

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

GREGORY P. NEYMAN, M.D., RESPONDENT

FILE No. 02-05-828

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

COMES NOW the Iowa Board of Medicine (Board), and Gregory P. Neyman, M.D., (Respondent), on April 4, 2013, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) enter into this combined Statement of Charges and Settlement Agreement.

STATEMENT OF CHARGES

1. Respondent was issued Iowa medical license no. 35699 on June 30, 2004.
2. Respondent's Iowa medical license is active and will next expire on October 1, 2013.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.

COUNT I

4. **Disruptive Behavior:** Respondent is charged pursuant to Iowa Code sections 148.6(2)(i) and 653 IAC 13.7(5) with engaging in disruptive behavior. Disruptive behavior is defined as a pattern of contentious, threatening, or intractable behavior that interferes with, or has the potential to interfere with, patient care or the effective functioning of health care staff.

COUNT I

5. **Unethical or Unprofessional Conduct:** Respondent is charged pursuant to Iowa Code sections 147.55(3) and 272C.10(3) and 653 IAC 23.1 (4) with engaging in a pattern of unethical and/or unprofessional conduct. Engaging in unethical or unprofessional conduct includes, but is not limited to, the committing by a licensee of an act contrary to honesty, justice or good morals, whether the same is committed in the course of the licensee's practice or otherwise and whether committed within this state or elsewhere, or a violation of the standards and principles of medical ethics.

STATEMENT OF MATTERS ASSERTED

6. Respondent is an Iowa-license physician who practices general medicine and emergency medicine in Marengo, Iowa.

7. The Board alleges that Respondent has engaged in a pattern of unprofessional conduct, dishonesty and/or disruptive behavior in violation of the laws and rules governing the practice of medicine in Iowa between 2005 and the present including, but not limited to, the following:

A. The Board received information which indicates that on December 5, 2005, Respondent was dismissed from his residency training program due to concerns about his professionalism, falsification of medical records, truthfulness and poor communication.

B. The Board received information which indicates that Respondent engaged in a pattern of unprofessional conduct, dishonesty and/or disruptive behavior while practicing medicine in Marengo, Iowa, between 2009 and the present, including concerns about Respondent's:

- 1) Truthfulness;
- 2) Poor communication with patients, staff and other physicians; and
- 3) Rude, unprofessional, disruptive and confrontational behavior toward patients, staff and other physicians.

8. On November 15, 2012, the Board ordered Respondent to complete a comprehensive physical, neuropsychological, mental health, unprofessional conduct and disruptive behavior evaluation at the Professionals Program, under the direction of Glenn Siegel, M.D., at Elmhurst Memorial Healthcare, 360 W Butterfield Rd Suite 340, Elmhurst, Illinois. Respondent completed the evaluation on January 7-8, 2013. The recommendations made by the Professionals Program have been included in this order.

9. Respondent is filing an Answer concurrent with this Statement of Charges denying the charges. However, Respondent wishes to enter into this combined Statement of Charges and Settlement Agreement to resolve this matter and avoid a contested case hearing.

SETTLEMENT AGREEMENT

10. **CITATION AND WARNING:** Respondent is hereby **CITED** for engaging in a pattern of unprofessional conduct, dishonesty and/or disruptive behavior in violation of the laws and rules governing the practice of medicine in Iowa between 2005 and the present. Respondent is hereby **WARNED** that such conduct in the future may result in further disciplinary action, including suspension or revocation of his Iowa medical license.

11. **CIVIL PENALTY:** Respondent shall pay a **\$5,000 civil penalty** within twenty (20) days of the date of this order. The civil penalty shall be made payable to the Treasurer of Iowa, and mailed to the Executive Director of the Board. The civil penalty shall be deposited into the State General Fund.

12. **PROFESSIONAL ETHICS PROGRAM:** Respondent shall successfully complete the Professional/Problem Based Ethics (PROBE) program sponsored by the Center for Personalized Education for Physicians (CPEP), 7351 Lowry Blvd., Suite 100, Denver, CO 80230, 303-577-3232, within ninety (90) days of the date of this order. Respondent shall ensure that a report is sent directly to the Board. Respondent is responsible for all costs associated with the program.

13. **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 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. Compliance with Professionals Program Recommendations: Respondent shall fully comply with all recommendations made by the Professionals Program following the evaluation.

C. Counseling: Respondent shall submit for Board approval the name and CV of a counselor to address the recommendations made by the Professionals Program during the evaluation.

(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 discharged by the counselor and until Respondent's discharge from counseling is approved by the Board.

(3) Respondent shall meet with his Board-approved counselor as frequently as recommended by the counselor and approved by the Board.

(4) Respondent is responsible for all costs associated with counseling.

D. Principles of Medical Ethics, Staff Surveillance Forms and Patient Satisfaction Surveys:

(1) Respondent shall post the Principles of Medical Ethics in his medical practice as directed by the Board.

(2) Respondent shall utilize Staff Surveillance Forms in his medical practice as directed by the Board.

(3) Respondent shall utilize Patient Satisfaction Surveys in his medical practice as directed by the Board.

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

(1) Respondent shall submit for Board approval the name of a physician who regularly observes 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.

F. **Primary Care Physician:** Respondent shall submit for approval the name and CV of an Iowa-licensed physician to serve as his primary care physician.

(1) The Board shall provide the primary care physician a copy of the report from the Professionals Program and the primary care physician shall agree to assist Respondent to address the recommendations made by the Professionals Program following the evaluation.

(2) The primary care physician shall submit written quarterly reports to the Board concerning Respondent's health not later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.

(3) Respondent shall continue care with the primary care physician throughout the duration of this order.

(4) Respondent shall meet with his Board-approved primary care physician as frequently as recommended by the physician and approved by the Board.

G. **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.

H. **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)(e)(3).

I. **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. The monitoring fee shall be considered repayment receipts as defined in Iowa Code section 8.2.

J. **Termination of Probation:** Respondent may seek termination of his probation after at least two years from the date of this Order. Respondent must demonstrate full compliance with the terms and conditions of this Order. Early termination of the probation is at the discretion of the Board.

14. Respondent shall submit a written statement to the Board which demonstrates that Respondent 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.

15. Respondent shall submit a written statement to the Board which demonstrates that Respondent has shared a copy of this order all hospitals and clinics where Respondent practices medicine.

16. Pursuant to 653 IAC 21.6, if applicable, Respondent shall notify all physician assistant supervisees within one workday upon receiving disciplinary action from the Board

or any other change in status that affects the physician's eligibility to supervise a physician assistant.

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

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

19. By entering into this Order, Respondent 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. This Order constitutes the resolution of a contested case proceeding.

20. 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.

21. In the event Respondent fails to comply with any of the terms of this Order, the Board may initiate action to suspend or revoke Respondent's license or to impose other license discipline as authorized in Iowa Code chapters 148 and 272 and 653 IAC 25.

22. Periods in which Respondent does not practice medicine or fails to comply with the terms established in this Order shall not apply to the duration of this Order unless Respondent obtains prior written approval from the Board. 17.

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

24. Respondent understands that the Board is required by Federal law to report this Order to the National Practitioner Data Bank and Healthcare Integrity and Protection Data Bank.

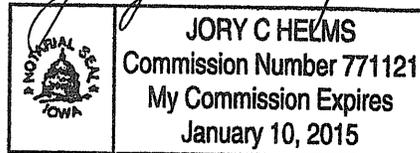
25. The Order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.

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.



Gregory P. Neyman, M.D., Respondent



Subscribed and sworn to before me on March 8, 2013.

Notary Public, State of Iowa.

This Order is approved by the Board on April 4, 2013.



Colleen K. Stockdale, M.D., M.S., Chairwoman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686