

**BEFORE THE IOWA BOARD OF MEDICINE**

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

**JAMES R. MUNNS, M.D., RESPONDENT**

**FILE No. 02-12-792**

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

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COMES NOW the Iowa Board of Medicine (Board) and James R. Munns, M.D., (Respondent), on June 6, 2014, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) and 653 IAC 25.3, enter into this combined Statement of Charges and Settlement Agreement.

**STATEMENT OF CHARGES**

1. Respondent was issued Iowa medical license no. 18661 on July 6, 1972.
2. Respondent's Iowa medical license went inactive due to nonrenewal on December 1, 2004.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

## COUNT I

4. **Discipline by Another Licensing Authority:** Respondent is charged pursuant to Iowa Code section 148.6(2)(d) and 653 IAC 23.1(1) with having a license to practice medicine and surgery or osteopathic medicine and surgery revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the order of disciplinary action is prima facie evidence.

### STATEMENT OF THE MATTERS ASSERTED

5. Respondent is an Iowa-licensed physician who currently practices surgery in Peoria, Illinois.

6. **Illinois Disciplinary Action:** On September 6, 2012, Respondent entered into a Consent Order with the Illinois Division of Professional Regulation (Illinois Board). Respondent was disciplined after he settled a medical malpractice lawsuit alleging that he failed to timely diagnose cancer in Peoria, Illinois, in March 2004. Respondent received a Reprimand and agreed to pay a \$500 fine. See Attachment A.

### SETTLEMENT AGREEMENT

7. **CITATION AND WARNING:** Respondent is hereby **CITED** for being disciplined by the Illinois Board after he settled a medical malpractice lawsuit alleging that he failed to timely diagnose cancer in Peoria, Illinois, in March 2004. Respondent is hereby **WARNED** that being disciplined by another state licensing board and/or violating the laws and rules governing the practice of

medicine in the future may result in further disciplinary action against his Iowa medical license.

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

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

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

11. By entering into this Order, Respondent understands that he has a right to be represented by 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.

12. 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.

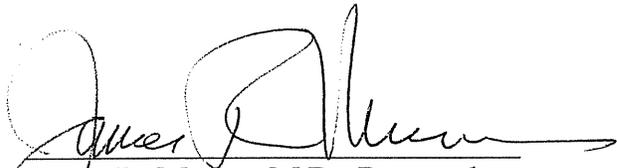
13. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

14. Respondent understands that the Board is required by Federal law (45 C.F.R. 60.8) to report this Order to the National Practitioner Data Bank.

15. 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.

16. 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.

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

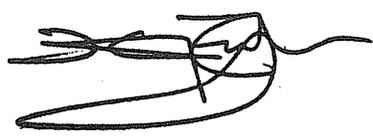
  
James R. Munns, M.D., Respondent

Subscribed and sworn to before me on 17 April, 2014.

Notary Public, State of Illinois.

*Lisa M. Caho 17-4-20*  


This Order is approved by the Board on June 6, 2014.

  
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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

STATE OF ILLINOIS  
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION  
DIVISION OF PROFESSIONAL REGULATION

DEPARTMENT OF FINANCIAL AND )  
PROFESSIONAL REGULATION )  
of the State of Illinois, ) Complainant, )  
v. ) No. 2010-08520  
James R. Munns, M.D., )  
License No. 036-064426, ) Respondent. )

CONSENT ORDER

The Department of Financial and Professional Regulation, Division of Professional Regulation, of the State of Illinois, by Vladimir Lozovskiy, one of its attorneys, (hereinafter "Department") and James R. Munns, M.D., (hereinafter "Respondent"), by and through his legal counsel Paul C. Estes, hereby agree to the following:

STIPULATIONS

James R. Munns, M.D. is licensed as a Physician and Surgeon in the State of Illinois, holding License No. 036-064426. Said license is Active status. At all times material to the matter(s) set forth in this Consent Order, the Department of Financial and Professional Regulation, Division of Professional Regulation, of the State of Illinois had jurisdiction over the subject matter and parties herein.

Information has come to the attention of the Department that Respondent settled a medical malpractice lawsuit alleging that Respondent failed to timely diagnose cancer. The allegation(s) as set forth herein, if proven to be true, could constitute grounds for suspending, revoking or other discipline of Respondent's Physician and Surgeon license on the authority 225 Illinois Compiled Statutes, Paragraph 60/22(A)(5).

An Informal Conference was held in this matter on May 16, 2012. Dr. Edward Rose was present on behalf of the Medical Disciplinary Board and Vladimir Lozovskiy was present for the

Department. Dr. James Munns was present and represented by Paul C. Estes, Esq. During the Informal Conference, Respondent provided detailed information regarding his treatment and care of the patient-in-question. Moreover, Respondent provided information regarding changes in his clinical practice.

For purposes of this Consent Order only, Respondent acknowledges that should this matter proceed to a contested hearing, the Illinois Medical Disciplinary Board (the "Board") could find a violation of the Medical Practice Act. The Department and Respondent stipulate that the above acknowledgement is made only for the purposes of this Consent Order. In the event that this Consent Order is not approved by the Board or is not approved by the Director of the Division of Professional Regulation of the Illinois Department of Financial and Professional Regulation ("Director"), this acknowledgement shall not be admissible in any proceeding and the matter will be set for an evidentiary hearing on the merits as if this Consent Order had not been submitted. In addition, upon approval of this Consent Order, neither this acknowledgement nor this Consent Order may be utilized in any other proceeding, except one to enforce this Agreement.

Respondent has been advised of the right to have pending allegations reduced to written charges, the right to a hearing, the right to contest any charges brought, and the right to administrative review of this Consent Order. Respondent knowingly waives each of these rights, as well as the right to administrative review of this Consent Order. Such waiver ceases if this Consent Order is rejected by either the Medical Disciplinary Board or the Director of the Division of Professional Regulation of the Illinois Department of Financial and Professional Regulation.

Respondent and the Department have agreed, in order to resolve this matter, that Respondent, James R. Munns, M.D., be permitted to enter into a Consent Order with the

Department, providing for the imposition of disciplinary measures which are fair and equitable under the circumstances and which are consistent with the best interests of the people of the State of Illinois.

CONDITIONS

WHEREFORE, the Department, through Vladimir Lozovskiy, its attorney, and James R. Munns, M.D., Respondent, agree:

A. Illinois Physician and Surgeon license of James R. Munns, M.D., License No. 036-064426, is hereby Reprimanded;

B. Respondent shall pay a Fine in the amount of \$500.00 dollars (five hundred dollars) being due within thirty (30) days of the effective date of this Consent Order Respondent shall submit a check payable to: the Illinois Department of Financial and Professional Regulation. Said fine shall be mailed to Illinois Dept. of Financial and Professional Regulation, Attention: CMU/Accounts Receivable - Fine Payments, 320 W. Washington St., 3<sup>rd</sup> Floor, Springfield, Illinois 62786. In the event that that Respondent shall fail to pay the fine, and the Department is forced to initiate a collection effort to retrieve the fine, Respondent will be responsible for all costs and fees incurred by the collection process;

C. This Consent Order shall become effective immediately after it is approved by the Director of the Division of Professional Regulation of the Illinois Department of Financial and Professional Regulation.

DEPARTMENT OF FINANCIAL AND  
PROFESSIONAL REGULATION of  
the State of Illinois  
Division of Professional Regulations

8/6/12  
DATE

Vladimir Lozovski  
Vladimir Lozovski  
Attorney for the Department

18 July 2012  
DATE

James R. Munns, M.D.  
James R. Munns, M.D.  
Respondent

8/6/12  
DATE

Paul C. Estes  
Paul C. Estes, Esq.  
Attorney for Respondent

8-15-12  
DATE

[Signature]  
Member, Medical Disciplinary Board

The foregoing Consent Order is approved in full.

DATED THIS 8<sup>th</sup> day of September, 2012.

DEPARTMENT OF FINANCIAL AND  
PROFESSIONAL REGULATION of  
the State of Illinois  
Division of Professional Regulations

[Signature]  
JAY STEWART  
DIRECTOR

REF: Case No. 2010-08520/ License No. 036-064426