Order is approved by the Board on April 16, 2009.



Yasin 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**

\*\*\*\*\*

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

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

**File Nos. 02-08-575**

\*\*\*\*\*

**STATEMENT OF CHARGES**

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**COMES NOW** the Iowa Board of Medicine on November 13, 2008, 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, 2010.

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

1. Hearing. A disciplinary contested case hearing shall be held on January 14, 2009, before the Board. The hearing shall begin at 8:30 a.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 pursuant to Iowa Code section 148.6(2)(i) and 653 IAC 23.1(11) with violating a lawful order of the Board.

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

11. On April 29, 2005, Respondent entered into a Physician Health Contract with the Iowa Physician Health Program (IPHP) and he agreed to fully comply with the IPHP requirements for treatment and monitoring for mental health and substance abuse.

12. On August 24, 2007, the IPHP referred Respondent to the Board for consideration of disciplinary action for violating the Physician Health Contract that he entered into with the IPHP.

13. 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.

14. On November 8, 2007, Respondent entered into a Settlement Agreement with the Board to resolve the pending disciplinary charges. Respondent was placed on probation for a period of five years subject to substance abuse and mental health monitoring. Respondent was required to fully comply with the Board's drug screening program.

15. The Board recently reviewed information which indicates that Respondent failed to properly call into the Board's drug screening program on at least thirteen occasions between November 8, 2007, and the present.

#### **E. SETTLEMENT**

16. 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**

17. On November 13, 2008, the Iowa Board of Medicine found probable cause to file this Statement of Charges.

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