

**BEFORE THE IOWA BOARD OF MEDICINE**

\*\*\*\*\*

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

**GARY E. LAWRENCE, M.D., RESPONDENT**

**FILE NO. 02-11-017**

\*\*\*\*\*

**SETTLEMENT AGREEMENT**

\*\*\*\*\*

COMES NOW the Iowa Board of Medicine (Board) and Gary E. Lawrence, M.D., (Respondent), and on April 19, 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. 18150 on July 2, 1970.
2. Respondent's Iowa medical license is active and will next expire on April 1, 2012.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.
4. Respondent is an Iowa-licensed physician who formerly practiced family medicine in Ackley, Iowa.

5. On August 18, 2011, the Board ordered Respondent to complete a comprehensive physical, neuropsychological, mental health, professional boundaries and sexual misconduct evaluation at a Board-approved evaluation program. Respondent completed the Board-approved evaluation on October 7, 2011, and Respondent admitted engaging in a sexual relationship with a patient.

6. On January 13, 2012, the Board filed formal disciplinary charges against Respondent alleging that he engaged in sexual misconduct in violation of the laws and rules governing the practice of medicine in Iowa when he engaged in a sexual relationship with a female patient in 1993 and he engaged in a sexual relationship with another female patient in 2010. Additionally, Respondent inappropriately prescribed controlled substances to the second female patient without maintaining appropriate medical records.

7. Respondent filed an answer denying all charges.

#### **SETTLEMENT AGREEMENT**

8. **CITATION AND WARNING:** Respondent is hereby **CITED** for engaging in sexual misconduct in violation of the laws and rules governing the practice of medicine in Iowa. Respondent is hereby **WARNED** that engaging in such conduct will not be tolerated by the Board.

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. **VOLUNTARY SURRENDER:** Respondent voluntarily surrenders his Iowa medical license to resolve this matter.

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

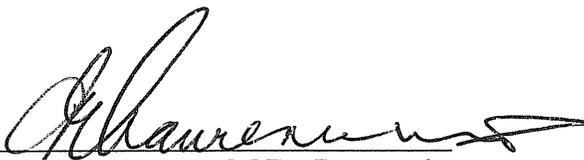
12. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

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

14. 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.

15. 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.

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

  
\_\_\_\_\_  
Gary E. Lawrence, M.D., Respondent

Subscribed and sworn to before me on April 10, 2012.

Lori L. Seley

Notary Public, State of Iowa.

This Order is approved by the Board on April 19, 2012



*Siroos S. Shirazi*

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**

\*\*\*\*\*

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

**GARY E. LAWRENCE, M.D., RESPONDENT**

**FILE NO. 02-11-017**

\*\*\*\*\*

**STATEMENT OF CHARGES**

\*\*\*\*\*

**COMES NOW** the Iowa Board of Medicine (Board) on January 13, 2012, and files this Statement of Charges pursuant to Iowa Code Section 17A.12(2). Respondent was issued Iowa medical license no. 18150 on July 2, 1970. Respondent's Iowa medical license is active and will next expire on April 1, 2012.

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

1. Hearing. A disciplinary contested case hearing shall be held on March 16, 2012, 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 February 1, 2012, at 9:30 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 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. **Sexual Misconduct:** Respondent is charged pursuant to Iowa Code section 148.6(2)(i) and 653 IAC 23.1(10), 23.1(5) and 13.7(4)(a)-(c) with engaging in sexual misconduct in violation of the laws and rules governing the practice of medicine in Iowa including, but not limited to, the following:

- a. In the course of providing medical care, a physician shall not engage in contact, touching, or comments of a sexual nature with a patient or with the patient's parent or guardian if the patient is a minor.
- b. A physician shall not engage in any sexual conduct with a patient when that conduct occurs concurrent with the physician-patient relationship, regardless of whether the patient consents to that conduct.
- c. A physician shall not engage in any sexual conduct with a former patient unless the physician-patient relationship was completely terminated before the sexual conduct occurred. In considering whether that relationship was completely terminated, the board will consider the duration of the physician-patient relationship, the nature of the medical services provided, the lapse of time since the physician-patient relationship ended, the degree of dependence in the physician-patient relationship, and the extent to which the physician used or exploited the trust, knowledge, emotions, or influence derived from the

physician-patient relationship.

## 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 sections 23.1(4) with engaging in unethical or unprofessional conduct. 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 Comply with a Board Investigation:** Respondent is charged pursuant to Iowa Code sections 148.6(2)(i) and 653 IAC 23.1(11), 23.1(26) and 23.1(35) with willful or repeated violation of lawful rule or regulation adopted by the board when he failed to respond to or comply with a board investigation initiated pursuant to Iowa Code section 272C.3 and 653 IAC 4.2 in violation of 653 IAC 23.1(35).

## COUNT IV

14. **Failure to Comply with a Board Subpoena:** Respondent is charged pursuant to Iowa Code sections 148.6(2)(i) and 653 IAC 23.1(11), 23.1(26) and 23.1(35) with willful or repeated violation of lawful rule or regulation adopted by the board when he failed to comply with a valid subpoena issued by the board pursuant to Iowa Code sections 17A.13 and 272C.6 and 653 IAC 24.2(6) and in violation of 653 IAC 23.1(26).

## STATEMENT OF THE MATTERS ASSERTED

15. Respondent is an Iowa-licensed physician who practices family medicine in Ackley, Iowa.

16. The Board alleges that Respondent engaged in a sexual relationship with a female patient in 1993 in violation of the laws and rules governing the practice of medicine.

17. The Board alleges that Respondent engaged in a sexual relationship with female patient in 2010. Additionally, the Board alleges that Respondent inappropriately prescribed controlled substances to the female patient without maintaining appropriate medical records.

18. The Board alleges that Respondent performed an inappropriate physical examination on a female patient while performing a pre-employment physical.

19. The Board alleges that Respondent made inappropriate sexual comments and sexual advances toward a female who was not a patient.

20. The Board alleges that Respondent failed to timely respond to or comply with a board investigation initiated pursuant to Iowa Code section 272C.3 and 653 IAC 4.2 in violation of 653 IAC 23.1(35).

21. The Board alleges that Respondent failed to timely comply with a valid subpoena issued by the board pursuant to Iowa Code sections 17A.13 and 272C.6 and 653 IAC 24.2(6) and in violation of 653 IAC 23.1(26).

## E. SETTLEMENT

22. 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

23. On January 13, 2012, 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 8<sup>th</sup> Street, Suite C  
Des Moines, Iowa 50309-4686