

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF STATEMENT OF CHARGES AGAINST

DENNIS G. MILLER, D.O., RESPONDENT

File Nos. 03-06-811, 03-07-415, 03-07-485 & 03-07-601

TERMINATION ORDER

Date: August 28, 2015.

1. Respondent was issued Iowa medical license no. 01710 on July 26, 1978.
2. Respondent's Iowa medical license is active and will next expire on December 1, 2015.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.
4. **Statement of Charges:** On December 12, 2007, the Board filed formal disciplinary charges against Respondent charging him with engaging in substance abuse, improper prescribing, sexual misconduct, violating physician-patient professional boundaries and failure to appropriately respond to a young female who suffered a drug overdose.

5. **Settlement Agreement:** On July 10, 2008, Respondent entered into a Settlement Agreement with the Board to resolve the pending disciplinary charges. Respondent's Iowa medical license was indefinitely suspended due to concerns that he was not safe to practice medicine.

6. **Reinstatement Order:** On April 16, 2009, the Board reinstated Respondent's Iowa medical license subject to certain terms and conditions and placed Respondent on indefinite probation subject to a Board-approved practice plan and Board monitoring.

7. **Termination of Probation and Restrictions:** On August 28, 2015, the Board concluded that Respondent has fully complied with the terms of the April 16, 2009, Reinstatement Order and voted to terminate the terms of the Reinstatement Order.

THEREFORE IT IS HEREBY ORDERED: that the April 16, 2009, Reinstatement Order is terminated and Respondent's Iowa medical license is returned to its full privileges, free and clear of all restrictions.



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

August 28, 2015
Date

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF STATEMENT OF CHARGES AGAINST

DENNIS G. MILLER, D.O., RESPONDENT

File Nos. 03-06-811, 03-07-415, 03-07-485 & 03-07-601

REINSTATEMENT ORDER

COMES NOW the Iowa Board of Medicine (the Board), and

Dennis G. Miller, D.O., (Respondent), on April 16, 2009, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) enter into this Reinstatement Order in the above matter.

1. Respondent was issued Iowa medical license no. 01710 on July 26, 1978.
2. Respondent's Iowa medical license will next expire on December 1, 2009.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.
4. The Board received information which indicates that Respondent engaged in substance abuse, improper prescribing, sexual misconduct, violated physician-patient professional boundaries and failed to appropriately respond to a young female who suffered a drug overdose.



5. At the direction of the Board, Respondent completed a comprehensive physical, neuropsychological and substance abuse evaluation under the direction of Professionals Program at Elmhurst Memorial Hospital (Elmhurst). Elmhurst concluded that Respondent suffers from a depressive disorder and probable alcohol abuse and he was not fit to practice medicine with reasonable skill and safety at that time. Elmhurst recommended that Respondent successfully complete an intensive programmatic dual-diagnosis treatment program for professionals to address mental health and substance abuse issues prior to returning to the practice of medicine.

6. On August 6, 2007, at the direction of the Board, Respondent voluntarily stopped practicing medicine.

7. On December 12, 2007, the Board filed formal disciplinary charges against Respondent charging him with substance abuse, improper prescribing, sexual misconduct, violating physician-patient professional boundaries and failure to appropriately respond to a young female who suffered a drug overdose.

8. At the direction of the Board, Respondent completed the Professional/Problem Based Ethics (PROBE) program sponsored by the Ethics Group, LLC.

9. On July 10, 2008, Respondent entered into a Settlement Agreement with the Board to resolve the Board's concerns and Respondent's Iowa medical license was indefinitely suspended due to concerns that he was not safe to practice medicine.

10. At the direction of the Board, Respondent completed a multidisciplinary assessment at Resurrection Health Care, a nationally recognized assessment and treatment program on July 11, 2008. Resurrection concluded that Respondent may return to the practice of medicine subject to certain terms and conditions. The recommended monitoring provisions have been included in this Order.

11. **REINSTATEMENT:** Respondent's Iowa medical license is reinstated on April 16, 2009, subject to the following terms and conditions.

12. **CITATION AND WARNING:** Respondent is hereby **CITED** for substance abuse, improper prescribing, sexual misconduct, violating physician-patient professional boundaries and failure to appropriately respond to a young female who suffered a drug overdose. Respondent is hereby **WARNED** that such conduct in the future may result in further disciplinary action, including revocation of his Iowa medical license.

13. **PROHIBITION – PRESCRIBING TO SELF AND FAMILY MEMBERS:**
Respondent shall not prescribe, administer or dispense any prescription medications to himself or members of his immediate family as defined by 653 IAC 23.1(7)(b)(2).

14. **PRESCRIBING COURSE:** Respondent shall complete a Board-approved course for the appropriate prescribing of controlled substances within ninety days of the date of this Order.

15. **PROHIBITION – SOCIAL INTERACTION WITH PATIENTS:**
Respondent shall not see any patient in a social, one-on-one context.

16. PROHIBITION – PRESCRIBING HUMAN GROWTH HORMONE:

Respondent shall not prescribe, administer or dispense human growth hormone to anyone.

17. CIVIL PENALTY: Respondent shall pay a \$5,000 civil penalty. The civil penalty shall be paid by delivery of a check or money order, payable to the Treasurer of Iowa, to the executive director of the Board. The civil penalty shall be deposited into the State General Fund.

18. EHTICS, BOUNDARIES & PROFESSIONALISM PROGRAM:

Respondent completed a Board-approved course on boundaries and professionalism.

19. BOARD-APPROVED PRACTICE PLAN: Respondent shall not engage in any aspect of the practice of medicine until he has submitted a written practice plan and received written approval from the Board. Respondent shall only practice in a Board-approved, group practice setting in a community other than Wellman, Iowa. Respondent shall submit for Board approval the name and CV of an Iowa-licensed, board-certified, physician to serve as practice monitor. The Board shall provide the practice monitor a copy of all Board orders in this matter. The practice monitor shall provide a written statement indicating that the practice monitor agrees to serve as the practice monitor under the terms of this Order. The practice monitor shall review selected medical records, to ensure that Respondent's treatment plans and prescribing practice fully comply with the minimal standard of acceptable and prevailing practice in Iowa. The practice monitor shall agree to immediately report evidence of inappropriate prescribing, professional misconduct or

improper medical care to the Board. The practice monitor shall 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.

20. **INDEFINITE PROBATION:** Respondent's Iowa medical license shall be reinstated and placed on **indefinite probation** subject to the following terms and conditions:

- A. **Monitoring Program:** Respondent shall contact Shantel Billington, Compliance Monitoring, Iowa Board of Medicine, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686, Ph.#515-281-3654, to establish a monitoring program. Respondent shall fully comply with the monitoring program.
- B. **Board-approved Practice Plan:** Respondent shall fully comply with his Board-approved practice plan.
- C. **Resurrection Recommendations:** Respondent shall fully comply with all recommendations made by Resurrection.
- D. **Alcohol Prohibition:** Respondent shall not consume alcohol.
- E. **Controlled or Prescription Drug Restriction:** Respondent shall not use any controlled or prescription drug unless the 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 his medical history prior to receiving any prescription drug.

- F. **Drug Screening Program:** Respondent shall submit to the Board's drug screening program. Respondent agrees to comply with all requirements of the drug-screening program. Respondent shall provide random blood or urine specimens when required. The specimens shall be used for drug and alcohol screening, all costs of which shall be paid by Respondent.
- G. **Psychiatric Care:** Respondent shall submit to the Board the name and curriculum vitae of a psychiatrist for Board approval to supervise Respondent's continued treatment and counseling, including management of medications. The Board shall share a copy of all Board orders, investigative materials and evaluation/treatment reports relating to this matter with the psychiatrist.
- 1) The psychiatrist shall submit written quarterly reports to the Board no later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.
 - 2) Respondent shall continue treatment with the psychiatrist until discharged by the Board-approved psychiatrist and until Respondent's discharge from treatment is approved by the Board.
 - 3) Respondent shall meet with his Board-approved psychiatrist as recommended by the psychiatrist and approved by the Board. All costs shall be the responsibility of Respondent.

H. **Mental Health Counseling:** Respondent shall submit for Board approval the name and CV of a counselor to provide ongoing mental health counseling.

(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 his counselor as frequently as recommended by the counselor and approved by the Board. All costs associated with the counseling shall be Respondent's responsibility.

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

(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 his counselor as frequently as recommended by the counselor and approved by the Board. All costs associated with the counseling shall be Respondent's responsibility.

- J. **Controlled Substance Prescribing Audits:** Respondent shall fully comply with Board audits of his medical records during the period of this Order. Respondent shall submit the names of all patients that he has prescribed to in each quarter of this Order. From that list, the Board shall select 10 patients quarterly. Respondent shall provide the Board copies of the medical records for each patient selected for review. Respondent shall pay the Board a \$200 auditing fee each quarter for the audits performed by the Board. The auditing fee shall be submitted to the Board with each quarterly report required below.
- K. **Worksite Monitor:** Respondent shall submit for Board approval the name of a physician or other Board-approved healthcare professional who regularly observes and/or supervises Respondent in Respondent's primary practice setting to serve as worksite monitor. The Board shall provide the worksite monitor a copy of all Board orders relating to this matter. The worksite monitor shall provide a written statement indicating that the monitor has read and understands the Board orders relating to this matter 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 substance abuse or professional misconduct. The monitor shall agree to 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.

L. **Quarterly Reports:** Respondent shall file sworn quarterly reports attesting to his 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.

M. **Board Appearances:** Respondent shall appear before the Board annually or upon request of the Board for the duration of the probation. Respondent shall be given notice of the date, time and location of the appearances. Said appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(d).

N. **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 submitted with each quarterly report required in this Order. The monitoring fee shall be sent to: Shantel Billington, Monitoring Coordinator, 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. The monitoring fees shall be considered repayment receipts as defined in Iowa Code section 8.2.

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

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

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

24. 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 revoke Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code chapters 148 and 272 and 653 IAC 25.

25. 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.

26. 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.

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



Dennis G. Miller, D.O., Respondent

Date Subscribed and sworn to before me on 3.26.09, 2009.

Notary Public, State of

This is approved by the Board on April 16, 2009.



Yasyn Lee, M.D., Chairperson
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, IA 50309-4686

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF STATEMENT OF CHARGES AGAINST

DENNIS G. MILLER, D.O., RESPONDENT

File Nos. 03-06-811, 03-07-415 & 03-07-485

SETTLEMENT AGREEMENT

COMES NOW the Iowa Board of Medicine (the Board), and
Dennis G. Miller, D.O., (Respondent), on July 10, 2008, and pursuant to
Iowa Code sections 17A.10(2) and 272C.3(4) and enter into this Settlement Agreement to
resolve the contested case currently on file.

1. Respondent was issued Iowa medical license no. 01710 on July 26, 1978.
2. Respondent's Iowa medical license will next expire on December 1, 2009.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.
4. On December 12, 2007, the Board filed formal disciplinary charges against Respondent charging him with substance abuse, improper prescribing, sexual misconduct, violating physician-patient professional boundaries and failure to appropriately respond to a young female who suffered a drug overdose.

SETTLEMENT AGREEMENT

5. **CITATION AND WARNING:** Respondent is hereby **CITED** for substance abuse, improper prescribing, sexual misconduct, violating physician-patient professional boundaries and failure to appropriately respond to a young female who suffered a drug overdose. Respondent is hereby **WARNED** that such conduct in the future may result in further disciplinary action, including revocation of his Iowa medical license.

6. **INDEFINITE SUSPENSION:** Respondent's Iowa medical license shall be **indefinitely suspended** upon the date of this Order. During the period of suspension, Respondent shall not engage in any aspect of the practice of medicine.

7. **REINSTATEMENT:** The Board will consider reinstating of Respondent's Iowa medical license upon an application for reinstatement pursuant to Iowa Code chapters 17A, 147, 148 and 272C and 653 IAC 26. Respondent's license shall not be reinstated except upon a showing at hearing that the basis for suspension of the Respondent's medical license no longer exists, and that it is in the public interest for the license to be reinstated.

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

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

10. 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 revoke Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code chapters 148 and 272

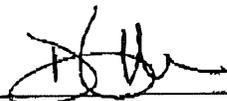
and 653 IAC 25.

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

12. 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.

13. 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.

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


Dennis G. Miller, D.O., Respondent

Date Subscribed and sworn to before me on 6.19.08, 2008.

Notary Public, State of

This is approved by the Board on July 10, 2008.


Yashn Lee, M.D., Chairperson
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, IA 50309-4686

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE) DIA NO. 07DPHMB022
STATEMENT OF CHARGES AGAINST:) FILE NOS. 03-06-811,
) 03-07-415 & 03-07-485
)
DENNIS G. MILLER, M.D.) ORDER GRANTING MOTION TO
) AMEND STATEMENT OF CHARGES RCVD

Respondent

06-20-08P01:45 RCVD

The above-captioned disciplinary matter is currently scheduled for hearing on June 20, 2008. On or about June 9, 2008, the state of Iowa filed a Motion To Amend Statement of Charges. Respondent has not filed a Resistance to the Motion to Amend. The Board delegated ruling on the motion to the undersigned administrative law judge.

The Motion to Amend seeks to add Case No. 03-2007-0601 to the caption to correct a numbering error. Case No. 03-2007-0601 refers to the factual circumstances that are set forth in paragraph 20 of the Statement of Charges. The state fairly characterizes this as a "technical" amendment; Respondent has had actual notice of the factual allegations underlying Case No. 03-2007-0601 since the Statement of Charges was filed on December 12, 2007. IT IS THEREFORE ORDERED that the Motion For Leave To Amend Statement of Charges is hereby GRANTED.

Dated this 19th day of June, 2008.

Margaret LaMarche

Margaret LaMarche
Administrative Law Judge
Iowa Department of Inspections and Appeals
Administrative Hearings Division
Wallace State Office Building-Third Floor
Des Moines, Iowa 50319

For the Iowa Board of Medicine

cc: Theresa O'Connell Weeg/Heather Palmer
Assistant Attorney General
Hoover State Office Building
Des Moines, Iowa 50319 (LOCAL)
And by email: tweeg@ag.state.ia.us

Michael Sellers, Attorney for Respondent
SELLERS, HARALDSON & BINFORD
Capital Square
400 Locust Street, Suite 170
Des Moines, IA 50309 (CERTIFIED)
And by email: sellers@sellersoffice.com

Kent Nebel
Director of Legal Affairs
Iowa Board of Medical Examiners
400 SW 8th St., Suite C
Des Moines, Iowa (LOCAL)
And by email: kent.nebel@iowa.gov

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE) FILE NO. 03-06-811, et al.
STATEMENT OF CHARGES) DIA NO. 07DPHMB022
AGAINST:)
) 02-25-08P02:15 RCVD
)
DENNIS G. MILLER, D.O.,) **ORDER REGARDING MOTION**
) **TO CONTINUE**
)
Respondent.)

STATEMENT OF THE CASE

On December 12, 2007, the Iowa Board of Medicine (the Board) filed a statement of charges against respondent Dennis G. Miller. There are four counts, including charges relating to use of alcohol or drugs, mental health issues, unprofessional or unethical conduct, and prescribing drugs for an unlawful purpose. The statement of charges states that respondent voluntarily stopped practicing medicine on August 6, 2007.

The matter was set for a contested case hearing to be held on February 27, 2008. On February 11, 2008, respondent filed a motion to continue. The motion stated that respondent had only recently received investigative files, interview statements, complaint files, and other documentation. Respondent reiterated that he had agreed not to practice, and stated that his practice or non-practice is subject to approval by the Board without formal proceedings.

On February 14, 2008, the State filed a resistance. The resistance stated that Respondent had been to two evaluation facilities since March of 2007. Both recommended that he not practice until he completes recommended treatment. The State is concerned that, without a formal agreement not to practice, Respondent is a risk to return to practice and jeopardize the welfare of the public.

On February 14, 2008, respondent filed a request for hearing on the motion to continue. He stated that the Board has a standard practice of granting a first continuance request to allow additional time to prepare a defense. Respondent stated that a provider, Dr. Richard Hauser, has authored a letter stating that he may return to practice if he follows his treatment plans. A copy of Dr. Hauser's letter was attached to the request. Respondent stated that the Board has not issued an emergency adjudicative order, so he should not be forced to agree to a pre-hearing suspension.

On January 15, 2008, the Board provided copies of the motion, resistance, and request to the undersigned administrative law judge (ALJ) to enter a decision on the motion. I held a telephonic hearing on February 19, 2008. Assistant Attorney General Theresa Weeg represented the State. Mike Sellers represented respondent.

At the hearing, I determined that the first evaluation was pursuant to a Board order. The parties delayed any further action while allowing respondent to voluntarily attend the second evaluation facility, but that evaluation was not strictly Board-ordered. Mr. Sellers represented that the second facility had recently amended its recommendation, and would now allow respondent to return to practice. There is nothing in the record at this time to indicate that the amendment is written. Mr. Sellers stated that he first received the Board's investigative files and other discovery materials by CD-Rom in the middle of December. He does not feel he can make a complete defense due to the volume of the materials and the time he has spent trying to work out an alternative resolution.

DISCUSSION

The Board or presiding officer is authorized by regulation to continue contested case hearings. 653 IAC 25.16. An ALJ may rule on prehearing matters on the Board's behalf. 653 IAC 25.6. The presiding officer may consider the following factors:

- a. prior continuances,
- b. the interests of all parties,
- c. the public interest,
- d. the likelihood of informal settlement,
- e. the existence of an emergency,
- f. any objection,
- g. any applicable time requirements,
- h. the existence of a scheduling conflict,
- i. the timeliness of the request,
- j. other relevant factors.

I have some concerns about the public welfare without having a firm commitment that respondent will not practice. The Board has taken disciplinary action against respondent in the past. He was placed on probation for two years at that time. The current statement of charges raises a number of wide-ranging violations that are directly related to his ability to practice in a safe manner. The record shows two written evaluations stating that respondent is not safe to practice. While I understand that one of the facilities may have amended its recommendation, there is no written record of that amendment.

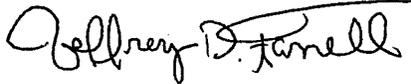
Still, the motion must be granted based on application of the factors. Even though respondent undertook his first evaluation nearly a year ago, the statement of charges was

only filed two months ago. Respondent was not put on formal notice that he would be charged until December 12, 2007. There are four charges involving different factual bases, so there is reason to believe respondent's claim that he needs more time to fully review the States investigative files and prepare a defense. This case has not been continued in the past, and first continuances have typically been well-received by the Board. The Board can still protect the public interest if respondent resumes practice by filing an emergency proceeding pursuant to Iowa Code section 17A.18A, or enter into an informal or formal agreement with respondent to limit or prohibit his practice until the contested case hearing.

ORDER

Respondent's motion to continue is granted. The Board shall reset this case for hearing by separate order.

Dated this 19th day of February, 2008.



Jeffrey D. Farrell
Administrative Law Judge

cc: Theresa O'Connell Weeg (by fax: 281-7551)
Michael Sellers (by fax: 515-221-2702)
Iowa Board of Medical Examiners (by fax: 281-8641)

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF STATEMENT OF CHARGES AGAINST

DENNIS G. MILLER, D.O., RESPONDENT

File Nos. 03-06-811, 03-07-415 & 03-07-485

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medicine on December 12, 2007, and files this Statement of Charges pursuant to Iowa Code section 17A.12(2) (2007). Respondent was issued Iowa medical license no. 01710 on July 26, 1978. Respondent's Iowa medical license is active and will next expire on December 1, 2009.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on February 27, 2008, before the Iowa Board of Medicine. The hearing shall begin at 8:30 a.m. and shall be located in the conference room at the Board office at 400 SW 8th 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 IAC 25.10 to file an Answer. In that Answer, you should also state whether you will require a continuance 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. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 653 IAC 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 IAC 25.16. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

5. 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, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319.

6. 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 should direct any questions to Kent M. Nebel, J.D., the Board's Legal Director at 515-281-7088 or to Assistant Attorney General Theresa O'Connell

Weeg at 515-281-6858.

B. LEGAL AUTHORITY AND JURISDICTION

7. Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 148, and 272C.

8. 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 and 653 IAC 25.4.

9. 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 IAC 25.20.

C. SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

10. Respondent is charged pursuant to Iowa Code section 148.6(2)(h) and 653 IAC 23.1(6) with the inability to practice medicine and surgery with reasonable skill and safety by reason of excessive use of alcohol or drugs.

COUNT II

11. Respondent is charged pursuant to Iowa Code section 148.6(2)(h) and 653 IAC 23.1(8) with suffering from a mental health condition which impairs his ability to practice medicine and surgery with reasonable skill and safety.

COUNT III

12. Respondent is charged pursuant to Iowa Code sections 147.55(3) and 272C.10(3) and 653 IAC 23.1(3) and (4) with engaging in unprofessional or unethical conduct and/or practice harmful or detrimental to the public.

COUNT IV

13. Respondent is charged pursuant to Iowa Code sections 147.55(8), 148.6(i) and 272C.10(8) and 653 IAC 23.1(7) with indiscriminately or promiscuously prescribing, administering or dispensing any drug for other than a lawful purpose.

D. STATEMENT OF MATTERS ASSERTED

14. On February 23, 1995, the Board charged Respondent with improperly prescribing controlled substances to patients. Respondent was placed on probation for two years and he was required to complete Board-approved continuing medical education. Respondent completed the terms of his probation on August 27, 1998.

15. The Board alleges that Respondent has consumed alcohol to excess on several occasions and that he has used marijuana on several occasions.

16. The Board alleges that Respondent inappropriately self-prescribed controlled substances for his personal use without proper oversight of a treating physician.

17. The Board alleges that Respondent engaged in sexual misconduct with a woman who was his patient in violation of appropriate physician-patient professional boundaries.

18. The Board alleges that Respondent inappropriately prescribed or dispensed controlled substances to members of his immediate family.

19. The Board alleges that Respondent violated appropriate physician-patient professional boundaries in his care and treatment and personal interactions with a young male patient with serious mental health problems.

20. The Board alleges that Respondent failed to appropriately respond to a young female who suffered a drug overdose.

21. The Board alleges that Respondent is not fit to practice medicine with reasonable skill and safety.

22. At the direction of the Board, Respondent voluntarily stopped practicing medicine on August 6, 2007.

E. SETTLEMENT

23. Settlement. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 653 IAC 25.17. 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

24. On this 12th day of December 2007, the Iowa Board of Medicine found probable cause to file this Statement of Charges.



Yashyn Lee, M.D.,
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686