

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

RAPHAEL N. NGENGWE, M.D., RESPONDENT

FILE No. 02-12-630

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

COMES NOW the Iowa Board of Medicine (Board) and Raphael N. Ngengwe, M.D., (Respondent), on June 28, 2013, 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. 39942 on December 6, 2011.
2. Respondent's Iowa medical license is active and will next expire on May 1, 2013.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

COUNT I

4. **VIOLATION OF A PHYSICIAN HEALTH CONTRACT:** Respondent is charged pursuant to Iowa Code section 272C.3(k) and 653 IAC 23.1(12) for violating the terms of a Physician Health Contract that he entered into with the Iowa Physician Health Program (IPHP).

STATEMENT OF MATTERS ASSERTED

5. Respondent is an Iowa-licensed physician who practiced internal medicine in Iowa City, Iowa.

6. **Fellowship Training:** On July 1, 2007, Respondent entered a cardiovascular medicine fellowship. Respondent was placed on probation on two occasions during his cardiovascular medicine fellowship due to concerns about his professionalism. Respondent withdrew from the fellowship in January 2010.

7. **Application for Iowa Medical License:** On June 17, 2011, Respondent submitted an application for a permanent Iowa medical license to the Board.

8. **Fitness Evaluation:** At the request of the Board, Respondent completed a Forensic Professional Fitness Evaluation at Acumen Assessments in October 2011.

9. **Consent Agreement:** On December 6, 2011, Respondent entered into a Consent Agreement with the Board and the Board granted Respondent a permanent Iowa medical license. The Board issued Respondent a Citation and Warning for repeated lack of

professionalism during his cardiovascular medicine fellowship training. Prior to the Board's approval of the Consent Agreement Respondent was required to enter into a Physician Health Contract with the IPHP for monitoring. Respondent was required to fully comply with the terms of the Physician Health Contract. If Respondent fails to fully comply with all requirements of the Physician Health Contract, 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 24.

10. **Iowa Physician Health Program:** On or about November 29, 2011, Respondent entered into a Physician Health Contract with the IPHP for monitoring. Under the terms of the Physician Health Contract, Respondent agreed to fully comply with certain terms and conditions, including a requirement that he participate in counseling twice each month.

11. **Termination of IPHP Physician Health Contract:** On February 26, 2013, the IPHP terminated Respondent's IPHP Physician Health Contract and referred him to the Board. Respondent is no longer required to comply with the terms and conditions of his IPHP Physician Health Contract.

12. **Violation of the IPHP Physician Health Contract:** Respondent violated the terms of his IPHP Physician Health Contract, by failing to attend three required counseling sessions between May 9, 2012, and September 15, 2012.

SETTLEMENT AGREEMENT

13. **CITATION AND WARNING:** Respondent is hereby **CITED** for violating the terms of the Physician Health Contract that he entered into with the IPHP. 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.

14. **CIVIL PENALTY:** Respondent shall pay a **\$1,000 civil penalty**. The civil penalty shall be paid within twenty (20) days of this Order and 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.

15. 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.

16. Respondent shall submit a written statement to the Board which demonstrates that Respondent has shared a copy of this order with all hospitals and clinics where Respondent practices medicine within thirty (30) days of the date of this order.

17. 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.

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

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

20. By entering into this Order, Respondent understands that he has the right to be represented by legal counsel, 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.

21. 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.

22. 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.

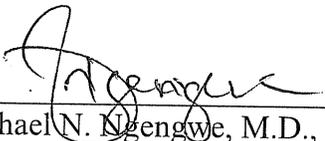
23. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

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.



Raphael N. Ngengwe, M.D., Respondent

Subscribed and sworn to before me on JUNE 7TH, 2013.

Notary Public, State of OHIO.



This Order is approved by the Board on June 28, 2013.



Gregory B. Hoversten, D.O., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686