

BEFORE THE IOWA BOARD OF MEDICINE

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IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

CHRISTIE M. MENSCH, M.D., RESPONDENT

File No. 02-10-325

\*\*\*\*\*

TERMINATION ORDER

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Date: August 28, 2015.

1. Respondent was issued Iowa medical license No. 37558 on November 19, 2007.
2. Respondent's Iowa medical license is active and will next expire on October 1, 2015.
3. The Board has jurisdiction pursuant to Iowa Code chapters 147, 148 and 272C.
4. **Practice Setting:** Respondent is an Iowa-licensed physician who currently practices psychiatry in Kansas City, Kansas, and has not practiced medicine in Iowa since 2010.
5. **First Missouri Disciplinary Action:** On July 31, 2002, the Missouri Board of Registration for the Healing Arts (Missouri Board) placed Respondent on probation for substance abuse.

6. **Second Missouri Disciplinary Action:** On October 30, 2003, the Missouri Board issued Respondent a public reprimand for using drugs in violation of the terms of her probation.

7. **Iowa Consent Agreement:** On November 19, 2007, Respondent entered into a Consent Agreement with the Iowa Board. Respondent was granted a permanent Iowa medical license and she entered into a Physician Health Contract with the Iowa Physician Health Program (IPHP) for substance abuse evaluation, treatment and monitoring. Respondent agreed to fully comply with the terms established by the IPHP. On June 6, 2008, the IPHP referred Respondent to the Board after she failed to comply with the IPHP's drug screening program on two occasions.

8. **First Iowa Disciplinary Action:** On October 23, 2008, Respondent entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board charged Respondent for violating the terms of her IPHP Physician Health Contract when she failed to comply with the IPHP's drug screening program on two occasions. The Board also charged Respondent with substance abuse which impaired her ability to practice medicine with reasonable skill and safety. Under the terms of the Settlement Agreement, the Board placed Respondent on probation for a period of two years subject to substance abuse monitoring. The Board also issued Respondent a Citation and Warning and ordered her to pay a \$1,000 Civil Penalty.

9. **Kansas Consent Order:** On April 1, 2010, Respondent entered into a Consent Order with the Kansas Board of Healing Arts (Kansas Board). The Kansas Board ordered Respondent to pay a \$500 fine and she agreed to comply with all terms and conditions of the monitoring contract that she entered into with the Kansas Medical Society – Medical Advocacy Program (KMS-MAP) on February 19, 2010, including substance abuse evaluation, treatment, monitoring and support for a period of five (5) years.

10. **Second Iowa Disciplinary Action:** On July 8, 2010, the Board charged Respondent with violating the terms of the October 23, 2008, combined Statement of Charges and Settlement Agreement, when she tested positive for methamphetamine, a controlled substance, on September 9, 2009. On October 22, 2010, Respondent entered into a Settlement Agreement with the Board. Respondent agreed not to practice medicine in Iowa until she receives written approval from the Board. Respondent agreed to complete a Board-approved substance abuse evaluation and demonstrate that she is safe to practice medicine prior to seeking to return to the practice of medicine in Iowa. The Board also issued Respondent a Citation and Warning and ordered her to pay a \$5,000 civil penalty.

11. **Termination of Kansas Consent Order:** On April 24, 2015, the Kansas Board terminated the terms of the April 1, 2010, Consent Order and Respondent agreed to enter into a professional development plan for substance abuse monitoring with the KMS-MAP for a period of no less than one (1) year.

12. **Request for Termination of Iowa Settlement Agreement:** Recently, Respondent submitted a request for termination of the October 22, 2010, Settlement Agreement. Respondent demonstrated that she has fully complied with the October 22, 2010, Iowa Settlement Agreement and the April 1, 2010, Kansas Consent Order, including substance abuse evaluation, treatment and monitoring by the KMS-MAP for a period of five (5) years. Respondent also demonstrated that she is safe to practice medicine with reasonable skill and safety. Respondent does not intend to return to the practice of medicine in Iowa.

13. **Termination of Iowa Settlement Agreement:** On August 28, 2015, the Board voted to terminate the terms of the October 22, 2010, Settlement Agreement. Prior to returning to the practice of medicine in Iowa, Respondent shall submit to the IPHP for a substance abuse assessment and fully comply with all requirements established by the IPHP.

**THEREFORE IT IS HEREBY ORDERED:** that the October 22, 2010, Settlement Agreement is terminated and Respondent's Iowa medical license is returned to its full privileges, free and clear of all restrictions. Prior to returning to the practice of medicine in Iowa, Respondent shall submit to the IPHP for a substance abuse assessment and fully comply with all requirements established by the IPHP.



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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

August 28, 2015  
Date

**BEFORE THE IOWA BOARD OF MEDICINE**

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

**CHRISTIE M. MENSCH, M.D., RESPONDENT**

**File No. 02-2010-325**

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**SETTLEMENT AGREEMENT**

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**COMES NOW** the Iowa Board of Medicine (Board), and Christie M. Mensch, M.D., (Respondent), on October 22, 2010, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) file this Settlement Agreement.

**STATEMENT OF CHARGES**

1. Respondent was issued Iowa medical license No. 37558 on November 19, 2007.
2. Respondent's Iowa medical license is active and will next expire on October 1, 2011.
3. The Board has jurisdiction pursuant to Iowa Code chapters 147, 148 and 272C.

**STATEMENT OF THE MATTERS ASSERTED**

4. Respondent is an Iowa-licensed family practice physician but she does not currently practice medicine in Iowa.

5. On July 31, 2002, the Missouri Board of Registration for the Healing Arts (Missouri Board) placed Respondent on probation for substance abuse.

6. On October 30, 2003, the Missouri Board issued Respondent a public reprimand for using drugs in violation of the terms of her probation.

7. On November 19, 2007, Respondent entered into a Consent Agreement with the Iowa Board and she was issued a permanent Iowa medical license. Pursuant to the terms of the Consent Agreement, Respondent entered into a Physician Health Contract with the Iowa Physician Health Program (IPHP) on November 6, 2007, and she agreed to fully comply with the terms and conditions of her IPHP Physician Health Contract.

8. On June 6, 2008, the IPHP voted to refer Respondent to the Board after she violated the terms of her Physician Health Contract when she failed to comply with the IPHP drug screening program on two occasions.

9. On October 23, 2008, Respondent entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board charged Respondent for violating the terms of her IPHP Physician Health Contract when she failed to comply with the IPHP drug screening program on two occasions. The Board also charged Respondent with substance abuse which impaired her ability to practice medicine with reasonable skill and safety. Under the terms of the Settlement Agreement, the Board placed Respondent on probation for a period of two years subject to substance abuse monitoring. The Board also issued Respondent a Citation and Warning and ordered her to pay a \$1,000 Civil Penalty.

10. The Board received information which indicates that on September 9, 2009, Respondent tested positive for methamphetamine, a controlled substance.

11. On July 8, 2010, the Board filed charges against Respondent alleging that she engaged in substance abuse in violation of the terms of the combined Statement of Charges and Settlement Agreement that she entered into with the Board on October 23, 2008.

12. On July 28, 2010, Respondent filed an Answer to the Statement of Charges denying the allegations.

### **SETTLEMENT AGREEMENT**

13. **CITATION AND WARNING:** Respondent is hereby **CITED** for engaging in substance abuse in violation of the terms of the combined Statement of Charges and Settlement Agreement that she entered into with the Board on October 23, 2008. Respondent is hereby **WARNED** that such conduct in the future may result in further disciplinary action, including suspension or revocation of her Iowa medical license.

14. **CIVIL PENALTY:** Prior to returning to the practice of medicine in Iowa, Respondent shall pay a civil penalty in the amount of **\$5,000**. 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.

15. **PRACTICE PROHIBITION:** Respondent agrees not to practice medicine in Iowa until she receives written approval from the Board. Prior to seeking to return to the practice of medicine in Iowa, Respondent shall complete a Board-approved substance abuse evaluation and demonstrate that she is safe to practice medicine.

16. **FIVE YEARS PROBATION:** Should the Board choose to reinstate Respondent's Iowa medical license, Respondent shall be placed on **probation for a period of five (5) years** subject to the following terms and conditions:

- A. **Monitoring Program:** Respondent shall establish a monitoring program with Shantel Billington, Compliance Monitor, Iowa Board of Medicine, 400 SW 8<sup>th</sup> Street, Suite C, Des Moines, IA 50309-4686, Ph.#515-281-3654. Respondent shall fully comply with all requirements of the monitoring program.
- B. **Alcohol Prohibition:** Respondent shall not consume alcohol.
- C. **Controlled or Prescription Drug Restriction:** Respondent shall not use any controlled or prescription drug in any form unless the controlled or prescription drug has been prescribed for Respondent's use by another duly licensed treating physician or other qualified treating health care provider. Respondent shall provide the Board written notice within 72 hours of the use of any controlled or prescription drug. Respondent shall inform any treating physician or other treating health care provider of her history of alcohol dependence prior to receiving any prescription drug.
- D. **Drug Screening Program:** Respondent shall fully comply with the Board's drug-screening program. Respondent shall also provide random blood or urine specimens on demand by an agent of the Board. The specimens shall be used for drug and alcohol screening. Respondent is responsible for all costs associated with the drug screening program.

E. **Substance Abuse Counseling:** Respondent shall submit to the Board for approval the name and CV of a substance abuse counselor.

(1) The counselor shall submit written quarterly reports to the Board concerning Respondent's progress not later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.

(2) Respondent shall continue with counseling until discharge is recommended by the counselor and approved by the Board.

(3) Respondent shall meet with her counselor as frequently as recommended by the counselor and approved by the Board.

Respondent is responsible for all costs associated with counseling.

F. **Substance Abuse Meetings:** Respondent shall attend at least twelve Alcoholics Anonymous (AA) or a similar substance abuse meetings monthly, and not less than two each week. Respondent shall obtain documentation of attendance and include copies of this documentation with her quarterly reports.

Respondent shall have at least weekly contact with her AA sponsor.

G. **Worksite Monitor:** Respondent shall submit for Board approval the name of a physician who regularly observes and/or supervises Respondent in the practice of medicine to serve as worksite monitor. The Board shall provide a copy of all Board orders relating to this matter with the worksite monitor. The worksite monitor shall provide a written statement indicating that they have read and understand all Board orders relating to this disciplinary action and

agrees to act as the worksite monitor under the terms of this agreement. The worksite monitor shall agree to inform the Board immediately if there is evidence of professional misconduct, or a violation of the terms of this Settlement Agreement. The practice monitor shall agree to submit quarterly reports to the Board concerning Respondent's progress not later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.

- H. **Quarterly Reports:** Respondent shall file sworn quarterly reports attesting to her compliance with all the terms and conditions of this Order not later than 1/10, 4/10, 7/10 and 10/10 of each year of this Order.
- I. **Board Appearances:** Respondent shall make an appearance before the Board annually or upon request. Respondent shall be given written notice of the date, time and location for the appearances. Such appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(d).
- J. **Monitoring Fee:** Respondent shall make a payment of \$100 to the Board each quarter for the duration of this Order to cover the Board's monitoring expenses in this matter. The monitoring fee shall be received by the Board with each quarterly report required under this Order. The monitoring fee shall be sent to: Shantel Billington, Compliance Monitor, Iowa Board of Medicine, 400 SW 8<sup>th</sup> Street, Suite C, Des Moines, IA 50309-4686. The check shall be made payable to the Iowa Board of Medicine. The monitoring fee shall be considered repayment receipts as defined in Iowa Code section 8.2.

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

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

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

20. 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 24.

21. Periods of residence or practice outside the state of Iowa shall not apply to the duration of this Order unless Respondent receives written approval from the Board for a plan of compliance and monitoring for practice or residence outside the state of Iowa.

22. 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.

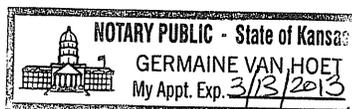
23. The Board's approval of this Order shall constitute a **Final Order** of the Board.

Christie M. Mensch  
Christie M. Mensch, M.D., Respondent

Subscribed and sworn to before me on SEPTEMBER 1, 2010.

Notary Public, State of  
State of KANSAS  
County of JOHNSON

Dated 9/1/2010

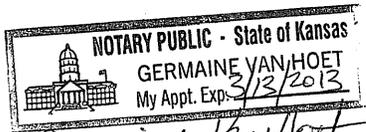


Germaine Van Hoet

This Order is approved by the Board on October 22, 2010.



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



*Germaine Van Hoet*

*State of Kansas  
County of Johnson*

*Dated 9/1/2010*

**BEFORE THE IOWA BOARD OF MEDICINE**

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

**CHRISTIE M. MENSCH, M.D., RESPONDENT**

**File No. 02-10-325**

\*\*\*\*\*

**STATEMENT OF CHARGES**

\*\*\*\*\*

**COMES NOW** the Iowa Board of Medicine (Board) on July 8, 2010, and files this Statement of Charges pursuant to Iowa Code Section 17A.12(2). Respondent was issued Iowa medical license no. 37558 on November 19, 2007. Respondent's license is active and will next expire on October 1, 2011.

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

1. Hearing. A disciplinary contested case hearing shall be held on August 20, 2010, before the Iowa Board of Medicine. The hearing shall begin at 11:00 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 July 19, 2010 at 10:30 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: Theresa O'Connell Weeg, 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 Theresa O'Connell Weeg at 515-281-6858.

## **B. LEGAL AUTHORITY AND JURISDICTION**

8. Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 17A, 147, 148, and 272C (2005).

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 (2005) 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. Respondent is charged pursuant to Iowa Code section 148.6(2)(i) and 653 IAC 23.1(2)(11) with violating the terms and provisions of a settlement agreement entered into between Respondent and the Board.

## **COUNT II**

12. Respondent is charged pursuant to Iowa Code sections 147.55(4), 148.6(2)(h) and 272C.10(4) and 653 IAC 23.1(6) with substance abuse. Substance abuse includes, but is not limited to, excessive use of alcohol, drugs, narcotics, chemicals or other substances in a manner which may impair her ability to practice medicine with reasonable skill and safety.

### **STATEMENT OF THE MATTERS ASSERTED**

13. On July 31, 2002, the Missouri Board of Registration for the Healing Arts (Missouri Board) placed Respondent on probation for substance abuse.

14. On October 30, 2003, the Missouri Board issued Respondent a public reprimand for using drugs in violation of the terms of her probation.

15. On November 19, 2007, Respondent entered into a Consent Agreement with the Iowa Board and she was issued a permanent Iowa medical license. Pursuant to the terms of the Consent Agreement, Respondent entered into a Physician Health Contract with the Iowa Physician Health Program (IPHP) on November 6, 2007, and she agreed to fully comply with the terms and conditions of her IPHP Physician Health Contract.

16. On June 6, 2008, the IPHP voted to refer Respondent to the Board after she violated the terms of her Physician Health Contract when she failed to comply with the IPHP drug screening program on two occasions.

17. On October 23, 2008, Respondent entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board charged Respondent for violating the terms of her IPHP Physician Health Contract when she failed to comply with

the IPHP drug screening program on two occasions. The Board also charged Respondent with substance abuse which impaired her ability to practice medicine with reasonable skill and safety. Under the terms of the Settlement Agreement, the Board placed respondent on probation for a period of two years subject to substance abuse monitoring. The Board also issued Respondent a Citation and Warning and ordered her to pay a \$1,000 Civil Penalty for violating her IPHP Physician Health Contract.

18. The Board received information which indicates that on September 9, 2009, Respondent tested positive for methamphetamine, a controlled substance, in violation of Paragraph 12-C of the combined Statement of Charges and Settlement Agreement that she entered into with the Board on October 23, 2008.

#### **E. SETTLEMENT**

19. 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**

20. On this 8<sup>th</sup> day of July, 2010, 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