

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

LUIS LEBREDO, M.D., RESPONDENT

FILE Nos. 02-08-449 & 02-10-488

STATEMENT OF CHARGES AND SETTLEMENT AGREEMENT

(Combined)

COMES NOW the Iowa Board of Medicine (Board), and Luis LebreDO, M.D., (Respondent), on April 8, 2015, 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. 28161 on June 6, 1991.
2. Respondent's Iowa medical license is active and will next expire on November 1, 2016.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148, and 272C.

COUNT I

4. **FAILURE TO COMFORM TO THE ACCEPTABLE STANDARD OF CARE:** Respondent is charged pursuant to Iowa Code sections 147.55(2), 148.6(2)(g) and (i), and 272C.10(2), and 653 IAC 23.1(2)(f) with failing to conform to the minimal standard of acceptable and prevailing practice of medicine and surgery in the state of Iowa.

STATEMENT OF MATTERS ASSERTED

5. **PRACTICE SETTING:** Respondent is an Iowa-licensed physician who practices surgery in Sioux City, Iowa.

6. **FAILURE TO COMFORM TO THE ACCEPTABLE STANDARD OF CARE:** The Board alleges that Respondent failed to conform to the minimal standard of acceptable and prevailing practice of surgery in the state of Iowa in his treatment of multiple patients in Sioux City, Iowa, between 2006 and 2009. The Board has concerns about Respondent's: pre-operative evaluations; use of non-operative treatment options; complex surgical procedures; use of subspecialty surgical consultations and/or referrals; documentation; and communication with nursing staff.

7. **RESPONDENT'S ANSWER:** Respondent filed an Answer with the Board denying the Board's allegations. However, Respondent has agreed to the terms of this order to resolve this matter.

SETTLEMENT AGREEMENT

8. **CITATION AND WARNING:** Respondent is hereby **CITED** for failing to conform to the minimal standard of acceptable and prevailing practice of surgery in the state of Iowa in his treatment of multiple patients in Sioux City, Iowa, between 2006 and 2009. Respondent is hereby **WARNED** that failing to conform to the minimal standard of acceptable and prevailing practice of surgery in the state of Iowa in the future may result in further disciplinary action against his Iowa medical license.

9. **CIVIL PENALTY:** Respondent shall pay a **\$5,000** 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.

10. **COMPREHENSIVE CLINICAL COMPETENCY EVALUATION:** On September 3, 2014, Respondent completed a comprehensive clinical competency evaluation at the Center for Personalized Education for Physicians (CPEP), in Denver, Colorado. CPEP concluded that Respondent demonstrated adequate medical knowledge, appropriate clinical judgment and reasoning, and his communication skills were adequate with room for improvement. CPEP concluded that Respondent's documentation was inadequate and noted that he did not pass a manual skills exam. CPEP recommended direct observation of Respondent's abilities in laparoscopic procedures by peer professionals. CPEP also recommended completion of a medical recordkeeping program with follow-up and coaching from a respected colleague regarding his documentation and application of medical knowledge to patient care.

11. **MEDICAL RECORDKEEPING PROGRAM:** Respondent shall successfully complete a Board-approved medical recordkeeping program with follow-up within ninety (90) days of the date of this order.

12. **PRACTICE MONITORING PLAN:** Respondent shall fully comply with a Board-approved practice monitoring plan agreed upon by Respondent and the Board for the remediation and monitoring of Respondent's surgical practice.

13. Respondent shall submit a written statement to the Board which demonstrates that he has shared a copy of this order with all medical licensing boards where Respondent holds a license, whether active or not, within thirty (30) days of the date of this order.

14. Respondent shall submit a written statement to the Board which demonstrates that he has shared a copy of this order with all hospitals and clinics where Respondent practices medicine within thirty (30) days of the date of this order.

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

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

17. 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.

18. 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.

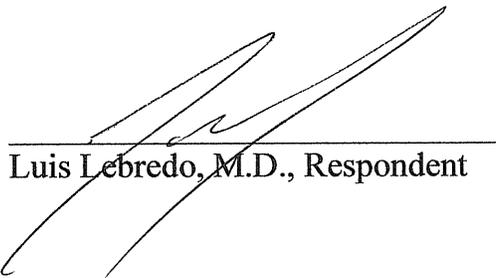
19. This Order constitutes the resolution of a contested case proceeding.

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

21. The 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.

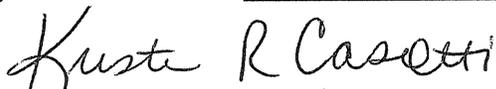
22. This Order is subject to approval of the Board. If the Board fails to approve this Order it shall be of no force or effect to either party.

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


Luis Lebrede, M.D., Respondent

Subscribed and sworn to before me on April 8, 2015.

Notary Public, State of Iowa.


Kristin R. Casotti



This Order is approved by the Board on April 8, 2015.



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