

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

GREGORY P. NEYMAN, M.D., RESPONDENT

FILE No. 02-13-473

STATEMENT OF CHARGES and SETTLEMENT AGREEMENT
(Combined)

COMES NOW the Iowa Board of Medicine (Board), and Gregory P. Neyman, M.D., (Respondent), on February 6, 2015, 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, 2015.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.

COUNT I

4. **Sexual Misconduct:** Respondent is charged pursuant to Iowa Code section 148.6(2)(i) and 653 IAC 13.7(4)(a)-(d) and 23.1(5) with engaging in sexual misconduct in violation of the laws and rules governing the practice of medicine in Iowa.

STATEMENT OF MATTERS ASSERTED

5. **Practice Setting:** Respondent is an Iowa-license physician who practices general medicine and emergency medicine in Marengo, Iowa.

6. **Previous Disciplinary Action:** On April 4, 2013, Respondent entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board charged Respondent with engaging in a pattern of unprofessional conduct, dishonesty and/or disruptive behavior in Iowa between 2005 and 2013. The Board issued Respondent a Citation and Warning and ordered him to pay a \$5,000 civil penalty. The Board also ordered Respondent to complete a Board-approved professional ethics program and placed him on probation for a period of five (5) years subject to counseling and Board monitoring. Respondent has fully complied with all terms of the April 4, 2013, combined Statement of Charges and Settlement Agreement.

7. **Sexual Misconduct:** The Board alleges that Respondent engaged in sexual misconduct in violation of the laws and rules governing the practice of medicine when he engaged in a consensual sexual relationship with a female patient in Marengo, Iowa, in 2011.

8. **Sexual Misconduct Evaluation and Treatment Program:** On May 16, 2014, Respondent completed a comprehensive sexual misconduct evaluation at the Behavioral Medicine Institute of Atlanta (BMI), in Atlanta, Georgia. BMI recommended Respondent complete a sexual misconduct treatment program. Respondent successfully completed the treatment program on July 11, 2014. Respondent shall fully comply with all recommendations made by BMI and the sexual misconduct treatment program.

SETTLEMENT AGREEMENT

9. **CITATION AND WARNING:** Respondent is hereby **CITED** for engaging in sexual misconduct in violation of the laws and rules governing the practice of medicine when he engaged in a sexual relationship with a female patient in Marengo, Iowa, in 2011. 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.

10. **CIVIL PENALTY:** Respondent shall pay a **\$7,500 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 delivered to the Executive Director of the Board. The civil penalty shall be deposited into the State General Fund.

11. **CHAPERONE REQUIREMENT:** Respondent shall have a Board-approved female healthcare provider chaperone continually present when treating female patients. The Board-approved healthcare provider chaperone shall be continually present when the Respondent is providing healthcare services, including but not limited to, patient evaluation, treatment and post-evaluation treatment directions except in the case of an emergency situation, including situations when a female healthcare provider chaperone is not available. In the case of an emergency situation, including situations when a female healthcare provider is not available, Respondent shall document the circumstances including the date of the event, name and age of the patient and reason why a female chaperone was not available and

submit a written report to the Board with his next quarterly report and submit a written report to his Board-approved Worksite Monitor within 48 hours of the event. The chaperone shall clearly document her continued presence in each patient's chart. Respondent shall provide the Board with the names of all persons providing chaperone services for him at all facilities where Respondent practices medicine under his Iowa medical license. The Board will provide all chaperones with a copy of this Order. All chaperones shall provide a written statement indicating that they have read the Board's Order and agree to inform the Board immediately if there is any evidence of professional boundary violations or other professional misconduct.

12. **INDEFINITE PROBATION:** Respondent is placed on indefinite probation subject to the following terms and conditions:

- A. **Board Monitoring Program:** Respondent shall continue to participate in his 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 Board monitoring program.
- B. **Professionals Program Recommendations:** Respondent shall continue to fully comply with all recommendations made by the Professionals Program.
- C. **BMI Recommendations:** Respondent shall fully comply with all recommendations made by BMI and the sexual misconduct program.

D. **Board-Approved Psychotherapy:** Respondent shall submit the name and CV of an Iowa-licensed psychotherapist with experience in narcissistic personality disorder and professional sexual misconduct to the Board for approval and participate in Board-approved psychotherapy under the following terms:

- 1) Respondent shall meet with the psychotherapist at least once per month or as frequently as recommended by the psychotherapist and approved by the Board.
- 2) Respondent shall continue with therapy until discharged by the Board-approved psychotherapist and until Respondent's discharge from therapy is approved by the Board.
- 3) The psychotherapist shall submit written quarterly reports to the Board concerning Respondent's progress. The reports shall be filed with the Board not later than 1/20, 4/20, 7/20 and 10/20 of each year of Respondent's probation.
- 4) Respondent is responsible for all costs associated with the therapy.
- 5) If the psychotherapist is qualified to provide the counseling required under the April 4, 2013, combined Statement of Charges and Settlement Agreement, the psychotherapist may also act as the counselor for the purposes of the April 4, 2013, combined Statement of Charges and Settlement Agreement as well.

- E. **Polygraph Examinations:** Respondent shall submit to Board-approved polygraph examinations every six months.
- F. **Board-Approved Practice Setting:** Respondent shall practice medicine in a Board-approved practice setting only. The Board specifically approves Respondent's current practice settings as facilitated through Marengo Memorial Hospital and its Clinics. Respondent shall obtain written approval from the Board prior to practicing medicine in a new practice setting.
- G. **Work Hours:** Respondent shall demonstrate to the Board that he has limited his work to a yearly average of 50 hours or less per week, not including "on call" hours. Respondent may only increase his work hours upon a recommendation from his Board-approved psychotherapist and written approval of the Board.
- H. **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.

I. **Worksite Monitoring:** Respondent shall continue to participate in a Board approved worksite monitoring program.

- (1) Respondent's current Board-approved Worksite Monitor for the purposes of the April 4, 2013, combined Statement of Charges and Settlement Agreement, shall continue to serve in that capacity under the terms of this order as approved by the Board.
- (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 agree to serve under the terms of this Order.
- (4) The worksite monitor shall agree to meet with Respondent regularly to discuss his medical practice and his interaction with other health care providers and patients.
- (5) The worksite monitor shall agree to inform the Board immediately if there is evidence of sexual misconduct, disruptive behavior or professional misconduct.
- (6) 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).
- (7) 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.

- J. **Primary Care Physician:** Respondent shall continue to receive care from his Board-approved primary care physician.
- (1) The primary care physician shall assist Respondent to address the recommendations made by the Professionals Program.
 - (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 recommended by the physician and approved by the Board.
- K. **Professional Ethics Training:** Respondent shall demonstrate to the Board that he has completed at least 4 hours of professional ethics training per year until discontinuation is approved by the Board.
- 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. The quarterly reports shall replace the quarterly reports required pursuant to the April 4, 2013, combined Statement of Charges and Settlement Agreement.

- M. **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).
- N. **Monitoring Fee:** Respondent shall make a payment of \$200 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: Mary Knapp, 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 replace the monitoring fee required pursuant to the April 4, 2013, combined Statement of Charges and Settlement Agreement.
13. Respondent voluntarily submits this Order to the Board for consideration.
14. Respondent agrees that the State's counsel may present this Order to the Board for consideration.
15. Respondent understands that by entering into this combined Statement of Charges and Settlement Agreement, he has a right to 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.

16. This Order constitutes the resolution of a contested case proceeding.
17. 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.
18. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.
19. In the event Respondent violates or fails to comply with the terms of this Order, the Board may initiate action to suspend or revoke Respondent's Iowa license or impose other license discipline as authorized in Iowa Code Chapters 148 and 272 and 653 IAC 24.
20. Periods of residence or practice outside of Iowa or periods where Respondent does not practice medicine or fails to comply with the terms of this order shall not apply to the duration of this order unless he obtains prior written approval from the Board.
21. Respondent understands that the Board is required by Federal law to report this Order to the National Practitioner Data Bank.
22. 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.
24. 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.

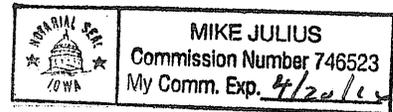
25. The Board's approval of this Order shall constitute a **Final Order** of the Board.



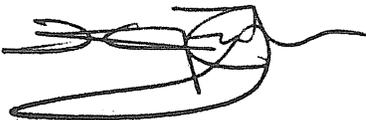
Gregory P. Neyman, M.D., Respondent

Subscribed and sworn to before me on 2nd Feb., 2015.

Notary Public, State of Iowa.

This Order is approved by the Board on February 6, 2015.



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