

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

AMANDA J. MORENO, D.O., RESPONDENT

FILE No. 03-08-443

TERMINATION ORDER

Date: October 21, 2014.

1. Respondent was issued Iowa medical license no. 3686 on February 10, 2006.
2. Respondent's Iowa medical license is active and will next expire on November 1, 2015.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.
4. **PRACTICE SETTING:** Respondent is an Iowa-licensed physician who formerly practiced family medicine in Madrid, Iowa, and currently practices emergency medicine in Oskaloosa, Iowa.

5. **STATEMENT OF CHARGES AND SETTLEMENT AGREEMENT:** On October 21, 2009, Respondent entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board charged Respondent with engaging in a sexual relationship with a patient and unprofessional conduct in the practice of medicine. The Board issued Respondent a Citation and Warning and ordered her to pay a \$5,000 civil penalty and complete a Board-approved sexual misconduct evaluation. The Board also placed Respondent on probation for a period of five (5) years subject to counseling and Board monitoring.

6. **SUCCESSFUL COMPLETION OF PROBATION:** On October 21, 2014, Respondent successfully completed the terms of the October 21, 2009, combined Statement of Charges and Settlement Agreement.

THEREFORE IT IS HEREBY ORDERED: that the terms and conditions of the October 21, 2009, combined Statement of Charges and Settlement Agreement are terminated and Respondent's Iowa medical license is returned to its full privileges, free and clear of all restrictions.

IOWA BOARD OF MEDICINE



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

October 21, 2014

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

AMANDA J. MORENO, D.O., RESPONDENT

FILE No. 03-08-443

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

COMES NOW the Iowa Board of Medicine (Board), and Amanda J. Moreno, D.O., (Respondent), on October 21, 2009, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), file this combined Statement of Charges and Settlement Agreement.

STATEMENT OF CHARGES

1. Respondent was issued Iowa medical license no. 3686 on February 10, 2006.
2. Respondent's Iowa medical license is active and will next expire on November 1, 2009.
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(8), 148.6(2)(i) and 272C.10(8) and 653 IAC 23.1(4) and 13.7(4) with violating the laws and rules governing the practice of medicine in Iowa when she engaged in sexual misconduct in the practice of medicine.

COUNT II

5. Respondent is charged pursuant to Iowa Code section 147.55(3) and 653 IAC sections 23.1(4) with engaging in unethical or unprofessional conduct in the practice of medicine.

STATEMENT OF MATTERS ASSERTED

6. Respondent formerly practiced family medicine in Madrid, Iowa and emergency medicine at multiple locations in central Iowa.

7. Respondent violated appropriate professional boundaries when she engaged in a sexual relationship with a patient.

8. Respondent violated the laws and rules governing the practice of medicine when she engaged in a pattern of unprofessional conduct in the practice of medicine.

9. **CITATION AND WARNING:** Respondent is hereby **CITED** for violating the laws and rules governing the practice of medicine in Iowa when she engaged in a sexual relationship with a patient and she engaged in a pattern of unprofessional conduct. Respondent is hereby **WARNED** that engaging in such conduct in the future may result in further disciplinary action, including suspension or revocation of her Iowa medical license.

10. **CIVIL PENALTY:** Respondent shall pay a civil penalty in the amount of \$5,000. 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.

11. PROFESSIONAL SEXUAL MISCONDUCT EVALUATION: At the direction of the Board, Respondent completed a comprehensive sexual misconduct evaluation at a Board-approved assessment program. After careful consideration of the evaluation report, the Board concluded that Respondent may practice medicine subject to the terms and conditions established in this Order.

12. FIVE YEARS PROBATION: 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 8th Street, Suite C, Des Moines, IA 50309-4686, Ph.#515-281-3654. Respondent shall fully comply with all requirements of the monitoring program.
- B. Compliance with Assessment Program Recommendations:** Respondent shall fully comply with all recommendations made by the assessment program.
- C. Sexual Misconduct Treatment:** Respondent shall participate in Board-approved sexual misconduct treatment.
- (1) The counselor 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 counseling until discharged by the counselor and until Respondent's discharge is approved by the Board.
 - (3) Respondent shall meet with the Board-approved counselor as frequently as recommended by the counselor and approved by the Board. All costs associated with the counseling shall be the responsibility of Respondent.

- D. **Boundary Program:** Respondent shall successfully complete a Board-approved professional boundary program prior to returning to the practice of medicine.
- E. **Written Physician Mentoring Plan:** Respondent shall submit a written physician mentoring plan for Board approval with the name and CV of a physician(s) who regularly works with and observes Respondent in the practice of medicine to serve as her physician mentor(s). The Board shall share a copy of all Board orders relating to this matter with the physician mentor(s). The physician mentor(s) shall provide a written statement indicating that the mentor(s) has read and understands all Board orders in this matter and agrees to act as the physician mentor(s) under the terms of this Order. The physician mentor(s) shall agree to inform the Board immediately if there is evidence of professional misconduct, a violation of this Order, or a violation of the laws and rules governing the practice of medicine in Iowa.
- (1) The physician mentor(s) 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;
 - (2) Respondent shall continue meeting with the physician mentor(s) until discharge is approved by the Board.
 - (3) Respondent shall meet with the physician mentor(s) as frequently as approved by the Board.

- F. **Polygraph Testing:** Respondent shall submit to Board-approved polygraph testing at least every six months for the duration of this Order.
- G. **Staff Surveillance Forms:** Respondent shall utilize staff surveillance forms as directed by the Board for the duration of this Order.
- H. **Patient Satisfaction Survey:** Respondent shall utilize staff surveillance forms as directed by the Board for the duration of this Order.
- I. **Internet Access:** Respondent shall only utilize Internet access for appropriate professional purposes while practicing medicine.
- J. **Quarterly Reports:** Respondent shall file sworn quarterly reports with the Board attesting to his compliance with all the terms and conditions of this Settlement Agreement. The reports shall be filed not later than 1/10, 4/10, 7/10 and 10/10 of each year of this Order.
- K. **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).
- L. **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 from Respondent required by 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. The Monitoring Fee shall be considered repayment receipts as defined in Iowa Code section 8.2.C.

13. This Order constitutes the resolution of a contested case proceeding.
14. Respondent voluntarily submits this Order to the Board for consideration.
15. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

16. 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 25.

17. In the event Respondent leaves Iowa to reside or practice outside the state, Respondent shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside the state of Iowa will not apply to the duration of this Order.

18. 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 Settlement Agreement.

19. 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.

20. 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.

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

Amanda J. Moreno, D.O.
Amanda J. Moreno, D.O., Respondent

Subscribed and sworn to before me on October 13, 2009.

Notary Public, State of Iowa

Jennifer Riche



This Order is approved by the Board on October 21, 2009.

Siroos S. Shirazi

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