

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

STUART K. LEHR, M.D., RESPONDENT

FILE No. 02-11-423

TERMINATION ORDER

Date: September 21, 2012.

1. Respondent was issued Iowa medical license no. 20209 on July 1, 1976.
2. Respondent's Iowa medical license is active and will next expire on May 1, 2013.
3. The Board has jurisdiction pursuant to Iowa Code Chapters 147, 148 and 272C.
4. Respondent is an Iowa-licensed physician who practices radiology in Clive, Iowa.
5. Respondent self-reported to the Board that out of concern for a friend he inappropriately accessed the friend's medical records. The friend was not under Respondent's care and accessing the records was a violation of patient privacy standards. Respondent voluntarily completed training in patient privacy standards.
6. On March 1, 2012, Respondent entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board charged Respondent with engaging in unprofessional conduct when he inappropriately accessed the medical records of an individual who was not under his care in violation of patient privacy standards.

7. Under the terms of the Settlement Agreement, the Board issued Respondent a Citation and Warning and ordered him to pay a \$2,500 civil penalty for engaging in unprofessional conduct when he inappropriately accessed the medical records of an individual who was not under his care in violation of patient privacy standards. The Board also ordered Respondent to complete a Board-approved professional ethics program.

8. Respondent paid the \$2,500 civil penalty and successfully completed the Board-approved professional ethics program.

9. On September 21, 2012, the Board voted to terminate the terms and conditions of Respondent's order.

THEREFORE IT IS HEREBY ORDERED: that the terms and conditions of Respondent's order are terminated and Respondent's Iowa medical license is returned to its full privileges, free and clear of all restrictions.

IOWA BOARD OF MEDICINE



Colleen K. Stockdale, M.D., M.S., Chairman
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

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IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

STUART K. LEHR, M.D., RESPONDENT

FILE No. 02-11-423

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

COMES NOW the Iowa Board of Medicine (Board), and Stuart Lehr, M.D., (Respondent), on March 1, 2012, 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. 20209 on July 1, 1976.
2. Respondent's Iowa medical license is active and will next expire on May 1, 2013.
3. The Board has jurisdiction pursuant to Iowa Code Chapters 147, 148 and 272C.

COUNT I

4. 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 unprofessional conduct.

STATEMENT OF MATTERS ASSERTED

5. Respondent is an Iowa-licensed physician who practices radiology in Clive, Iowa.

6. Respondent self-reported to the Board that out of concern for a friend he inappropriately accessed the friend's medical records. The friend was not under Respondent's care and accessing the records was a violation of patient privacy standards. Respondent voluntarily completed training in patient privacy standards.

7. The Board alleges that Respondent engaged in unprofessional conduct when he inappropriately accessed the medical records of an individual who was not under his care, in violation of patient privacy standards.

SETTLEMENT AGREEMENT

8. **CITATION AND WARNING:** Respondent is hereby **CITED** for inappropriately accessing the medical records of an individual who was not under his care in violation of the laws and rules governing the practice of medicine in Iowa. Respondent is hereby **WARNED** that violating the laws and rules governing the practice of medicine in Iowa in the future may result in further disciplinary action, including suspension or revocation of her Iowa medical license.

9. **CIVIL PENALTY:** Respondent shall be assessed a **\$2,500 civil penalty**. The civil penalty shall be paid within twenty (20) days of the date of this Order. The civil penalty shall be payable to the Treasurer of Iowa, shall be mailed to the executive director of the Board and shall be deposited into the State General Fund.

10. **PROFESSIONAL ETHICS PROGRAM:** Respondent shall successfully complete the Professional/Problem Based Ethics (PROBE) program sponsored by the Center for Personalized Education for Physicians (CPEP), 7351 Lowry Blvd., Suite 100, Denver, CO 80230, 303-577-3232, not later than August 31, 2012. Respondent shall ensure that a report is sent directly to the Board. Respondent is responsible for all costs associated with the program. If Respondent fails to complete the Board-approved evaluation by August 31, 2012, the Board will issue a notice to Respondent that his license will be suspended thirty (30) days from the date the notice is served. The suspension shall occur automatically and without further Board action, unless Respondent files a request for hearing on the notice within ten (10) days of the date the notice is served. Respondent shall fully comply with the recommendations of the evaluation program and the Board following completion of the evaluation.

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

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

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 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.

14. 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.

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

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.

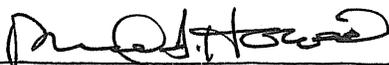
17. This Order is subject to approval by the Board. If the Board fails to approve this Order, it shall be of no force or effect to either party.

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

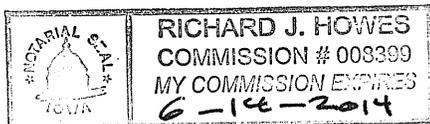


Stuart K. Lehr, M.D., Respondent

Subscribed and sworn to before me on February 8, 2012.



Notary Public, State of Iowa.



This Order is approved by the Board on March 1, 2012.



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