

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

ANDREW O. OBAMWONYI, M.D., RESPONDENT

FILE No. 02-2014-625

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medicine (Board) on September 16, 2016, and files this Statement of Charges pursuant to Iowa Code Section 17A.12(2). Respondent was issued Iowa medical license MD-39987 on December 11, 2011. Respondent's Iowa medical license is active and will next expire on November 1, 2016.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A contested case hearing shall be held on November 18, 2016, before the Iowa Board of Medicine. The hearing shall begin at 8:30 a.m. and shall be located in a conference room at the Iowa Board of Medicine office at 400 SW 8th Street, Suite C, Des Moines, Iowa.

2. Answer. Within twenty (20) days of the date you are served this Notice of Hearing you are required by 653 Iowa Administrative Code 25.10 to file an Answer. In that Answer, you should also state whether you will require a continuance of the date and time of the hearing.

3. Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on prehearing matters, and be present to assist and advise the board at hearing.

4. Prehearing Conference. A prehearing conference will be held by telephone on October 5, 2016, at 9:00 a.m., before an Administrative Law Judge from the Iowa Department of Inspections and Appeals (ALJ). Please contact Kent M. Nebel, J.D., Legal Director, Iowa Board of Medicine, at 515-281-7088 with the telephone number at which you or your legal counsel can be reached. Board rules on prehearing conferences may be found at 653 Iowa Administrative Code 25.15.

5. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 653 Iowa Administrative Code Chapter 25. At hearing, you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. If you need to request an alternative time or date for hearing, you must review the requirements in 653 Iowa Administrative Code 25.16. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

6. Prosecution. The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address: Julie Bussanmas, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319.

7. Communications. You may not contact board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You may contact Kent M. Nebel, J.D., Legal Director, at 515-281-7088 or to Assistant Attorney General Julie Bussanmas at 515-281-5637.

B. LEGAL AUTHORITY AND JURISDICTION

8. Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 17A, 147, 148, and 272C.

9. Legal Authority: If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code Chapters 17A, 147, 148, and 272C (2005) and 653 Iowa Administrative Code Chapter 25.25.

10. Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code Section 17A.12(3) and 653 Iowa Administrative Code 25.20.

C. SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

11. **Failure to Respond to or Comply with a Board Investigation:** Respondent is charged pursuant to Iowa Code sections 148.6(2)(i) and 653 IAC 23.1(38) with willful or repeated violation of a lawful rule or regulation adopted by the Board when he failed to respond to or comply with a Board investigation initiated pursuant to Iowa Code section 272C.3 and 653—24.2.

STATEMENT OF THE MATTERS ASSERTED

12. **Practice Setting:** Respondent is an Iowa-licensed physician who formerly practiced emergency medicine in Des Moines, Iowa, and Elkhorn, Nebraska.

13. **Failure to Respond to or Comply with a Board Investigation:** The Board alleges that Respondent willfully and repeatedly violated a lawful rule or regulation adopted by the Board when he failed to respond to or comply with a Board investigation initiated pursuant to Iowa Code section 272C.3 and 653—24.2. On November 17, 2014, the Board initiated an investigation into Respondent's medical treatment of a single patient. On November 24, 2014, a Board investigator mailed an investigative inquiry letter to Respondent requesting a written narrative describing the medical care he provided to the patient and copies of all pertinent medical records or other documents within 20 days. No response was received. On February 25, 2015, the investigator contacted Respondent by telephone and Respondent confirmed his mailing address and telephone number and indicated that he would

provide a response within a couple of weeks. Again, no response was received. On or about March 18, 2015, the investigator left a voicemail message for Respondent and no response was received. On or about May 27, 2015, the investigator left another voicemail message for Respondent and no response was received. On August 26, 2015, the investigator mailed a second investigative inquiry letter to Respondent requesting a written narrative describing the medical care he provided to the patient and copies of all pertinent medical records or other documents within 20 days. Again, no response was received. On January 12, 2016, the investigator contacted Respondent by telephone and sent a copy of the second investigative inquiry letter to him via email. Again, no response was received. The investigator left voicemail messages for Respondent on March 9, and March 28, 2016, and no response was received. To date, Respondent has failed to provide a response to the Board's investigation, including a written narrative describing the medical care he provided to the patient and copies of all pertinent medical records or other documents.

E. SETTLEMENT

14. Settlement. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 653 Iowa Administrative Code 12.25. If you are interested in pursuing settlement of this matter, please contact Kent M. Nebel, J.D., Legal Director at 515-281-7088 or kent.nebel@iowa.gov.

F. PROBABLE CAUSE FINDING

15. On September 16, 2016, the Iowa Board of Medicine found probable cause to file this Statement of Charges.



Diane L. Clark, R.N., M.A., Chair
Iowa Board of Medicine
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Des Moines, Iowa 50309-4686