

BEFORE THE IOWA BOARD OF MEDICINE

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IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

MARK R. MATTHES, M.D., RESPONDENT

FILE NO. 02-13-660

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STATEMENT OF CHARGES and SETTLEMENT AGREEMENT  
(Combined)

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COMES NOW the Iowa Board of Medicine (Board) and Mark R. Matthes, M.D., (Respondent), on June 6, 2014, 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. 32661 on October 20, 1998.
2. Respondent's Iowa medical license is active and will next expire on September 1, 2015.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

COUNT I

4. **Wrong Site Surgery:** Respondent is charged pursuant to Iowa Code sections 147.55(2), 148.6(2)(g) and 272C.10(2), and 653 IAC 23.1(45) with performing or attempting to perform a surgical procedure at the wrong anatomical site.

## STATEMENT OF THE MATTERS ASSERTED

5. **Practice Setting:** Respondent is an Iowa-licensed physician who practices orthopedic surgery in West Des Moines, Iowa.

6. **Wrong Site Knee Replacement Surgery:** On September 23, 2013, Respondent inadvertently began performing total knee replacement surgery on a patient's left knee when the patient was scheduled to undergo right total knee replacement surgery. The patient planned to undergo bilateral knee replacement surgery, the right knee first followed by the left knee after a sufficient recovery period. Respondent recognized the error after he completed the incision and preparation of the left knee joint. Respondent immediately discontinued the procedure and informed the patient's family about the error. The patient chose to undergo total knee replacement surgery on both knees. Respondent reported this incident to the Board and has taken corrective action to avoid such errors in the future.

## SETTLEMENT AGREEMENT

7. **CITATION AND WARNING:** Respondent is hereby **CITED** for attempting to perform a surgical procedure at the wrong anatomical site in violation of the laws and rules governing the practice of medicine when he inadvertently began performing total knee replacement surgery on a patient's left knee when the patient was scheduled to undergo right total knee replacement surgery on September 23, 2013, in West Des Moines, Iowa. Respondent is hereby **WARNED** that such errors in the future may result in further disciplinary action against his Iowa medical license.

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

9. **CORRECTIVE ACTION PLAN:** Respondent submitted a written corrective action plan to the Board for approval. The written corrective action plan describes the steps Respondent has taken to avoid such errors in the future.

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

11. Respondent agrees that the State's counsel may present 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 impose other license discipline as authorized in Iowa Code Chapters 148 and 272 and 653 IAC 23.

14. By entering into this Order, Respondent understands that he has a right to legal counsel in this matter, 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 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.

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

17. Respondent understands that the Board is required by Federal law (45 C.F.R. 60.8) to report this disciplinary action to the National Practitioner Data Bank.

18. 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.

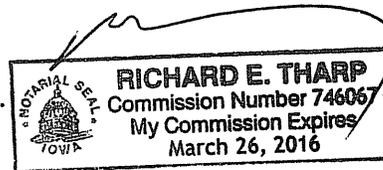
19. This Order is subject to approval by the Board. If the Board fails to approve this Order, it shall be of no force or effect to either party.

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

  
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Mark R. Matthes, M.D., Respondent

Subscribed and sworn to before me on April 10, 2014.

Notary Public, State of Iowa



This Order is approved by the Board on June 6, 2014.



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