

**BEFORE THE IOWA BOARD OF MEDICINE**

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**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST  
SERGIO PARADISO, M.D., RESPONDENT**

**FILE NO. 02-10-322**

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**SETTLEMENT AGREEMENT**

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COMES NOW the Iowa Board of Medicine (Board), and Sergio Paradiso, M.D., (Respondent), and on November 15, 2012, pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into this Settlement Agreement to resolve the contested case currently on file.

1. Respondent was issued Iowa license no. 33337 on February 10, 2000.
2. Respondent's Iowa medical license is active and will next expire on next expire on January 1, 2013.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

**STATEMENT OF THE MATTERS ASSERTED**

4. Respondent is an Iowa-licensed physician who practices psychiatry in Iowa City, Iowa.

5. On July 12, 2012, the Board filed a Statement of Charges against Respondent alleging that he engaged in an inappropriate sexual relationship with a female mental health patient that he was treating and that he violated appropriate professional boundaries in violation of the laws and rules governing the practice of medicine in Iowa.

### SETTLEMENT

6. **VOLUNTARY SURRENDER:** Respondent voluntarily surrenders his Iowa medical license to resolve this matter.

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

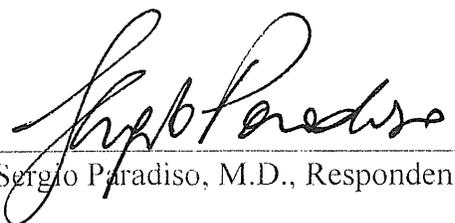
8. This Order constitutes the resolution of a contested case proceeding.

9. By entering into this Order Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges and waives any objections to the terms of this Settlement Agreement.

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

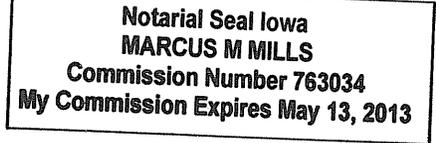
11. This Order is subject to approval by the Board. If the Board fails to approve this Order, it shall be of no force or effect to either party.

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

  
Sergio Paradiso, M.D., Respondent

Subscribed and sworn to on September 17, 2012.

Notary Public, State of Iowa.



This Order is approved by the Board on November 15, 2012.

*Colleen K. Stockdale MD MS*

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

**BEFORE THE IOWA BOARD OF MEDICINE**

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

**SERGIO PARADISO, M.D., RESPONDENT**

**FILE NO. 02-10-322**

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**STATEMENT OF CHARGES**

\*\*\*\*\*

COMES NOW the Iowa Board of Medicine (Board) on July 12, 2012, and files this Statement of Charges pursuant to Iowa Code Section 17A.12(2). Respondent was issued Iowa medical license no. 33337 on February 10, 2000. Respondent's license is active and will next expire on January 1, 2013.

**A. TIME, PLACE AND NATURE OF HEARING**

1. Hearing. A disciplinary contested case hearing shall be held on October 11, 2012, before the Iowa Board of Medicine. The hearing shall begin at 8:30 a.m. and shall be located in the conference room at the Iowa Board of Medicine office at 400 SW 8<sup>th</sup> Street, Suite C, Des Moines, Iowa.

2. Answer. Within twenty (20) days of the date you are served this Statement of Charges you are required by 653 IAC 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 August 1, 2012 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: Theresa O'Connell Weeg, Assistant Attorney General, Iowa Attorney General's Office, 2<sup>nd</sup> 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 Theresa O'Connell Weeg at 515-281-6858.

## **B. LEGAL AUTHORITY AND JURISDICTION**

8. Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 17A, 147, 148, and 272C (2005).

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

- A. In the course of providing medical care, a physician shall not engage in contact, touching, or comments of a sexual nature with a patient or with the patient's parent or guardian if the patient is a minor.
- B. A physician shall not engage in any sexual conduct with a patient when that conduct occurs concurrent with the physician-patient relationship, regardless of whether the patient consents to that conduct.
- C. A physician shall not engage in any sexual conduct with a former patient unless the physician-patient relationship was completely terminated before the sexual conduct occurred. In considering whether that relationship was completely terminated, the board will consider the duration of the physician-patient relationship, the nature of the medical services provided, the lapse of time since the physician-patient relationship ended, the degree of dependence in the physician-patient relationship, and the extent to which the physician used or exploited the trust, knowledge, emotions, or influence derived from the physician-patient relationship.

- D. A psychiatrist, or a physician who provides mental health counseling to a patient, shall never engage in any sexual conduct with a current or former patient, or with that patient's parent or guardian if the patient was a minor, regardless of whether the patient consent to that conduct.

## **COUNT II**

12. **Unethical or Unprofessional Conduct:** Respondent is charged pursuant to Iowa Code sections 147.55(3), 148.6(2)(g) and 272C.10(3) and 653 IAC 23.1(4) with engaging in unethical 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 or 653 IAC 13.7 or 13.20 as interpreted by the board.

## **STATEMENT OF THE MATTERS ASSERTED**

13. Respondent is an Iowa-licensed physician who practices psychiatry in Iowa City, Iowa.

14. Respondent provided psychiatric treatment to a female patient between 2008 and 2010.

15. The Board alleges that Respondent inappropriately met with the female patient outside of the treatment setting on numerous occasions.

16. The Board alleges that Respondent encouraged the female patient to consume alcohol even though he knew she had a history of alcohol abuse.

17. The Board alleges that Respondent inappropriately contacted the female patient via telephone and email outside of the treatment setting on numerous occasions.

18. The Board alleges that Respondent inappropriately gave the female patient gifts outside of the treatment setting.

19. The Board alleges that Respondent engaged in a sexual relationship with the female patient in early 2010.

#### **E. SETTLEMENT**

20. Settlement. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 653 IAC 25.17. If you are interested in pursuing settlement of this matter, please contact Kent M. Nebel, J.D., Legal Director at 515-281-7088.

#### **F. PROBABLE CAUSE FINDING**

21. On July 12, 2012, the Iowa Board of Medicine found probable cause to file this Statement of Charges.

*Colleen K. Stockdale MD MS*

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Colleen K. Stockdale, M.D., M.S., Chairwoman  
Iowa Board of Medicine  
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Des Moines, Iowa 50309-4686