BEFORE THE IOWA BOARD OF MEDICINE

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IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

TUVI MENDEL, M.D., RESPONDENT

FILE NO. 02-13-671

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STATEMENT OF CHARGES and SETTLEMENT AGREEMENT
(Combined)

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COMES NOW the Iowa Board of Medicine (Board) and Tuvi Mendel, M.D., (Respondent), on August 8, 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. 31254 on June 6, 1996.

2. Respondent's Iowa medical license is active and will next expire on February 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. Respondent is an Iowa-licensed physician who practices orthopedic surgery in Davenport, Iowa.

6. **Wrong Site Ankle Surgery:** On November 5, 2013, Respondent inadvertently performed surgery on a patient's left ankle when the patient was scheduled to undergo surgery on the right ankle. Respondent recognized the error after he completed the procedure. Respondent immediately informed the patient and her family about the error. The patient chose to undergo surgery on the right ankle as well. 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 performing a surgical procedure at the wrong anatomical site in violation of the laws and rules governing the practice of medicine when he inadvertently performed an arthroscopic debridement on a patient's left ankle on November 5, 2013, in Davenport, 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:** Prior to the Board's approval of this Order, Respondent shall submit a written corrective action plan to the Board for approval. The written corrective action plan shall describe 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 shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

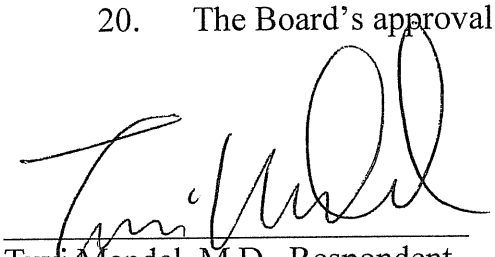
16. Respondent understands that by entering into this combined Statement of Charges and Settlement Agreement, Respondent cannot obtain a copy of the investigative file. Pursuant to Iowa Code section 272C.6(4), a copy of the investigative file may only be provided to a licensee after a Statement of Charges is filed but before the final resolution of those charges.

17. 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.



Tuvi Mendel, M.D., Respondent

Subscribed and sworn to before me on 4/7, 2014.

Notary Public, State of Iowa.

This Order is approved by the Board on August 8, 2014. .

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