

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

KENT F. METCALF, D.O., RESPONDENT

FILE Nos. 03-05-077, 03-08-498 & 03-12-245

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

COMES NOW the Iowa Board of Medicine (Board), and Kent F. Metcalf, D.O., (Respondent), on October 25, 2013, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into this combined Statement of Charges and Settlement Agreement to resolve this matter.

STATEMENT OF CHARGES

1. Respondent was issued Iowa medical license no. 03238 on August 6, 1999.
2. Respondent's Iowa medical license is active and will next expire on October 1, 2014.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

COUNT I

4. Respondent is charged pursuant to Iowa Code sections 147.55(2), 148.6(2)(g) and 653 IAC 23.1(2)(f) for failing to conform to the minimal standard of acceptable and prevailing practice of medicine in Iowa.

STATEMENT OF MATTERS ASSERTED

5. Respondent practices family medicine, including obstetrics, in Mount Pleasant, Iowa.

6. **Prior Disciplinary Action:** On April 19, 2012, Respondent entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board alleged that Respondent failed to provide appropriate obstetrical care to a female patient in Mount Pleasant, Iowa, in December 2007. The Board issued Respondent a Citation and Warning and ordered him to pay a \$2,500 civil penalty. Respondent successfully completed an education program for advanced obstetrical care for family practice physicians and submitted a written corrective action plan. Respondent successfully completed the terms of the combined Statement of Charges and Settlement Agreement and the Board issued a Termination Order on September 21, 2012.

7. **New Investigative Information:** The Board subsequently received information which alleged that Respondent failed to appropriately diagnose and treat a patient with a ruptured appendix.

8. **Comprehensive Clinical Competency Evaluation Order:** On January 11, 2013, the Board ordered Respondent to undergo a Board-approved confidential comprehensive clinical competency evaluation. At the direction of the Board, Respondent completed a Board-approved confidential comprehensive clinical competency evaluation at the Center for Personalized Education for Physicians (CPEP) in Denver, Colorado on March 22, 2013. CPEP indicated that Respondent demonstrated areas of educational need and recommended that Respondent participate in a structured, individualized education program.

SETTLEMENT AGREEMENT

9. **CITATION AND WARNING:** Respondent is hereby **CITED** for failing to conform to the minimal standard of acceptable and prevailing practice of medicine in Iowa. Respondent is hereby **WARNED** that failure to conform to the prevailing standard of care in the practice of medicine in Iowa in the future may result in further disciplinary action, including suspension or revocation of his Iowa medical license.

10. **CIVIL PENALTY:** Respondent shall pay a **\$2,500 civil penalty** within twenty (20) days of the date of this order. The civil penalty shall be paid by delivery of a check or money order, payable to the Treasurer of Iowa. The civil penalty shall be deposited in the State General Fund.

11. **FIVE YEARS PROBATION:** Respondent shall be placed on **probation for a period of five (5) years** subject to the following terms and conditions:

- A. **Board Monitoring Program:** Within thirty (30) days of the date of this Order, Respondent shall establish a Board monitoring program with Mary Knapp, Compliance Monitor, Iowa Board of Medicine, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686, Ph.#515-281-5525. Respondent shall fully comply with all requirements of the monitoring program.
- B. **Recommendations of CPEP:** Respondent shall fully comply with all recommendations made by CPEP in this matter.
- C. **Practice Monitoring Plan:** Respondent shall fully comply with the Board-approved practice monitoring plan agreed upon by Respondent and the Board.
 - 1) Respondent shall submit the name and CV of an Iowa-licensed, board-certified, family physician to serve as practice monitor.
 - 2) The Board shall provide the practice monitor a copy of this order, the practice monitoring plan, all CPEP reports and all other relevant Board material.
 - 3) The practice monitor shall provide a written statement indicating that the practice monitor has read and understands all Board material provided by the Board and agrees to serve as the practice monitor under the terms of the practice monitoring plan. The practice monitor shall meet with Respondent regularly, review selected patients records,

ensure that Respondent provides appropriate care and treatment to patients and engage in a quality improvement process that addresses the areas of need identified by CPEP.

- 4) The practice monitor shall contact the Board immediately if there is evidence that Respondent has provided substandard care to patients.
- 5) The practice monitor shall agree to submit written quarterly reports to the Board not later than 1/20, 4/20, 7/20 and 10/20 of each year of this order.
- 6) The practice monitor may be asked to appear before the Board in-person, or by telephone or video conferencing. Such appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(e)(3).

D. Worksite Monitoring Program: Within thirty days of the date of this Order, Respondent shall establish a worksite monitoring program with the Board.

- 1) Respondent shall submit for Board approval the name of a physician who regularly observes and/or supervises Respondent in the practice of medicine.
- 2) The Board shall provide a copy of all Board orders relating to this matter to the worksite monitor.
- 3) The worksite monitor shall provide a written statement indicating that they have read and understand this Order and agrees to serve under the terms of this Order.

- 4) The worksite monitor shall agree to inform the Board immediately if there is evidence of professional incompetence or a violation of the terms of this Order.
 - 5) The worksite monitor may be asked to appear before the Board in-person, or by telephone or video conferencing. Such appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(e)(3).
 - 6) The worksite monitor shall submit quarterly reports to the Board not later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.
- E. **Quarterly Reports:** Respondent shall file sworn quarterly reports attesting to his compliance with 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.
- F. **Board Appearances:** Respondent agrees to appear before the Board annually or upon request for the duration of the period of probation. Respondent shall be given reasonable notice of the date, time and location for the appearances. Said appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(e)(3).
- G. **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 8th

Street, Suite C, Des Moines, IA 50309-4686. The check shall be made payable to the Iowa Board of Medicine.

H. **Termination of Probation:** Respondent may seek termination of the terms and conditions of probation after one year of full compliance with this order. Early termination of probation is at the sole discretion of the Board.

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

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

16. 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 in the Statement of Charges, and waives any objections to the terms of this Order.

17. 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.

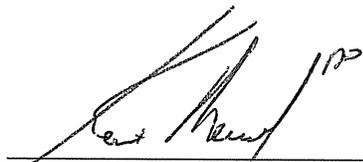
18. This Order constitutes the resolution of a contested case proceeding.

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

20. 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.

21. 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.

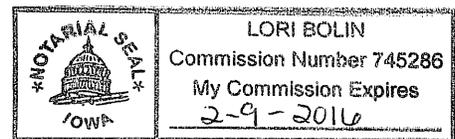
22. The Board's approval of this Order shall constitute a **Final Order** of the Board.



Kent F. Metcalf, D.O., Respondent

Subscribed and sworn to before me on Sept. 18, 2013.

Notary Public, State of Iowa.



Lori Bolin

This Order is approved by the Board on October 25, 2013.



Gregory B. Hoversten, D.O., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686