

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

MICHAEL F.E. JONES, M.D., RESPONDENT

FILE NO. 02-10-596

TERMINATION ORDER

Date: September 16, 2016.

1. **Iowa Medical License:** Respondent was issued Iowa medical license No. 18361 on July 1, 1971. Respondent's Iowa medical license is active and will next expire on April 1, 2017.

2. **Jurisdiction:** The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.

3. **Practice Setting:** Respondent is an Iowa-licensed physician who formerly practiced otolaryngology in multiple locations, including Sioux City and Waterloo, Iowa.

4. **Statement of Charges:** On November 18, 2011, the Board filed formal disciplinary charges against Respondent alleging that he prescribed controlled substances to two female acquaintances in 2010 and 2011 outside of an appropriate physician-patient relationship and that he failed to respond to the Board's investigation in a timely manner.

5. **Settlement Agreement:** On March 29, 2012, Respondent entered into a Settlement Agreement with the Board to resolve the pending disciplinary charges. Under the terms of the March 29, 2012, Settlement Agreement, the Board issued Respondent a Citation and Warning and ordered him to pay a \$7,500 civil penalty and successfully complete a Board-approved professional boundaries program, record keeping course and professional ethics program. The Board also prohibited Respondent from prescribing, administering or dispensing any controlled substance under his Iowa medical license. The Board also placed Respondent on probation for a period of five (5) years subject to Board monitoring.

6. **Termination of the terms of the March 29, 2012, Settlement Agreement:** On September 16, 2016, the Board concluded that Respondent has demonstrated that he has complied with the terms of the March 29, 2012, Settlement Agreement and voted to terminate the terms of the Settlement Agreement. The Board concluded that Respondent demonstrated that he has successfully completed the following terms and conditions:

- A. **Civil Penalty:** Respondent paid the \$7,500 civil penalty.
- B. **Professional Boundaries Program:** Respondent completed a Board-approved professional boundaries program.
- C. **Record Keeping Course:** Respondent completed a Board-approved record keeping course.
- D. **Professional Ethics Program:** Respondent completed a Board-approved professional ethics program.

E. **Continuing Medical Education:** Respondent has completed the necessary continuing medical education.

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

This Order is effective on September 16, 2016.



Diane L. Clark, R.N., M.A., Chair
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

MICHAEL F.E. JONES, M.D., RESPONDENT

FILE NO. 02-10-596

SETTLEMENT AGREEMENT

COMES NOW the Iowa Board of Medicine (Board) and Michael F.E. Jones, M.D., (Respondent), and on March 29, 2012, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) enter into this Settlement Agreement to resolve the pending charges in this matter. _

1. Respondent was issued Iowa medical license No. 18361 on July 1, 1971.
2. Respondent's Iowa medical license is active and will next expire on April 1, 2013.
3. The Board has jurisdiction pursuant to Iowa Code chapters 147, 148 and 272C.
4. Respondent is an Iowa-licensed physician who practices otolaryngology in multiple locations, including Sioux City and Waterloo, Iowa.

5. On November 18, 2011, the Board filed formal disciplinary charges against Respondent alleging that he:

- A. Indiscriminately or promiscuously prescribing controlled substances when he prescribed multiple controlled substances to a female acquaintance on at least four occasions in 2010 and 2011 without establishing an appropriate physician-patient relationship; without seeing the patient in a clinical setting; without performing a physical examination and without maintaining a medical record. Respondent had established a social relationship with the female acquaintance and was aware that she had a history of drug abuse. Respondent signed the prescriptions after the female acquaintance filled out the prescriptions on Respondent's prescription pad and Respondent paid for the prescriptions when they were filled.
- B. Indiscriminately or promiscuously prescribed controlled substances when he prescribed controlled substances to a second female acquaintance on at least three occasions in November 2010 without establishing an appropriate physician-patient relationship; without seeing the patient in a clinical setting; without performing a physical examination and without maintaining a medical record. Respondent had established a social relationship with the second female acquaintance.

- C. Engaging in unethical and/or unprofessional conduct when he violated appropriate professional boundaries by prescribing controlled substances to two female acquaintances outside of an appropriate physician-patient relationship.
 - D. Failure to respond to the Board's investigation of this matter in a timely manner when he failed to respond to numerous requests for an interview and/or further investigative information made by a Board investigator.
6. On January 18, 2012, Respondent voluntarily surrendered his Iowa Controlled Substance Act registration number 1214360.
7. Respondent has filed an answer denying all charges.

SETTLEMENT AGREEMENT

8. **CITATION AND WARNING:** Respondent is hereby **CITED** for inappropriately prescribing controlled substances to two individuals without establishing an appropriate physician-patient relationship, violating appropriate professional boundaries, and failing to respond to a Board investigation in a timely manner in violation of the laws and rules governing the practice of medicine. Respondent is hereby **WARNED** that engaging in such conduct in the future may result in further disciplinary action, including suspension or revocation of his Iowa medical license.

9. **CIVIL PENALTY:** Respondent shall pay a **\$7,500 civil penalty** within twenty (20) days of the date of this order. 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. **PROFESSIONAL BOUNDARIES EVALUATION:** Respondent shall schedule a Board-approved comprehensive physical, neuropsychological, mental health and professional boundaries evaluation at BMI in Atlanta within fifteen (15) days and shall complete the evaluation within sixty (60) days of the date of this order. If Respondent fails to complete the Board-approved evaluation within sixty (60) days of the date of this Order, the Board will issue a notice to Respondent that his license will be suspended thirty (30) days from the date the notice is served. The suspension shall occur automatically and without further Board action, unless Respondent files a request for hearing on the notice within ten (10) days of the date the notice is served. Respondent shall fully comply with the recommendations of the evaluation program and the Board following completion of the evaluation.

11. **CONTROLLED SUBSTANCES:** Respondent shall not prescribe, administer or dispense any controlled substance under his Iowa medical license.

12. **RECORD KEEPING COURSE:** Respondent shall schedule a Board-approved record keeping course within fifteen (15) days and complete the record keeping course within sixty (60) days of the date of this order. If Respondent fails to complete the Board-approved evaluation within sixty (60) days of the date of this Order, the Board will issue a notice to Respondent that his license will be suspended thirty (30) days from the date the notice is served. The suspension shall occur automatically and without further Board action, unless Respondent files a request for hearing on the notice within ten (10) days of the

date the notice is served. Respondent shall fully comply with the recommendations of the evaluation program and the Board following completion of the evaluation.

13. **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. Respondent is responsible for all costs associated with the program. If Respondent fails to complete the Board-approved evaluation within ninety (90) days of the date of this Order, the Board will issue a notice to Respondent that his license will be suspended thirty (30) days from the date the notice is served. The suspension shall occur automatically and without further Board action, unless Respondent files a request for hearing on the notice within ten (10) days of the date the notice is served. Respondent shall fully comply with the recommendations of the evaluation program and the Board following completion of the evaluation.

14. **FIVE YEARS PROBATION:** Respondent shall be placed on **probation for a period of five (5) years** subject to the following conditions:

A. **Board Monitoring Program:** Within thirty days of the date of this Order, Respondent shall establish a Board monitoring program with Shantel Billington, Compliance Monitor, Iowa Board of Medicine, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686, Ph.#515-281-3654. Respondent shall fully comply with all requirements of the monitoring program. If Respondent

fails to establish a Board monitoring program within thirty days of the date of this Order or fails to fully comply with the Board monitoring plan, the Board will issue a notice to Respondent that the license will be suspended within thirty (30) days of the date the notice is served on Respondent. The suspension shall occur automatically and without further Board action, unless Respondent files with the Board a request for hearing on the notice within ten (10) days of the date the notice is served.

- B. Compliance with Professional Boundaries Recommendations:** Respondent shall fully comply with all recommendations made the Board-approved assessment program following his professional boundaries evaluation.
- C. Counseling:** Respondent shall submit the name and CV of a counselor to provide continuing Board-approved professional boundaries counseling under the following terms and conditions:
- 1) Respondent shall meet with his Board-approved counselor as frequently as recommended by the counselor and approved by the Board;
 - 2) Respondent shall continue counseling until his discharge is approved by the Board;
 - 3) The counselor shall agree to submit written quarterly reports to the Board concerning Respondent's progress no later than 1/20, 4/20, 7/20 and 10/20 of each year of Respondent's probation; and
 - 4) Respondent is responsible for all costs associated with the counseling.

D. **Worksite Monitoring Program:** Respondent shall establish a worksite monitoring program with the Board.

- 1) Respondent shall submit for Board approval the name of a physician who regularly observes or supervises him in the practice of medicine.
- 2) The Board shall provide a copy of all Board orders relating to this matter to the worksite monitor.
- 3) The worksite monitor shall provide a written statement indicating that they have read and understand this Order. The worksite monitor shall agree to inform the Board immediately if there is evidence of a violation of professional boundaries or a violation of this Order. The worksite monitor shall submit quarterly reports to the Board no later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order. The worksite monitor may be asked to appear before the Board in-person, or by telephone or video conferencing. The worksite monitor shall be given written notice of the date, time and location for the appearances. Appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(d).

E. **Quarterly Reports:** Respondent shall file sworn quarterly reports attesting to his compliance with all the terms and conditions of this Order, including attendance at meetings with his counselor. The reports shall be filed not later than 1/10, 4/10, 7/10 and 10/10 of each year of Respondent's probation.

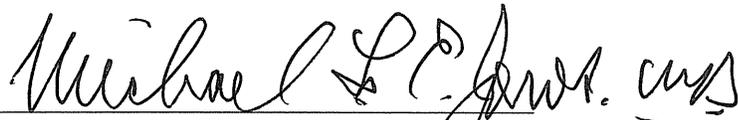
- F. **Board Appearances:** Respondent shall make an appearance before the Board annually or upon request. Respondent shall be given written notice of the date, time and location for the appearances. Such appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(d).
- G. **Monitoring Fee:** 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 required under this Order. The monitoring fee shall be sent to: Coordinator of Monitoring Programs, Iowa Board of Medicine, 400 SW 8th 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.
15. Respondent voluntarily submits this Order to the Board for consideration.
16. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.
17. In the event Respondent violates or fails to comply with the terms of this Order, the Board may initiate action to suspend or revoke Respondent's Iowa license or impose other license discipline as authorized in Iowa Code Chapters 148 and 272 and 653 IAC 24.
18. This Order constitutes the resolution of a contested case proceeding.
19. Periods of residence or practice outside the state of Iowa shall not apply to the duration of this Order unless Respondent obtains prior written approval from the Board.

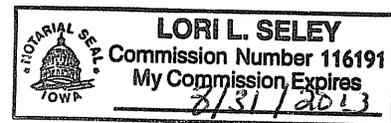
Periods in which Respondent does not practice medicine or fails to comply with the terms established in this Order shall not apply to the duration of this Order unless Respondent obtains prior written approval from the Board.

20. 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.

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.


Michael F.E. Jones, M.D., Respondent



Subscribed and sworn to before me on March 15, 2012.



Notary Public, State of Iowa.

This Order is approved by the Board on March 29, 2012.

A handwritten signature in black ink, reading "Siroos S. Shirazi". The signature is written in a cursive style with a large, looping "S" at the beginning and a long, sweeping tail that extends to the right.

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

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

MICHAEL F.E. JONES, M.D., RESPONDENT

FILE NO. 02-10-596

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medicine (Board) on November 18, 2011, and files this Statement of Charges pursuant to Iowa Code Section 17A.12(2). Respondent was issued Iowa medical license no. 18361 on July 1, 1971. Respondent's Iowa medical license is active and will next expire on April 1, 2013.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on February 16, 2011, before the Iowa Board of Medicine. The hearing shall begin at 8:30 a.m. and shall be located in the conference room at the Iowa Board of Medicine office at 400 SW 8th Street, Suite C, Des Moines, Iowa.

2. Answer. Within twenty (20) days of the date you are served this Notice of Hearing you are required by 653 Iowa Administrative Code 25.10 to file an Answer. In that Answer, you should also 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. Prehearing Conference. A prehearing conference will be held by telephone on December 21, 2011, at 9:00 a.m., before an Administrative Law Judge from the Iowa Department of Inspections and Appeals (ALJ). Please contact Kent M. Nebel, J.D., Legal Director, Iowa Board of Medicine, at 515-281-7088 with the telephone number at which you or your legal counsel can be reached. Board rules on prehearing conferences may be found at 653 Iowa Administrative Code 25.15.

5. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 653 Iowa Administrative Code Chapter 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 Iowa Administrative Code 25.16. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

6. 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: Julie Bussanmas, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319.

7. 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 notice and 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 may contact Kent M. Nebel, J.D., Legal Director, at 515-281-7088 or to Assistant Attorney General Julie Bussanmas at 515-281-5637.

B. LEGAL AUTHORITY AND JURISDICTION

8. Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 17A, 147, 148, and 272C (2005).

9. 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 (2005) and 653 Iowa Administrative Code Chapter 25.25.

10. 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 Iowa Administrative Code 25.20.

C. SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

11. Indiscriminately or Promiscuously Prescribing Controlled Substances:

Respondent is charged pursuant Iowa Code sections 147.55(8) and 148.6(2)(i) and 653 IAC 23.1(7) for indiscriminately or promiscuously prescribing, administering or dispensing controlled substances in violation of the laws and rules governing the practice of medicine in Iowa.

COUNT II

12. Unethical or Unprofessional Conduct: Respondent is charged pursuant to Iowa Code sections 147.55(3) and 272C.10(3) and 653 IAC 23.1(4) for engaging in unethical or unprofessional conduct in violation of the laws and rules governing the practice of medicine in Iowa. Engaging in unethical or unprofessional conduct includes, but is not limited to, the committing by a licensee of an act contrary to honesty, justice or good morals, whether the same is committed in the course of the licensee's practice or otherwise and whether committed within this state or elsewhere.

COUNT III

13. Failure to Respond To Or Comply with a Board Investigation: Respondent is charged pursuant to Iowa Code sections 147.55(8), 148.6(i) and 272C.10(8) and 653 IAC 23.1(35) for failure to respond to or comply with a Board investigation initiated pursuant to Iowa Code section 272C.3 and 653 IAC 24.2.

STATEMENT OF THE MATTERS ASSERTED

14. Respondent is an Iowa-licensed physician who practices otolaryngology in multiple locations, including Sioux City and Waterloo, Iowa.

15. The Board alleges that Respondent indiscriminately or promiscuously prescribed controlled substances when he prescribed multiple controlled substances to a female acquaintance on at least four occasions in 2010 and 2011 without establishing an appropriate physician-patient relationship; without seeing the patient in a clinical setting; without performing a physical examination and without maintaining a medical record. Respondent had established a social relationship with the female acquaintance and was aware that she had a history of drug abuse. Respondent signed the prescriptions after the female acquaintance filled out the prescriptions on Respondent's prescription pad and Respondent paid for the prescriptions when they were filled.

16. The Board alleges that Respondent indiscriminately or promiscuously prescribed controlled substances when he prescribed controlled substances to a second female acquaintance on at least three occasions in November 2010 without establishing an appropriate physician-patient relationship; without seeing the patient in a clinical setting; without performing a physical examination and without maintaining a medical record. Respondent had established a social relationship with the second female acquaintance.

17. The Board alleges that Respondent engaged in unethical and/or unprofessional conduct when he violated appropriate professional boundaries by prescribing controlled substances to two female acquaintances outside of an appropriate physician-patient relationship.

18. The Board alleges that Respondent failed to respond to the Board's investigation of this matter in a timely manner when he failed to respond to numerous requests for an interview and/or further investigative information made by a Board investigator.

E. SETTLEMENT

19. Settlement. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 653 Iowa Administrative Code 12.25. 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

20. On November 18, 2011, the Iowa Board of Medicine found probable cause to file this Statement of Charges.



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