

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

MARCUS E. PRESSLER, M.D., RESPONDENT

File No. 02-10-145

STATEMENT OF CHARGES and SETTLEMENT AGREEMENT

(Combined)

COMES NOW the Iowa Board of Medicine (Board), and Marcus E. Pressler, M.D., (Respondent), on September 23, 2011, 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. 34879 on October 21, 2002.
2. Respondent's Iowa medical license is active and will next expire on September 1, 2011.
3. The Board has jurisdiction pursuant to Iowa Code chapters 147, 148 and 272C.

COUNT I

4. Respondent is charged pursuant to Iowa Code section 272C.10(8) and 653 IAC 23.1(10), 23.1(20) and 23.1(38) with willful and repeated violation of the laws and rules governing the practice of medicine in Iowa when he knowingly submitted a false report of continuing medical education (CME) and failed to respond to the Board in a timely manner during a Board audit investigation.

COUNT II

5. Respondent is charged pursuant to Iowa Code sections 147.55(3) 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 MATTERS ASSERTED

6. Respondent is an Iowa-licensed physician who practices psychiatry in Dubuque, Iowa.

7. On or about September 16, 2009, Respondent was selected for a random audit of the CME required for renewal of his Iowa medical license. Respondent failed to respond to the Board in a timely manner and he was unable to demonstrate that he completed the required CME.

8. On January 25, 2011, the Board sent Respondent a Letter of Warning expressing concerns that he failed to demonstrate that he completed the CME required for renewal of his Iowa medical license and that he failed to respond to the Board in a timely manner. The Board asked Respondent to provide documentation demonstrating that he completed the required CME and complete a professional ethics program and Respondent failed to respond to the Board in a timely manner.

9. The Board alleges that Respondent violated the laws and rules governing the practice of medicine in Iowa and engaged in unethical or unprofessional conduct when he knowingly submitted a false report of CME and failed to respond to the Board in a timely manner during a Board audit investigation.

SETTLEMENT AGREEMENT

10. **CITATION AND WARNING:** Respondent is hereby **CITED** for violating the laws and rules governing the practice of medicine in Iowa and engaging in unethical or unprofessional conduct when he knowingly submitted a false report of CME and failed to respond to the Board in a timely manner during a Board audit. Respondent is hereby **WARNED** that violating the laws and rules governing the practice of medicine in Iowa or engaging in unethical or unprofessional 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 **\$2,500** 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 mailed to the Executive Director of the Board. The civil penalty shall be deposited into the State General Fund.

12. **CONTINUING MEDICAL EDUCATION:** Respondent has demonstrated that has completed the CME required for renewal of his Iowa medical license for the period in question.

13. **ETHICS PROGRAM:** Respondent shall complete the Professional/Problem Based Ethics (PROBE) program at the Center for Personalized Education for Physicians (CPEP), 7351 Lowry Blvd., Suite 100, Denver, CO 80230, 303-577-3232, within sixty (60) 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.

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

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

16. In the event Respondent violates or fails to comply with any of the terms or conditions of this Order, 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.

17. Respondent understands that by entering into this combined Statement of Charges and Settlement Agreement, he 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. This Order constitutes the resolution of a contested case proceeding.

19. 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.

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



Marcus E. Pressler, M.D., Respondent

Subscribed and sworn to before me on _____, 2011.

Notary Public, State of _____.

This Order is approved by the Board on September 23, 2011.



Siroos S. Shirazi, M.D., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686