

BEFORE THE BOARD IOWA BOARD OF MEDICINE

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IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

JAMES G. KANNENBERG, M.D., RESPONDENT

FILE No. 02-08-436

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TERMINATION ORDER

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Date: December 16, 2015.

1. Respondent was issued Iowa medical license No. 22910 on May 25, 1982.
2. Respondent's Iowa medical license is active and will next expire on December 1, 2016.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.
4. **Practice Setting:** Respondent is an Iowa-licensed physician who currently practices medicine in Fairfield, Iowa
5. **Evaluation Order:** On December 23, 2009, the Board ordered Respondent to undergo a Board-approved confidential physical, neuropsychological, mental health and disruptive behavior evaluation pursuant to Iowa Code section 272C.9(1) and 653 IAC 24.4. On March 15-16, 2010, Respondent completed the evaluation at the Professionals Program at Elmhurst Memorial Healthcare in Elmhurst, Illinois.

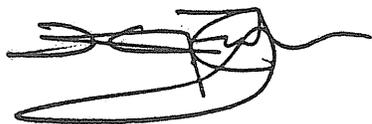
6. **Statement of Charges and Settlement Agreement:** On July 8, 2010, Respondent entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board charged Respondent with failing to conform to the minimal standard of acceptable and prevailing practice of medicine in Iowa and engaging in unethical or unprofessional conduct. Respondent agreed not to practice medicine until he received written approval from the Board. The Board also issued Respondent a Citation and Warning and ordered him to pay a \$7,500 civil penalty and complete Board-approved counseling and a professional ethics program.

7. **Reinstatement Order:** On December 16, 2010, the Board determined that Respondent successfully completed the terms and conditions established by the Board. The Board issued a Reinstatement Order reinstating Respondent's Iowa medical license and the Board placed Respondent on probation for a period of five (5) years subject to Board monitoring, including counseling and a physician mentoring plan.

8. **Completion of Probation:** On December 16, 2015, Respondent completed the term of his five (5) year 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.

This Order is issued by the Board on December 16, 2015.

A handwritten signature in black ink, appearing to read 'Hamed H. Tewfik', written over a horizontal line.

Hamed H. Tewfik, M.D., Chairman  
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**

**JAMES G. KANNENBERG, M.D., RESPONDENT**

**FILE No. 02-08-436**

\*\*\*\*\*

**REINSTATEMENT ORDER**

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**COMES NOW** the Iowa Board of Medicine (Board), and James G. Kannenberg, M.D., (Respondent), on December 16, 2010, and enter into this Reinstatement Order.

1. Respondent was issued Iowa medical license No. 22910 on May 25, 1982.
2. Respondent's Iowa medical license is active and will next expire on December 1, 2010.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.
4. Respondent formerly practiced family medicine in Fort Madison, Iowa.
5. On December 23, 2009, the Board ordered Respondent to undergo a Board-approved confidential physical, neuropsychological, mental health and disruptive behavior evaluation pursuant to Iowa Code section 272C.9(1) and 653 IAC 24.4. On March 15-16, 2010, Respondent completed the evaluation at the Professionals Program at Elmhurst Memorial Healthcare in Elmhurst, Illinois.

6. On July 8, 2010, Respondent entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board charged Respondent with failing to conform to the minimal standard of acceptable and prevailing practice of medicine in Iowa and engaging in unethical or unprofessional conduct. Under the terms of the Settlement Agreement, Respondent agreed not to practice medicine until he received written approval from the Board. Respondent was issued a Citation and Warning and ordered to pay a \$7,500 Civil Penalty. He was also ordered to complete Board-approved counseling and an ethics program.

7. Respondent has successfully completed the terms and conditions established by the Board and demonstrated that he is safe to return to the practice of medicine subject to the terms and conditions of this order.

8. **FIVE YEARS PROBATION:** Respondent shall be placed on **probation for a period of five years** subject to the following terms and conditions:

A. **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.#515-281-6491 to establish a monitoring program. Respondent shall fully comply with all requirements of the monitoring program.

B. **Staff Surveillance Forms and Patient Satisfaction Surveys:**

- 1) Respondent shall utilize Staff Surveillance Forms in his medical practice as directed by the Board.
- 2) Respondent shall utilize Patient Satisfaction Surveys in his medical practice as directed by the Board.

C. **Board-approved Counseling:** Respondent shall continue Board-approved counseling subject to the following terms and conditions:

- 1) The counselor shall submit written quarterly reports to the Board concerning Respondent's progress not later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order;
- 2) Respondent shall meet with his Board-approved counselor as frequently as recommended by the counselor and approved by the Board; and
- 3) Respondent shall continue counseling until discharge is recommended by the counselor and approved by the Board. Respondent is responsible for all costs associated with counseling.

D. **Written Physician Mentoring Plan:** Respondent shall submit a detailed written physician mentoring plan for Board approval with the name and CV of a physician who regularly works with and observes Respondent in the practice of medicine to serve as physician mentor. The Board shall share a copy of all Board orders relating to this matter with the physician mentor. The physician mentor shall provide a written statement indicating that the mentor has read and understands all Board orders in this matter and agrees to act as the physician mentor under the terms of this Order. The physician mentor shall agree to inform the Board immediately if there is evidence of professional misconduct, a violation of this Order, or a violation of the laws and rules governing the practice of medicine in Iowa.

- 1) The physician mentor shall submit written quarterly reports to the Board not later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order;
  - 2) Respondent shall continue meeting with the physician mentor until discharge is approved by the Board; and
  - 3) Respondent shall meet with the physician mentor as frequently as approved by the Board.
- E. **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.
- 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 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.

9. 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 12.2.

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

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

12. Respondent shall fully comply with the terms and conditions established in the Settlement Agreement that he entered into with the Board on February 11, 2008.

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

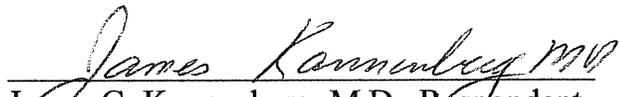
14. Periods of residence or practice outside the state of Iowa shall not apply to the duration of this Order unless Respondent obtains prior written approval from the Board. Periods in which Respondent does not practice medicine or fails to comply with the terms established in this Order shall not apply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

15. 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 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. 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.

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

  
James G. Kannenberg, M.D., Respondent

Subscribed and sworn to before me on 9<sup>th</sup> Nov., 2010.

Notary Public, State of Iowa.

This Order is approved by the Board on December 16, 2010.

  
Siroos S. Shirazi, M.D., Chairman  
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**

**JAMES G. KANNENBERG, M.D., RESPONDENT**

**FILE No. 02-08-436**

\*\*\*\*\*

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

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**COMES NOW** the Iowa Board of Medicine (Board), and James G. Kannenberg, M.D., (Respondent), on July 8, 2010, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into this combined Statement of Charges and Settlement Agreement.

**STATEMENT OF CHARGES**

1. Respondent was issued Iowa medical license No. 22910 on May 25, 1982.
2. Respondent's Iowa medical license is active and will next expire on December 1, 2010.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.

**COUNT I**

4. Respondent is charged pursuant to 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.

## COUNT II

5. Respondent is charged pursuant to Iowa Code sections 147.55(3) and 272C.10(3) and 653 IAC 23.1(4) with engaging in unethical or unprofessional conduct.

### STATEMENT OF MATTERS ASSERTED

6. Respondent is an Iowa-licensed physician who practices family medicine in Fort Madison, Iowa.

7. The Board alleges that Respondent repeatedly failed to conform to the minimal standard of acceptable and prevailing practice of medicine in Iowa and that he has engaged in a pattern of unethical and/or unprofessional conduct including, but not limited to, the following:

- A. On April 4, 1995, the Board sent Respondent a Letter of Education due to concerns that he failed pay appropriate attention to a patient who suffered a stroke, that he ignored the patient's medical history and that he relied to heavily on a CT scan to diagnose a stroke;
- B. On April 4, 1995, the Board sent Respondent a Letter of Warning due to concerns that he failed to respond as the "physician-on-call" to the emergency department even after several attempts were made to summon him. The Board warned Respondent that similar conduct in the future could result in disciplinary action against his Iowa medical license;
- C. On March 6, 1997, the Board filed formal disciplinary charges against Respondent alleging that he falsified a medical record when he documented a physical examination for a disabled nursing home patient without seeing the patient on the date in question. On October 1997, the Board dismissed the charges following a hearing after it was unable to conclude, by a preponderance of the evidence, that Respondent made an entry in the patient chart without first seeing the patient;
- D. On January 17, 2001, the Board sent Respondent a Letter of Warning due to concerns that he failed to provide appropriate care to a patient and the patient suffered a stroke as a result. The information indicated that Respondent consulted another physician via telephone regarding an EKG to determine the appropriate course of treatment. The Board had concerns that Respondent failed to fax a copy of the EKG to the consulting physician prior to initiating the thrombolytic therapy. The Board warned Respondent that failure to conform to the minimal standard of

care in the future could result in formal disciplinary action against his Iowa medical license;

- E. On September 20, 2007, the Board sent Respondent another Letter of Warning due to concerns that on numerous occasions he performed inadequate examinations and billed for services that were not performed. The information reviewed by the Board indicated that Respondent frequently saw patients for less than ten minutes and dictated that he had performed a full examination including a complete review of systems. Following a review of the initial complaint, the Board obtained and reviewed twenty other patient charts. The Board expressed serious concerns that Respondent failed to perform adequate examinations for all patients, falsified medical records, used billing codes that did not accurately reflect the level of care he provided and failed to properly verify the nurses' findings in the records. The Board had particular concern given the fact that the Board filed formal disciplinary charges against Respondent based on similar concerns in 1997. The Board advised Respondent to complete the medical record keeping course offered by the Center for Personalized Education for Physicians, 7351 Lowry Blvd., Suite 100, no later than December 31, 2007. The Board again sent Respondent a Letter of Warning cautioning that failure to conform to the minimal standard of acceptable and prevailing practice of medicine may be grounds for taking formal disciplinary actions against his Iowa medical license in the future; and
- F. The Board subsequently received information which indicates that Respondent's hospital privileges to perform cardiac stress testing were suspended on June 13, 2008, due to concerns about Respondent's substandard or inadequate care. On May 1, 2008, the hospital where Respondent practices distributed a letter to providers, including Respondent, describing the hospital's expectations for providers who perform cardiac stress testing. The letter addressed proper monitoring during cardiac stress testing and concerns about providers leaving patients prior to completion of EKG monitoring. The Board received information which indicates that Respondent failed to heed the hospital's warning and continued to violate hospital standards and failed to conform to the minimal standard of acceptable and prevailing practice of medicine in Iowa including the following:
- 1) Patient #1: On June 5, 2008, Respondent inappropriately left the patient during a cardiac stress test. Patient #1 developed chest pain and heaviness and staff attempted to contact Respondent, but he failed to return for several minutes.
  - 2) Patient #2: On June 6, 2008, Respondent inappropriately left the patient during a cardiac stress test placing the patient at serious risk of harm.

- 3) Patient #3: On June 9, 2008, Respondent failed to properly observe the EKG monitor during a cardiac stress test. Patient #3 developed chest pain on the way back to his bed and staff attempted to contact Respondent but he did not respond in a timely manner. Patient #3's condition worsened and two other physicians were contacted and arrangements were made to transfer the patient to another hospital.
- 4) Patient #4: On June 13, 2008, Respondent failed to properly interpret Patient #4's cardiac stress test. Patient #4 underwent a cardiac stress test and developed chest pain during the procedure. Following the procedure, Patient #4 was instructed to return to Respondent's office with the expectation that he would return to the cardiac lab due to concerns about his EKG. Patient #4 returned to Respondent's office and he was instructed to go home and return three days later for delayed images. The cardiac staff had serious concerns regarding Patient #4's EKG and Respondent's stress test interpretation so staff took Patient #4 to the emergency department for immediate care.

8. On December 23, 2009, the Board ordered Respondent to undergo a Board-approved confidential physical, neuropsychological, mental health and disruptive behavior evaluation pursuant to Iowa Code section 272C.9(1) and 653 IAC 24.4. On March 15-16, 2010, Respondent completed the evaluation at the Professionals Program at Elmhurst Memorial Healthcare in Elmhurst, Illinois.

#### **SETTLEMENT AGREEMENT**

9. **CITATION AND WARNING:** Respondent is hereby **CITED** for failing to conform to the minimal standard of acceptable and prevailing practice of medicine and for engaging in a pattern of unethical and/or unprofessional conduct in violation of the laws and rules governing the practice of medicine in Iowa. Respondent is hereby **WARNED** that such conduct in the future may result in further disciplinary action, including revocation of his Iowa medical license.

10. **CIVIL PENALTY:** Respondent shall pay a **\$7,500** civil penalty. The civil penalty shall be paid within twenty days of the date of this Order and 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.

11. **PRACTICE PROHIBITION:** On April 8, 2010, Respondent voluntarily stopped practicing medicine to begin addressing the Board's concerns in this matter. Respondent shall not engage in any aspect of the practice of medicine until he receives written approval from the Board. Respondent shall demonstrate that he is safe to return to the practice of medicine prior to receiving Board-approval.

12. **BOARD-APPROVED TREATMENT:** Prior to seeking to return to the practice of medicine, Respondent shall complete Board-approved treatment in a full-time programmatic treatment setting for professionals. Respondent shall not return to the practice of medicine until he completes the Board-approved treatment program, submits a recommendation from the treatment program that he is safe to return to the practice of medicine and receives written approval from the Board. Respondent shall fully comply with all recommendations made by the treatment program.

13. **ETHICS PROGRAM:** Respondent shall successfully complete the Professional/Problem Based Ethics (PROBE) program sponsored by the Ethics Group, LLC, 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.

14. **FIVE YEARS PROBATION:** Should the Board approve Respondent's request to return to the practice of medicine, Respondent shall be placed on **probation for a period of five years** subject to the following terms and conditions:

A. **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.#515-281-6491 to establish a monitoring program. Respondent shall fully comply with all requirements of the monitoring program.

B. **Staff Surveillance Forms and Patient Satisfaction Surveys:**

- 1) Respondent shall utilize Staff Surveillance Forms in his medical practice as directed by the Board.
- 2) Respondent shall utilize Patient Satisfaction Surveys in his medical practice as directed by the Board.

C. **Board-approved Counseling:** Respondent shall submit the name and CV of a counselor for Board approval to provide ongoing counseling:

- 1) The counselor shall submit written quarterly reports to the Board concerning Respondent's progress not later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order;
- 2) Respondent shall meet with his Board-approved counselor as frequently as recommended by the counselor and approved by the Board; and
- 3) Respondent shall continue counseling until discharge is recommended by the counselor and approved by the Board. Respondent is responsible for all costs associated with counseling.

D. **Written Physician Mentoring Plan:** Respondent shall submit a written physician mentoring plan for Board approval with the name and CV of a physician who regularly works with and observes Respondent in the practice of medicine to serve as physician mentor. The Board shall share a copy of all Board orders relating to this matter with the physician mentor. The physician mentor shall provide a written statement indicating that the mentor has read and understands all Board orders in this matter and agrees to act as the physician mentor under the terms of this Order. The physician mentor shall agree to inform the Board immediately if there is evidence of professional misconduct, a violation of this Order, or a violation of the laws and rules governing the practice of medicine in Iowa.

- 1) The physician mentor shall submit written quarterly reports to the Board not later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order;
- 2) Respondent shall continue meeting with the physician mentor until discharge is approved by the Board; and
- 3) Respondent shall meet with the physician mentor as frequently as approved by the Board.

E. **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.

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 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.

15. 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 12.2.

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

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

18. Respondent shall fully comply with the terms and conditions established in the Settlement Agreement that he entered into with the Board on February 11, 2008.

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

20. 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.

21. 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 Order.

22. 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.

23. 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.

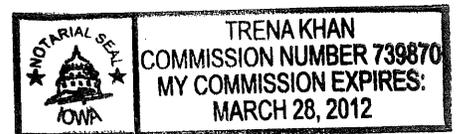
24. The Board's approval of this Order shall constitute a **Final Order** of the Board.

James G. Kannenberg  
James G. Kannenberg, M.D., Respondent



Subscribed and sworn to before me on July 6<sup>th</sup>, 2010.

Notary Public, State of Iowa.



Trena Khan 7-6-2010  
exp. 03-28-12

This Order is approved by the Board on July 8, 2010.

A handwritten signature in black ink, reading "Siros S. Shirazi". The signature is written in a cursive style with a horizontal line underneath the name.

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