**BEFORE THE IOWA BOARD OF MEDICINE**

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

**STEVEN E. MILLER, M.D., RESPONDENT**

**FILE No. 02-11-569**

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**DISMISSAL ORDER**

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Date: February 5, 2016.

1. Respondent was issued Iowa medical license no. 34369 on October 21, 2001.

2. Respondent's Iowa medical license has been inactive due to non-renewal since January 1, 2011.

3. **Practice Setting:** Respondent is an Iowa-licensed physician who practiced cardiovascular medicine in Sioux Falls, South Dakota.

4. **Voluntary Agreement:** On or about November 9, 2011, Respondent entered into an Agreement to Voluntarily Surrender his South Dakota Medical License with the South Dakota Board of Medical and Osteopathic Examiners due to a mental health condition.

5. **Iowa Disciplinary Charges:** On August 8, 2014, the Iowa Board filed formal disciplinary charges against Respondent charging him with entering into a voluntary agreement to restrict the practice of medicine in another state in violation of the laws and rules governing the practice of medicine in Iowa.

7. **Relinquishment of Iowa Medical License:** Effective January 1, 2016, pursuant to Iowa Code section 148.8A, Respondent's Iowa medical license was relinquished because he failed to apply for renewal or reinstatement of the license within five (5) years after its expiration. See Iowa Code section 148.8A. Therefore, Respondent no longer holds an Iowa medical license and his license may not be reinstated, reissued, or restored.

**THEREFORE IT IS HEREBY ORDERED:** that the Board **DISMISSES** the Statement of Charges currently pending against Respondent in this matter. However, should Respondent apply for a new Iowa medical license in the future, the Board will reopen this matter and take appropriate action necessary to protect the public.

This order becomes effective on February 5, 2016.

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

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

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**STATEMENT OF CHARGES**

**********

**COMES NOW** the Iowa Board of Medicine (Board) on August 8, 2014, and files this Statement of Charges pursuant to Iowa Code Section 17A.12(2). Respondent was issued Iowa medical license no. 34369 on October 31, 2001. Respondent's Iowa medical license went inactive due to nonrenewal on January 1, 2011.

## A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on October 2, 2014, before the Iowa Board of Medicine. The hearing shall begin at 1:30 p.m. and shall be located in the conference room at the Iowa Board of Medicine 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 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 August 27, 2014, at 9:30 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: Julie Bussanmas, Assistant Attorney General, Iowa Attorney General's Office, 2nd 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 Julie Bussanmas at 515-281-5637.

## B. LEGAL AUTHORITY AND JURISDICTION

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

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. **Voluntary Agreement with Another Licensing Authority:** Respondent is charged pursuant to Iowa Code section 148.12 and 653 IAC 23.1(41) with entering into a voluntary agreement to restrict the practice of medicine in another state, territory, or country. A certified copy of the order of the voluntary agreement shall be considered prima facie evidence.

### STATEMENT OF THE MATTERS ASSERTED

12. Respondent is an Iowa-licensed physician who practiced cardiovascular medicine in Sioux Falls, South Dakota.

13. **Voluntary Agreement:** On or about November 9, 2011, Respondent entered into an Agreement to Voluntarily Surrender his South Dakota Medical License with the South Dakota Board of Medical and Osteopathic Examiners due to a mental health condition. See Attachment A.

## E. SETTLEMENT

14. 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

15. On August 8, 2014, the Iowa Board of Medicine found probable cause to file this Statement of Charges.

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

Attachment A

**THE SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS**

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Re: STEVEN E. MILLER, MD FINAL ORDER

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The above-entitled matter having come before the South Dakota Board of Medical and Osteopathic Examiners ("Board"), and Dr. Steven E. Miller having signed an Agreement to Voluntarily Surrender his South Dakota Medical License, and the Board having been fully advised in the premises thereof;

NOW; THEREFORE, the Board hereby:

ACCEPTS the Voluntary Surrender of Dr. Miller's medical license, and

ORDERS that the Agreement and this Order are public records of the Board and the State of South Dakota which shall be published on the Board's website and reported to the national data banks and any other entity deemed appropriate by the Board and in compliance with State and Federal law.

Date: 9 Nov 2011

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

Robert L. Ferrell, MD, President

STATE OF SOUTH DAKOTA } S.S.
MINNEHAHA COUNTY

I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears on the record in my office.

Executive Secretary

By MBH by JTP

Date 11/16/11

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

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In re: STEVEN E. MILLER, MD

AGREEMENT TO VOLUNTARILY SURRENDER SD MEDICAL LICENSE No. 4878

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I, Dr. Steven E. Miller, agree to voluntarily surrender my South Dakota Medical License Number 4878 effective immediately.

I agree that I shall immediately cease the practice of medicine in the state of South Dakota.

I agree that I shall immediately refrain from prescribing, dispensing or distributing medications or drugs, including samples, of any type at any time to anyone including myself, members of my family, or any other party.

I understand that I have the right to consult with an attorney of my own choosing, and that if an attorney does not sign this agreement, this signifies that I have waived this right. I also understand that by signing this Agreement, I am waiving my rights to a hearing and to any appeals.

I agree that this Agreement is public information, and I understand that it shall be published on the Board's website and reported to the national databanks and all other entities deemed appropriate by the Board in compliance with state and federal law.

Therefore, I, Dr. Steven E. Miller, voluntarily and unconditionally surrender my South Dakota Medical License by affixing my signature to this document.

By: Steven E Miller Date: 11/7/11

Steven E. Miller, MD

By:____________________ Date: __________

Attorney for Dr. Miller (optional)

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

By: Margaret B. Hansen Date: 11/7/11

Margaret B. Hansen, Executive Director

STATE OF SOUTH DAKOTA } S.S.
MINNEHAHA COUNTY
I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears on the record in my office.
Executive Secretary
By MBH by JHP
Date 11/16/11