

BEFORE THE IOWA BOARD OF MEDICINE

\*\*\*\*\*

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

THOMAS J. LANSPA, M.D., RESPONDENT

FILE No. 02-15-052

\*\*\*\*\*

SETTLEMENT AGREEMENT

\*\*\*\*\*

COMES NOW the Iowa Board of Medicine (Board) and Thomas J. Lanspa, M.D., (Respondent), and on October 16, 2015, 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.

STATEMENT OF THE MATTERS ASSERTED

1. Respondent was issued Iowa medical license no. 24591 on October 22, 1984.
2. Respondent's Iowa medical license is active and will next expire on April 1, 2017.
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 Omaha, Nebraska.

5. **First Nebraska Disciplinary Action:** On August 30, 1991, the Nebraska Division of Public Health (Nebraska Board) disciplined Respondent for substance abuse. The Nebraska Board alleged that Respondent wrote more than 27 controlled substance prescriptions to himself to sustain an addiction and not for treatment. The Nebraska Board placed Respondent on probation for a period of two years, ordered him to undergo a substance abuse evaluation, abstain from using controlled substances or prescribing medication for himself, and undergo random drug testing. See Attachment A.

6. **Second Nebraska Disciplinary Action:** On November 19, 2014, the Nebraska Board disciplined Respondent for substance abuse. The Nebraska Board alleged that between 2012 and April 2014, Respondent diverted numerous controlled substances from patients for his own use. Respondent underwent inpatient substance abuse treatment and was diagnosed with a substance abuse disorder. The Nebraska Board was placed on probation for a period of five years, prohibited him from prescribing, administering, dispensing or possessing any controlled substances at any time, and ordered him to abstain from the use of alcohol or controlled substances, and undergo substance abuse treatment and random drug testing. See Attachment B.

7. **STATEMENT OF CHARGES:** On August 28, 2015, the Board filed charges against Respondent for being disciplined by the Nebraska Board for substance abuse and a hearing is scheduled on December 4, 2015.

## SETTLEMENT AGREEMENT

8. **CITATION AND WARNING:** Respondent is hereby **CITED** for being disciplined by the Nebraska Board for substance abuse. Respondent is hereby **WARNED** that being disciplined by another state licensing board and/or violating the laws and rules governing the practice of medicine in Iowa in the future may result in further disciplinary action against his Iowa medical license.

10. **PROHIBITION – CONTROLLED SUBSTANCES:** Respondent is prohibited from prescribing, administering, dispensing or possessing any controlled substances at any time.

11. **FIVE YEARS PROBATION:** Respondent shall be placed on probation for a **period of five years**. Prior to practicing medicine under his Iowa medical license in the future, Respondent shall fully comply with the following terms and conditions:

A. **Board Monitoring Program:** Respondent shall establish a monitoring program with 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. Respondent shall fully comply with all requirements of the Board monitoring program.

- B. **Alcohol Prohibition:** Respondent shall not consume alcohol.
- C. **Controlled or Prescription Drug Use:** 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 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 all treating health care providers of his history of substance abuse prior to receiving any prescription drug.
- D. **Drug Screening Program:** Respondent shall fully comply with the Board's drug screening program. Respondent shall provide random blood or urine specimens when required. Respondent shall ensure that all urine samples are appropriately witnessed as required by the drug screening program. Respondent shall also provide random blood or urine specimens upon request by an agent of the Board. The specimens shall be used for drug and alcohol screening. Respondent is responsible for all costs associated with the Board's drug screening program.
- E. **Substance Abuse Meetings:** Respondent shall attend at least three (3) Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) meetings or other substance abuse meetings each week. Respondent shall obtain documentation of his attendance and include copies of this documentation with his quarterly reports. Respondent shall have at least weekly contact with his sponsor.

F. **Substance Abuse Counseling:** Respondent shall successfully complete Board-approved substance abuse counseling:

- 1) Respondent shall submit the name and CV of a qualified substance abuse counselor to the Board for approval.
- 2) Respondent shall meet with his Board-approved counselor as frequently as recommended by the counselor and as approved by the Board.
- 3) Respondent shall continue with counseling until discharged by the counselor and until Respondent's discharge from counseling is approved by the Board.
- 4) The substance abuse 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 Respondent's probation.
- 5) Respondent is responsible for all costs associated with the Board-approved substance abuse counseling.

G. **Aftercare Meetings:** Respondent shall attend Board-approved substance abuse group aftercare meetings as determined by his aftercare counselor and the Board. The aftercare counselor 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.

- H. **Worksite Monitoring Program:** Within thirty (30) days of the date of this order, Respondent shall establish a worksite monitoring program with the Board subject to the following conditions:
- 1) Respondent shall submit the name of a physician who regularly observes and/or supervises Respondent in the practice of medicine to serve as his worksite monitor to the Board for approval.
  - 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 this Order and agree to serve under the terms of the Order.
  - 4) The worksite monitor shall inform the Board immediately if there is evidence of substance abuse, drug diversion or unprofessional conduct.
  - 5) The worksite monitor may be asked to appear before the Board in-person, or by telephone or video conferencing. Such appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(e)(3).
  - 6) The worksite monitor shall submit quarterly reports to the Board not later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.
- I. **Quarterly Reports:** Respondent shall file sworn quarterly reports with the Board attesting to his compliance with 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 the Respondent's probation.

J. **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 23.

K. **Monitoring Fee:** Respondent shall make a payment of \$200 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 during the period of probation. 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.

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

13. Respondent agrees that the State's counsel may present this Order to the Board for consideration.

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

15. Respondent understands that by entering into this Order, he has a right to legal counsel in this matter, voluntarily waives any rights to a contested case hearing on the allegations in the Statement of Charges, and waives any objections to the terms of this Order.

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

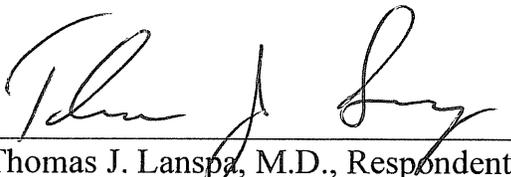
18. Periods in which Respondent does not practice medicine, practices medicine in another state or fails to comply with the terms established in this Order shall not apply to the duration of this Order unless Respondent obtains prior written approval from the Board.

19. Respondent understands that the Board is required by Federal law to report this Order to the National Practitioner Data Bank.

20. Respondent understands that this Order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.

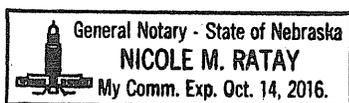
21. This Order is subject to approval of the Board. If the Board fails to approve this Order it shall be of no force or effect to either party.

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

  
Thomas J. Lanspa, M.D., Respondent

Subscribed and sworn to before me on September 23, 2015.

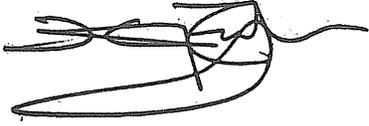
Notary Public, State of Nebraska.





Date:  
Sept. 23, 2015

This Order is approved by the Board on October 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

Attachment 'A'

BEFORE THE DIRECTOR OF HEALTH  
OF THE STATE OF NEBRASKA

RECEIVED

SEP 3 1991

BUREAU OF EXAMINING BOARDS  
LINCOLN, NEBRASKA  
ORDER ON AGREED  
SETTLEMENT

STATE OF NEBRASKA ex rel.,  
DON STENBERG, Attorney  
General,

Plaintiff,

v.

TOM LAWSA, M.D.,

Defendant.

A Petition for Disciplinary Action was filed against the defendant on May 24, 1991, alleging violations of Neb. Rev. Stat. §71-147(3), (6) and (10). The matter was originally set for hearing on July 12, 1991. That hearing was cancelled on the receipt of a proposed agreed settlement which was filed with the Director on July 9, 1991, and was rejected in an Order dated July 16, 1991. An amended agreed settlement was filed with the Director on July 31, 1991, and approved by the Board of Examiners in Medicine and Surgery in a meeting held August 18, 1991.

ORDER

1. The Amended Agreed Settlement is attached hereto and incorporated by reference.
2. The facts as set out in the Petition and the Amended Agreed Settlement are incorporated herein and serve as the bases of the agreed upon disposition.
3. The defendant's license to practice medicine and surgery in the State of Nebraska and the defendant's Nebraska Controlled Substance Registration shall be suspended for a period of two (2) years provided however that such suspension shall be stayed pending satisfactory completion of a period of two (2) years probation.
4. The defendant shall be placed upon probation for a period of two (2) years subject to the terms and conditions of paragraph 4 (a-e) of the Amended Agreed Settlement.
5. All reports and information required to be submitted to the Department of Health shall be submitted to the Director of the Division of Investigation and Enforcement of the Bureau of Examining Boards and shall be provided on or before the 10th day of the month after the end of each calendar quarter to the end of

the probationary period.

6. Defendant shall deliver his original license and all wallet cards evidencing licensure to the Director of the Bureau of Examining Boards within ten (10) days of the date of this Order to be marked probationary in such a manner as the Director of the Bureau of Examining Boards shall determine and be returned to the defendant.
7. Defendant shall pay the costs of this proceeding and any and all costs associated with ensuring compliance with the terms of probation.

DATED this 30<sup>th</sup> day of August, 1991.



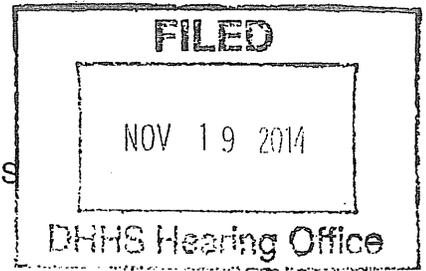
*Thomas J. Safranek MD*  
Thomas J. Safranek, M.D.  
Acting Director of Health  
DEPARTMENT OF HEALTH  
STATE OF NEBRASKA

CERTIFICATE OF SERVICE

*Sept.* COMES NOW the undersigned and certifies that on the 3<sup>rd</sup> day of ~~August~~, 1991, a copy of the foregoing ORDER ON AGREED SETTLEMENT was sent by certified United States mail, postage prepaid, return receipt requested, to Paul Jessen, Attorney at Law, 1125 S. 103rd Street, Suite 800, Omaha, Nebraska 68124 and by interoffice mail to Sam Grimsinger, Deputy Attorney General, 2115 State Capitol.



*Thomas J. Safranek MD*  
Thomas J. Safranek, M.D.  
Acting Director of Health



STATE OF NEBRASKA  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC HEALTH

STATE OF NEBRASKA ex rel., JON  
BRUNING, Attorney General, )  
)  
)  
Plaintiff, )  
)  
vs. )  
)  
THOMAS J. LANSPA, MD )  
)  
Defendant. )

142706

ORDER ON  
AGREED SETTLEMENT

A proposed Agreed Settlement was filed with the Department on November 3, 2014.

ORDER

1. The Agreed Settlement is adopted, attached hereto and incorporated by reference.
2. The facts as set out in the Petition are taken as true and adopted herein.
3. The parties shall comply with all of the terms of the Agreed Settlement.

DATED this 19 day of November, 2014.

Joseph M. Acierno, MD, JD  
Chief Medical Officer  
Director, Division of Public Health  
Department of Health and Human Services

CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 19th day of November, 2014, a copy of the foregoing ORDER ON AGREED SETTLEMENT was sent certified United States Mail, postage prepaid, return receipt requested to attorney for defendant, William L. Yocum, Polsinelli, 900 W. 48th Place, Suite 900, Kansas City, MO 64112-1895 and by e-mail to Julie Agena, Assistant Attorney General, at the e-mail address: ago.health@nebraska.gov.

DHHS Hearing Office  
P.O. Box 98914  
Lincoln, Nebraska 68509-8914  
P. (402) 471-7237 F. (402) 742-2376

**STATE OF NEBRASKA  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC HEALTH**

STATE OF NEBRASKA ex rel.  
JON BRUNING, Attorney General,

Plaintiff,

v.

THOMAS J. LANSPA, M.D.,

Defendant.

AGREED SETTLEMENT

The Plaintiff and the Defendant, Thomas J. Lanspa, MD, in consideration of the mutual covenants and agreements contained herein, agree as follows:

1. The Defendant, Thomas J. Lanspa, was issued a license (#16808) to practice as a physician by the Nebraska Department of Health and Human Services Division of Public Health ("Department").
2. Before disciplinary measures may be taken against the Defendant's license, the Defendant is entitled to a hearing as provided by law. The Defendant waives the right to a hearing. The Defendant waives any right to judicial review of an order by the Department's Chief Medical Officer which approves the terms of this Agreed Settlement.
3. No coercion, threats, or promises, other than those stated herein, were made to the Defendant to induce him to enter into this Agreed Settlement.
4. The Defendant acknowledges that he has read the Petition for Disciplinary Action filed by the Attorney General's Office. The Defendant neither admits nor denies the allegations of the Petition for Disciplinary Action.

5. The Plaintiff and the Defendant consent to the Chief Medical Officer entering a final disciplinary order which limits the Defendant's physician license in the following manner:
  - a. The Defendant shall not prescribe, administer, dispense or possess any controlled substances at any time.
  - b. Any modification or removal of the License Limitation shall be at the discretion of the Board of Medicine and Surgery and approved by the Chief Medical Officer, after review of an application submitted by the Defendant.
  
6. The Plaintiff and the Defendant consent to the Chief Medical Officer entering a final disciplinary order which finds that the allegations of the Petition for Disciplinary Action are true and which places the Defendant's physician license on probation for a period of five (5) years, commencing ten (10) days from the entry of the order, with the following probationary conditions:
  - a. The Defendant shall abstain from the use of alcohol and shall not consume products or medications containing alcohol, to include but not limited to mouthwash and over the counter medications unless prescribed by a physician or authorized licensed practitioner for a diagnosed medical condition.
  - b. The Defendant shall abstain from the personal use or possession of controlled substances and all other prescription drugs, unless prescribed for or administered to the Defendant by a licensed physician or authorized licensed practitioner for a diagnosed medical condition.
  - c. The Defendant shall be subject to random body fluid or chemical testing at his expense at such time and places as the Department may direct. The Defendant shall follow the instructions and directives of the Department for body fluid/chemical testing.
  - d. The Defendant shall provide a monthly listing of any and all prescriptions he has received from a physician or authorized licensed practitioner for a diagnosed medical condition. The Defendant shall report the use of any controlled substances and prescription drugs to the Department on a monthly basis.

- e. The Defendant shall advise all personal treating physicians and other treating practitioners, prior to treatment, of his history of chemical dependence and of all medications he is taking at the time of treatment. The Defendant authorizes all treating physicians and other treating practitioners to inform the Department of all conditions for which the Defendant is treated, including any drugs or medications, prescribed or over-the-counter, included in any treatment.
- f. The Defendant shall comply with all treatment recommendations made by the Defendant's substance abuse/dependency treatment provider(s), including any recommendations for counseling and attendance at support group meetings. If a specific type of support group is recommended, the Defendant may substitute an alternative type of support group approved in advance in writing by the Department. The Defendant shall provide proof of compliance as the Department directs.
- g. The Defendant shall provide such written authorization which may be requested by the Department for all evaluation and treatment records to permit obtaining and use of records, information and such reports by the Department and the Nebraska Attorney General in conformity with 42 Code of Federal Regulations, Part 2.
- h. The Defendant shall provide notification of his disciplinary action to all employers and to the licensing authority in any state where he has or obtains an active physician license within five (5) days of the entry of the Order on Agreed Settlement by the Chief Medical Officer and within five (5) days of any changes in employment or subsequent out-of-state licensure. Such notification shall include providing copies of the Petition for Disciplinary Action, this Agreed Settlement, and the Order on Agreed Settlement entered by the Chief Medical Officer. Written confirmation of this notification shall be provided by the Defendant to the Department within thirty (30) days of the entry of the Order on Agreed Settlement by the Chief Medical Officer and within thirty (30) days of any changes in employment or any subsequent out-of-state licensure.
- i. The Defendant shall only be employed as a physician by an employer who provides employer quarterly reports to the Department. Employer quarterly reports shall be submitted to the Department by the Defendant's supervisor. Reports shall include a description of the Defendant's work habits and compliance with the limitation. Reports shall be due no later than the 10<sup>th</sup> day of the month following the end of each quarter. An initial employer report shall be submitted as directed by the Department. A final employer report shall be due not less than thirty (30) days before the expiration of the probationary period.

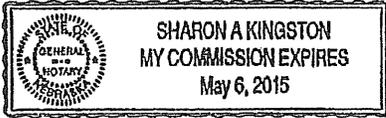
- j. The Defendant shall submit written notification to the Department within seven (7) days of any changes in employment, employment status, residence or telephone number.
  - k. All reports, notices and other documentation requested by the Department shall be provided using report forms provided by the Department.
  - l. The Defendant shall promptly respond to all requests and inquiries by the Department concerning the Defendant's compliance with the terms of probation.
  - m. The Defendant shall obey all state and federal laws and rules and regulations regarding the practice of medicine and surgery.
  - n. The Defendant shall pay any costs associated with assuring compliance with this agreed settlement.
  - o. The Defendant shall appear at any meetings of the Board of Medicine and Surgery when requested.
  - p. Any period the Defendant may hold an inactive Nebraska credential or is not employed in the practice of medicine and surgery in Nebraska shall not reduce the probationary period or satisfy the terms and conditions of probation. Practice in another jurisdiction that adopts the Nebraska probationary terms and conditions of licensure will serve to reduce the Nebraska probationary period.
7. In the event the Defendant violates any of the above terms of probation, the Chief Medical Officer, after motion by the Attorney General and a hearing, may take further disciplinary action against the Defendant's physician license, including revocation of his license.
8. The Attorney General's Office has given notice of this Agreed Settlement to the Board of Medicine and Surgery and has received their input in accordance with Neb. Rev. Stat. § 38-190 (Reissue 2008).
9. If this Agreed Settlement is not approved by the Chief Medical Officer, this Agreed Settlement shall become null and void and will not be admissible for any purpose at any hearing that may be held on this matter.

AGREED TO:

BY: *Thomas J. Lanspa*  
Thomas J. Lanspa, MD  
Defendant

State of NE )  
County of Douglas ) ss.

Acknowledged before me by Thomas J. Lanspa, MD, on this 20 day of  
October, 2014.



*Sharon A. Kingston*  
Notary Public  
My Commission Expires: 5/6/2015

THE STATE OF NEBRASKA, ex rel.  
JON BRUNING, Attorney General,  
Plaintiff,

BY: JON BRUNING, #20351  
Attorney General

BY: *Julie L. Agena*  
Julie L. Agena, #23137  
Assistant Attorney General  
2115 State Capitol  
Lincoln, NE 68509  
(402) 471-1815

Attorneys for the Plaintiff.

**BEFORE THE IOWA BOARD OF MEDICINE**

\*\*\*\*\*

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

**THOMAS J. LANSPA, M.D., RESPONDENT**

**FILE No. 02-15-052**

\*\*\*\*\*

**STATEMENT OF CHARGES**

\*\*\*\*\*

**COMES NOW** the Iowa Board of Medicine (Board) on August 28, 2015, and files this Statement of Charges pursuant to Iowa Code Section 17A.12(2). Respondent was issued Iowa medical license no. 24591 on October 22, 1984. Respondent's Iowa medical license is active and will next expire on April 1, 2017.

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

1. Hearing. A contested case hearing shall be held on December 4, 2015, 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 8<sup>th</sup> 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 September 23, 2015, 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, 2<sup>nd</sup> 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.

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. **Discipline by Another Licensing Authority:** Respondent is charged pursuant to Iowa Code section 148.6(2)(d) and 653 IAC 23.1(1) with having a license to practice medicine and surgery or osteopathic medicine and surgery revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the order of disciplinary action is prima facie evidence.

### STATEMENT OF THE MATTERS ASSERTED

12. **Practice Setting:** Respondent is an Iowa-licensed physician who currently practices medicine in Omaha, Nebraska.

13. **First Nebraska Disciplinary Action:** On August 30, 1991, the Nebraska Division of Public Health (Nebraska Board) disciplined Respondent for substance abuse. The Nebraska Board alleged that Respondent wrote more than 27 controlled substance prescriptions to himself to sustain an addiction and not for treatment. The Nebraska Board placed Respondent on probation for a period of two years, ordered him to undergo a substance abuse evaluation, abstain from using controlled substances or prescribing medication for himself, and undergo random drug testing. See Attachment A.

14. **Second Nebraska Disciplinary Action:** On November 19, 2014, the Nebraska Board disciplined Respondent for substance abuse. The Nebraska Board alleged that between 2012 and April 2014, Respondent diverted numerous controlled substances from patients for his own use. Respondent underwent inpatient substance abuse treatment

and was diagnosed with a substance abuse disorder. The Nebraska Board placed Respondent on probation for a period of five years, prohibited him from prescribing, administering, dispensing or possessing any controlled substances at any time, and ordered him to abstain from the use of alcohol or controlled substances, and undergo substance abuse treatment and random drug testing. See Attachment B.

#### **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 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 or [kent.nebel@iowa.gov](mailto:kent.nebel@iowa.gov).

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

16. On August 28, 2015, the Iowa Board of Medicine found probable cause to file this Statement of Charges.



---

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

Attachment 'A'

BEFORE THE DIRECTOR OF HEALTH  
OF THE STATE OF NEBRASKA

RECEIVED

SEP 3 1991

BUREAU OF EXAMINING BOARDS  
LINCOLN, NEBRASKA  
ORDER ON AGREED  
SETTLEMENT

STATE OF NEBRASKA ex rel.,  
DON STENBERG, Attorney  
General,

Plaintiff,

v.

TOM LANSPA, M.D.,

Defendant.

A Petition for Disciplinary Action was filed against the defendant on May 24, 1991, alleging violations of Neb. Rev. Stat. §71-147(3), (6) and (10). The matter was originally set for hearing on July 12, 1991. That hearing was cancelled on the receipt of a proposed agreed settlement which was filed with the Director on July 9, 1991, and was rejected in an Order dated July 16, 1991. An amended agreed settlement was filed with the Director on July 31, 1991, and approved by the Board of Examiners in Medicine and Surgery in a meeting held August 18, 1991.

ORDER

1. The Amended Agreed Settlement is attached hereto and incorporated by reference.
2. The facts as set out in the Petition and the Amended Agreed Settlement are incorporated herein and serve as the bases of the agreed upon disposition.
3. The defendant's license to practice medicine and surgery in the State of Nebraska and the defendant's Nebraska Controlled Substance Registration shall be suspended for a period of two (2) years provided however that such suspension shall be stayed pending satisfactory completion of a period of two (2) years probation.
4. The defendant shall be placed upon probation for a period of two (2) years subject to the terms and conditions of paragraph 4 (a-e) of the Amended Agreed Settlement.
5. All reports and information required to be submitted to the Department of Health shall be submitted to the Director of the Division of Investigation and Enforcement of the Bureau of Examining Boards and shall be provided on or before the 10th day of the month after the end of each calendar quarter to the end of

the probationary period.

6. Defendant shall deliver his original license and all wallet cards evidencing licensure to the Director of the Bureau of Examining Boards within ten (10) days of the date of this Order to be marked probationary in such a manner as the Director of the Bureau of Examining Boards shall determine and be returned to the defendant.
7. Defendant shall pay the costs of this proceeding and any and all costs associated with ensuring compliance with the terms of probation.

DATED this 30<sup>th</sup> day of August, 1991.



*Thomas J. Safranek MD*  
Thomas J. Safranek, M.D.  
Acting Director of Health  
DEPARTMENT OF HEALTH  
STATE OF NEBRASKA

CERTIFICATE OF SERVICE

*Sept* COMES NOW the undersigned and certifies that on the 3<sup>rd</sup> day of ~~August~~, 1991, a copy of the foregoing ORDER ON AGREED SETTLEMENT was sent by certified United States mail, postage prepaid, return receipt requested, to Paul Jessen, Attorney at Law, 1125 S. 103rd Street, Suite 800, Omaha, Nebraska 68124 and by interoffice mail to Sam Grimminger, Deputy Attorney General, 2115 State Capitol.



*Thomas J. Safranek MD*  
Thomas J. Safranek, M.D.  
Acting Director of Health



STATE OF NEBRASKA  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC HEALTH

STATE OF NEBRASKA ex rel. )  
JON BRUNING, Attorney General, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
THOMAS J. LANSPA, M.D., )  
 )  
 )  
Defendant. )

**AGREED SETTLEMENT**

The Plaintiff and the Defendant, Thomas J. Lanspa, MD, in consideration of the mutual covenants and agreements contained herein, agree as follows:

1. The Defendant, Thomas J. Lanspa, was issued a license (#16808) to practice as a physician by the Nebraska Department of Health and Human Services Division of Public Health ("Department").
2. Before disciplinary measures may be taken against the Defendant's license, the Defendant is entitled to a hearing as provided by law. The Defendant waives the right to a hearing. The Defendant waives any right to judicial review of an order by the Department's Chief Medical Officer which approves the terms of this Agreed Settlement.
3. No coercion, threats, or promises, other than those stated herein, were made to the Defendant to induce him to enter into this Agreed Settlement.
4. The Defendant acknowledges that he has read the Petition for Disciplinary Action filed by the Attorney General's Office. The Defendant neither admits nor denies the allegations of the Petition for Disciplinary Action.

5. The Plaintiff and the Defendant consent to the Chief Medical Officer entering a final disciplinary order which limits the Defendant's physician license in the following manner:
  - a. The Defendant shall not prescribe, administer, dispense or possess any controlled substances at any time.
  - b. Any modification or removal of the License Limitation shall be at the discretion of the Board of Medicine and Surgery and approved by the Chief Medical Officer, after review of an application submitted by the Defendant.
  
6. The Plaintiff and the Defendant consent to the Chief Medical Officer entering a final disciplinary order which finds that the allegations of the Petition for Disciplinary Action are true and which places the Defendant's physician license on probation for a period of five (5) years, commencing ten (10) days from the entry of the order, with the following probationary conditions:
  - a. The Defendant shall abstain from the use of alcohol and shall not consume products or medications containing alcohol, to include but not limited to mouthwash and over the counter medications unless prescribed by a physician or authorized licensed practitioner for a diagnosed medical condition.
  - b. The Defendant shall abstain from the personal use or possession of controlled substances and all other prescription drugs, unless prescribed for or administered to the Defendant by a licensed physician or authorized licensed practitioner for a diagnosed medical condition.
  - c. The Defendant shall be subject to random body fluid or chemical testing at his expense at such time and places as the Department may direct. The Defendant shall follow the instructions and directives of the Department for body fluid/chemical testing.
  - d. The Defendant shall provide a monthly listing of any and all prescriptions he has received from a physician or authorized licensed practitioner for a diagnosed medical condition. The Defendant shall report the use of any controlled substances and prescription drugs to the Department on a monthly basis.

- e. The Defendant shall advise all personal treating physicians and other treating practitioners, prior to treatment, of his history of chemical dependence and of all medications he is taking at the time of treatment. The Defendant authorizes all treating physicians and other treating practitioners to inform the Department of all conditions for which the Defendant is treated, including any drugs or medications, prescribed or over-the-counter, included in any treatment.
- f. The Defendant shall comply with all treatment recommendations made by the Defendant's substance abuse/dependency treatment provider(s), including any recommendations for counseling and attendance at support group meetings. If a specific type of support group is recommended, the Defendant may substitute an alternative type of support group approved in advance in writing by the Department. The Defendant shall provide proof of compliance as the Department directs.
- g. The Defendant shall provide such written authorization which may be requested by the Department for all evaluation and treatment records to permit obtaining and use of records, information and such reports by the Department and the Nebraska Attorney General in conformity with 42 Code of Federal Regulations, Part 2.
- h. The Defendant shall provide notification of his disciplinary action to all employers and to the licensing authority in any state where he has or obtains an active physician license within five (5) days of the entry of the Order on Agreed Settlement by the Chief Medical Officer and within five (5) days of any changes in employment or subsequent out-of-state licensure. Such notification shall include providing copies of the Petition for Disciplinary Action, this Agreed Settlement, and the Order on Agreed Settlement entered by the Chief Medical Officer. Written confirmation of this notification shall be provided by the Defendant to the Department within thirty (30) days of the entry of the Order on Agreed Settlement by the Chief Medical Officer and within thirty (30) days of any changes in employment or any subsequent out-of-state licensure.
- i. The Defendant shall only be employed as a physician by an employer who provides employer quarterly reports to the Department. Employer quarterly reports shall be submitted to the Department by the Defendant's supervisor. Reports shall include a description of the Defendant's work habits and compliance with the limitation. Reports shall be due no later than the 10<sup>th</sup> day of the month following the end of each quarter. An initial employer report shall be submitted as directed by the Department. A final employer report shall be due not less than thirty (30) days before the expiration of the probationary period.

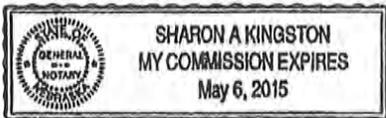
- j. The Defendant shall submit written notification to the Department within seven (7) days of any changes in employment, employment status, residence or telephone number.
  - k. All reports, notices and other documentation requested by the Department shall be provided using report forms provided by the Department.
  - l. The Defendant shall promptly respond to all requests and inquiries by the Department concerning the Defendant's compliance with the terms of probation.
  - m. The Defendant shall obey all state and federal laws and rules and regulations regarding the practice of medicine and surgery.
  - n. The Defendant shall pay any costs associated with assuring compliance with this agreed settlement.
  - o. The Defendant shall appear at any meetings of the Board of Medicine and Surgery when requested.
  - p. Any period the Defendant may hold an inactive Nebraska credential or is not employed in the practice of medicine and surgery in Nebraska shall not reduce the probationary period or satisfy the terms and conditions of probation. Practice in another jurisdiction that adopts the Nebraska probationary terms and conditions of licensure will serve to reduce the Nebraska probationary period.
7. In the event the Defendant violates any of the above terms of probation, the Chief Medical Officer, after motion by the Attorney General and a hearing, may take further disciplinary action against the Defendant's physician license, including revocation of his license.
8. The Attorney General's Office has given notice of this Agreed Settlement to the Board of Medicine and Surgery and has received their input in accordance with Neb. Rev. Stat. § 38-190 (Reissue 2008).
9. If this Agreed Settlement is not approved by the Chief Medical Officer, this Agreed Settlement shall become null and void and will not be admissible for any purpose at any hearing that may be held on this matter.

AGREED TO:

BY: Thomas J. Lanspa  
Thomas J. Lanspa, MD  
Defendant

State of NE )  
County of Douglas ) ss.

Acknowledged before me by Thomas J. Lanspa, MD, on this 20 day of October, 2014.



Sharon A. Kingston  
Notary Public  
My Commission Expires: 5/6/2015

THE STATE OF NEBRASKA, ex rel.  
JON BRUNING, Attorney General,  
Plaintiff,

BY: JON BRUNING, #20351  
Attorney General

BY: Julie L. Agena  
Julie L. Agena, #23187  
Assistant Attorney General  
2115 State Capitol  
Lincoln, NE 68509  
(402) 471-1815

Attorneys for the Plaintiff.