

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

KORY M. KAZARIAN, M.D., RESPONDENT

File No. 02-02-694

SETTLEMENT AGREEMENT

COMES NOW the Iowa Board of Medicine (Board), and Cory M. Kazarian, M.D., (Respondent), on May 15, 2008, and enter into this Settlement Agreement to resolve this pending disciplinary matter.

1. Respondent was issued Iowa medical license no. 30653 on June 28, 1995.
2. Respondent's Iowa license is active and will expire on September 1, 2008.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C (2007).

STATEMENT OF THE MATTERS ASSERTED

4. **Substance Abuse:** Respondent has a long and extensive history of substance abuse, including prescription medications, illicit drugs and alcohol. Respondent abused drugs in the workplace while practicing medicine.

5. **Criminal Conduct:** Respondent has a history of engaging in antisocial and criminal conduct.

6. **Substance Abuse/Mental Health Concerns:** Respondent suffers from physical and mental health conditions which impair his ability to practice medicine in a safe and competent manner. Respondent is not safe to practice medicine with requisite competency, safety and skill at this time.

SETTLEMENT AGREEMENT

7. **CITATION AND WARNING:** Respondent is hereby **CITED** for engaging in substance abuse, unprofessional conduct and practice harmful or detrimental to the public in the practice of medicine. Respondent is hereby **WARNED** that such conduct in the future may result in the revocation of his Iowa medical license.

8. **INDEFINITE SUSPENSION:** Respondent's Iowa medical license shall be suspended indefinitely. Respondent shall not engage in any aspect of the practice of medicine under his Iowa medical license during the period of suspension.

9. **REINSTATEMENT:** The Board will consider reinstatement of Respondent's Iowa medical license upon a motion for reinstatement pursuant to Iowa Code chapters 17A, 147, 148 and 272C and 653 IAC 26. Respondent's license shall not be reinstated except upon a showing that the basis for suspension of the Respondent's medical license no longer exists, and that it is in the public interest for the license to be reinstated. Prior to seeking reinstatement, Respondent shall successfully complete the following requirements:

- A. **Civil Penalty:** Prior to seeking reinstatement, Respondent shall pay a civil penalty in the amount of \$5,000. 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.
- B. **Period of Monitoring:** Prior to seeking reinstatement, Respondent shall successfully complete at least two years of Board monitoring. During the period of monitoring, Respondent shall fully comply with the requirements established in subparagraphs 10A, B, C, F, G, H, J, K and L below.
- C. **Physical, Psychiatric, Neuropsychological and Substance Abuse Evaluation:** Prior to seeking reinstatement, Respondent shall complete a comprehensive physical, psychiatric, neuropsychological and substance abuse evaluation under the direction of Resurrection Behavioral Health (Resurrection), 610 Maple Avenue, Suite 5600, Oak Park, Illinois. Respondent shall ensure that a copy of the evaluation report is provided to the Board. Respondent shall demonstrate that he is safe to return to the practice of medicine with reasonable skill and safety. Respondent shall fully comply with all recommendations made by Resurrection and the Board following the evaluation, including any counseling.

D. **Competency Assessment:** Prior to seeking reinstatement, Respondent shall obtain Board approval for, and complete one, of the following:

1. Successfully pass a competency evaluation approved by the Board;
 2. Successfully pass SPEX or another examination approved by the Board;
- or
3. Successfully complete a retraining program arranged by Respondent and approved in advance by the Board.

E. **Appearance Before the Board:** Prior to seeking reinstatement, Respondent shall make an appearance before the Board to discuss this matter. Said appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(d).

10. **INDEFINITE PROBATION:** Should the Board reinstate Respondent's Iowa medical license, he shall be placed on indefinite probation subject to the following terms and conditions:

A. **Monitoring Program:** Respondent shall contact the Shantel Billington, Compliance Monitoring, Iowa Board of Medicine, 400 SW 8th 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 Board's 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. **Resurrection Recommendations:** Respondent shall fully comply with all recommendations made by Resurrection, including any counseling .
- E. **Competency Assessment Recommendations:** Respondent shall fully comply with any recommendations resulting from program providers under paragraph 9(D)(1), above.
- F. **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.

G. **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.

H. **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 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.

I. **Worksite Monitor:** Respondent shall submit for Board approval the name of a physician or other Board-approved healthcare professional who regularly observes and/or supervises Respondent in Respondent's primary practice setting to serve as worksite monitor. The Board shall provide the worksite monitor a copy of all Board orders relating to this matter. The worksite monitor shall provide a written statement indicating that the monitor has read and understands the 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 substandard practice, professional misconduct or a violation of the terms of this Order. The monitor shall agree to 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.

- J. **Quarterly Reports:** Respondent shall file sworn quarterly reports attesting to his compliance with all the terms and conditions of this Order not later than 1/10, 4/10, 7/10 and 10/10 of each year of this Order.
- K. **Board Appearances:** Respondent shall appear before the Board annually or upon request of the Board for the duration of the probation. Respondent shall be given notice of the date, time and location of the appearances. Said appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(d).
- L. **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 submitted with each quarterly report required under this Order. The monitoring fee shall be sent to: Shantel Billington, Monitoring Coordinator, 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 fees shall be considered repayment receipts as defined in Iowa Code section 8.2.
11. This Order constitutes the resolution of a contested case proceeding.
12. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.
13. In the event Respondent violates or fails to comply with any of the terms

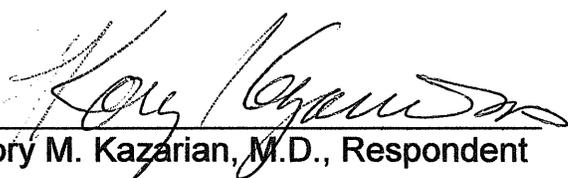
or conditions of this Order the Board may initiate action to revoke Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code chapters 148 and 272 and 653 IAC 25.

14. This Order is voluntarily submitted by Respondent to the Board for consideration.

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. 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.

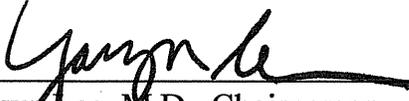
17. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

 2/26/2008
Kory M. Kazarian, M.D., Respondent

Date Subscribed and sworn to before me on
, 2008.

Notary Public, State of

This is approved by the Board on May 15, 2008.



Yashu Lee, M.D., Chairperson
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, IA 50309-4686

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

KORY M. KAZARIAN, M.D., RESPONDENT

File No. 02-02-694

STATEMENT OF CHARGES

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). Respondent was issued Iowa medical license no. 30653 on June 28, 1995. Respondent's license is active and will next expire on September 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 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 Statement of Charges you are required by 653 IAC 24.2(5)(d) 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. 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: Heather Palmer, Assistant Attorney General, Iowa Attorney General's Office, 2nd 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 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 should direct any questions to Kent M. Nebel, J.D., the Board's Legal Director at 515-281-7088 or to Assistant Attorney General Heather Palmer at 515-281-7262.

B. LEGAL AUTHORITY AND JURISDICTION

7. Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 148, and 272C (2007).

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 (2007) 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 148.6(2)(h) (2007) and 653 IAC 23.1(6) with substance abuse which impairs his ability to practice medicine with reasonable skill and safety.

COUNT II

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

COUNT III

12. Respondent is charged under Iowa Code section 147.55(3) (2007) and 653 IAC 23.1(3) with engaging in practice harmful or detrimental to the public when he used controlled drugs in the workplace.

D. STATEMENT OF MATTERS ASSERTED

13. The Board alleges that Respondent has a history of substance abuse, including misuse of prescription medications, illicit drugs and alcohol. The Board alleges that Respondent's substance abuse occurred in the workplace while Respondent was practicing medicine.

14. The Board alleges that Respondent's mental health condition and substance abuse history impairs his ability to practice medicine in a safe and competent manner, and that Respondent is unable to safely practice medicine at this time.

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 Iowa Administrative Code 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 13th day of September 2007, the Iowa Board of Medicine found probable cause to file this Statement of Charges.



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