

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

WINTHROP S. RISK, M.D., RESPONDENT

FILE Nos. 02-06-779, 02-06-833, 02-07-336 & 02-08-516

TERMINATION ORDER

Date: September 16, 2016.

1. **Iowa Medical License:** The Board granted Respondent Iowa medical license no. 35883 on October 28, 2004. Respondent's Iowa medical license is active and will next expire on April 1, 2017.

2. **Practice Setting:** Respondent is an Iowa-licensed physician who practices neurology in Cedar Rapids, Iowa.

3. **Statement of Charges:** On August 6, 2009, the Board filed formal disciplinary charges against Respondent alleging that he violated the standards of practice for appropriate pain management when he prescribed excessive controlled substances to numerous patients, including patients with known drug abuse histories who exhibited drug seeking behavior in violation of the laws and rules governing the practice of medicine in Iowa.

4. **Settlement Agreement:** On April 9, 2010, Respondent entered into a Settlement Agreement with the Board to resolve the pending disciplinary charges. Under the terms of the April 9, 2010, Settlement Agreement, the Board issued Respondent a Citation and Warning and ordered him to pay a \$10,000 civil penalty. The Board also prohibited Respondent from treating patients for chronic pain and/or prescribing, administering or dispensing controlled substances to patients, unless and until he demonstrates that he is able to do so in a safe manner and he receives prior written approval from the Board. The Board also ordered Respondent to complete a comprehensive competency evaluation at the Center for Personalized Educational for Physicians (CPEP) in Denver, Colorado, and fully comply with all recommendations made by CPEP and the Board following the evaluation, including any program of remediation. The Board also ordered Respondent to fully comply with a practice monitoring plan approved by the Board. The Iowa-licensed, board-certified, physician reviewed medical records for selected patients and met regularly with Respondent to review cases, review specific topics and engage in a quality improvement processes. The Board also placed Respondent on probation for a period of five years subject to Board monitoring.

5. **Amended Order:** On May 28, 2013, the Board issued an Amended Order permitting Respondent to prescribe Vimpat, Lyrica and Potiga for the treatment of seizure disorders only. Respondent was prohibited from prescribing Vimpat, Lyrica or Potiga for the treatment of any other condition including, but not limited to, pain management.

6. **Completion of Probation:** On April 9, 2015, Respondent completed the term of his probation and the Board terminated the terms of probation.

7. **Motion to Remove Restrictions:** Recently, Respondent submitted a Motion to Remove Restrictions requesting termination of the prohibition from treating patients for chronic pain and/or prescribing, administering or dispensing controlled substances to patients. Respondent demonstrated that he has successfully completed the following terms and conditions:

- A. **Civil Penalty:** Respondent paid the \$10,000 civil penalty.
- B. **Comprehensive Competency Evaluation:** Respondent successfully completed a comprehensive competency evaluation at the Center for Personalized Educational for Physicians (CPEP) in Denver, Colorado, and fully complied with all recommendations made by CPEP and the Board following the evaluation, including a program of remediation.
- C. **Practice Monitoring Plan:** Respondent has fully complied with the practice monitoring plan approved by the Board. The practice monitor, an Iowa-licensed, board-certified, physician, reviewed medical records for selected patients and met regularly with Respondent to review cases, review specific topics and engage in a quality improvement process.
- D. **Completion of Probation:** On April 9, 2015, Respondent completed the term of his probation.

E. **Continuing Medical Education:** Respondent demonstrated that he recently completed the following continuing medical education in the appropriate prescribing of controlled substance for the treatment of chronic pain:

- 1) *Prescribing Controlled Drugs: Critical Issues and Common Pitfalls*, June 8-10, 2016, Memorial Hospital, University of Colorado, Colorado Springs, Colorado.
- 2) *Physician Prescribing Course*, July 11-13, 2016, University of California, San Diego School of Medicine, San Diego, California.

8. **Termination of the terms of the April 9, 2010, Settlement Agreement:** On September 16, 2016, the Board concluded that Respondent demonstrated that he has completed the terms of the April 9, 2010, Settlement Agreement, and the Board voted to terminate the prohibition from treating patients for chronic pain and/or prescribing, administering or dispensing controlled substances to patients.

THEREFORE IT IS HEREBY ORDERED: that the restrictions placed on Respondent's Iowa medical license are terminated and Respondent's Iowa medical license is returned to its full privileges, free and clear of all restrictions. The Board may conduct audits of Respondent's controlled substance prescribing practices to ensure that he is prescribing controlled substances for the treatment of chronic pain in a safe manner in the future.

This Order is effective on September 16, 2016.

Diane L. Clark

Diane L. Clark, R.N., M.A., Chair
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

WINTHROP S. RISK, M.D., RESPONDENT

FILE Nos. 02-06-779, 02-06-833, 02-07-336 & 02-08-516

TERMINATION ORDER

Date: April 9, 2015.

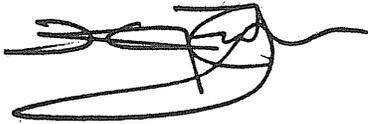
1. The Board granted Respondent Iowa medical license no. 35883 on October 28, 2004.
2. Respondent's Iowa medical license is active and will next expire on April 1, 2017.
3. **Practice Setting:** Respondent is an Iowa-licensed physician who practices neurology in Cedar Rapids, Iowa.
4. **Statement of Charges:** On August 6, 2009, the Board filed formal disciplinary charges against Respondent alleging that he violated the standards of practice for appropriate pain management when he prescribed excessive controlled substances to numerous patients, including patients with known drug abuse histories who exhibited drug seeking behavior in violation of the laws and rules governing the practice of medicine in Iowa. Respondent filed an Answer denying the allegations.

5. **Settlement Agreement:** On April 9, 2010, Respondent entered into a Settlement Agreement with the Board to resolve the pending disciplinary charges. Under the terms of the April 9, 2010, Settlement Agreement, the Board issued Respondent a Citation and Warning and ordered him to pay a \$10,000 civil penalty. The Board also prohibited Respondent from treating patients for chronic pain and/or prescribing, administering or dispensing controlled substances to patients, unless and until he demonstrates that he is able to do so in a safe manner and he receives prior written approval from the Board. The Board also ordered Respondent to complete a comprehensive competency evaluation at the Center for Personalized Educational for Physicians (CPEP) in Denver, Colorado, and fully comply with all recommendations made by CPEP and the Board following the evaluation, including any program of remediation. The Board also placed Respondent on probation for a period of five years subject to Board monitoring, including a Board-approved practice monitoring plan. On May 28, 2013, the Board issued an Amended Order permitting Respondent to prescribe Vimpat, Lyrica and Potiga for the treatment of seizure disorders only. Respondent may not prescribe Vimpat, Lyrica or Potiga for the treatment of any other condition including, but not limited to, pain management.

6. **Completion of Probation:** On April 9, 2015, Respondent completed the terms of his probation.

THEREFORE IT IS HEREBY ORDERED: that the terms of Respondent's probation are terminated. However, Respondent is prohibited from treating patients for chronic pain and/or prescribing, administering or dispensing controlled substances to patients, unless and until he demonstrates that he is able to do so in a safe manner and he receives prior written approval from the Board. Respondent may prescribe Vimpat, Lyrica and Potiga for the treatment of seizure disorders only. Respondent may not prescribe Vimpat, Lyrica or Potiga for the treatment of any other condition including, but not limited to, pain management.

This Order is effective on April 9, 2015.

A handwritten signature in black ink, appearing to read 'Hamed H. Tewfik', with a long horizontal flourish extending to the right.

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

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

WINTHROP S. RISK, M.D., RESPONDENT

FILE Nos. 02-06-779, 02-06-833, 02-07-336 & 02-08-516

AMENDED ORDER

Date: May 28, 2013.

1. October 28, 2004, Respondent was issued Iowa medical license no. 35883.
2. Respondent's Iowa medical license is active and will expire on April 1, 2015.
3. The Board has jurisdiction pursuant to Iowa Code chapters 147, 148 and 272C.
4. Respondent is an Iowa-licensed physician who practices neurology in Cedar

Rapids, Iowa.

5. **Statement of Charges:** On August 6, 2009, the Board filed formal disciplinary charges against Respondent alleging that he violated the standards of practice for appropriate pain management when he prescribed excessive controlled substances to numerous patients, including patients with known drug abuse histories who exhibited drug seeking behavior in violation of the laws and rules governing the practice of medicine in Iowa. Respondent filed an Answer denying the allegations in the disciplinary charges.

6. **Settlement Agreement:** On April 9, 2010, Respondent entered into a Settlement Agreement with the Board to resolve the pending disciplinary charges. Under the terms of the Settlement Agreement, Respondent was required to fully comply with following restriction:

“11. **CHRONIC PAIN:** Respondent shall not treat patients for chronic pain unless and until he demonstrates that he is able to do so in a safe manner and he receives prior written approval from the Board. Respondent shall not prescribe, administer or dispense controlled substances to patients unless he demonstrates that he is able to do so in a safe manner and he receives prior written approval from the Board.”

7. **Request to Amend the Terms of the Settlement Agreement:** Recently, Respondent asked the Board to amend the terms of the April 9, 2010, Settlement Agreement to allow him to prescribe the following controlled substances for the treatment of seizure disorders: Vimpat, Lyrica and Potiga.

8. **Amended Order:** On April 26, 2013, the Board voted to amend the April 9, 2010, Settlement Agreement to allow Respondent to prescribe the following controlled substances for the treatment of seizure disorders: Vimpat, Lyrica and Potiga. The Board determined that Respondent may prescribe Vimpat, Lyrica and Potiga for the treatment of seizure disorders only. Respondent may not prescribe Vimpat, Lyrica or Potiga for the treatment of any other condition including, but not limited to, pain management.

THEREFORE IT IS HEREBY ORDERED: that Paragraph 11 of the April 9, 2010, Settlement Agreement is amended to allow Respondent to prescribe the following controlled substances for the treatment of seizure disorders: Vimpat, Lyrica and Potiga. Respondent may prescribe Vimpat, Lyrica and Potiga for the treatment of seizure disorders only. Respondent may not prescribe Vimpat, Lyrica or Potiga for the treatment of any other condition including, but not limited to, pain management.



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

May 28, 2013

Date

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

WINTHROP S. RISK, M.D., RESPONDENT

FILE Nos. 02-06-779, 02-06-833, 02-07-336 & 02-08-516

SETTLEMENT AGREEMENT

COMES NOW the Iowa Board of Medicine (Board), and Winthrop S. Risk, M.D., (Respondent), and on April 9, 2010, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4)(2007), enter into this Settlement Agreement to resolve this matter.

1. Respondent was issued Iowa medical license no. 35883 on October 28, 2004.
2. Respondent's Iowa medical license is active and will expire on April 1, 2011.
3. The Board has jurisdiction pursuant to Iowa Code chapters 147, 148 and 272C.

STATEMENT OF THE MATTERS ASSERTED

4. Respondent practices neurology and pain management in Cedar Rapids, Iowa.
5. The Board received information which indicates that Respondent engaged in a pattern of willful and repeated violations of the standards of practice for appropriate pain management placing patients at risk of serious harm, when he prescribed excessive controlled substances to numerous patients, including patients with known drug abuse histories who exhibited drug seeking behavior.

6. On July 10, 2009, at the request of the Board, Respondent agreed to modify his controlled substance prescribing practices until this matter is resolved.

7. On August 6, 2009, the Board filed formal disciplinary charges against Respondent alleging that he violated the standards of practice for appropriate pain management when he prescribed excessive controlled substances to numerous patients, including patients with known drug abuse histories who exhibited drug seeking behavior in violation of the laws and rules governing the practice of medicine in Iowa.

8. Respondent filed an Answer denying the allegations in the disciplinary charges.

SETTLEMENT AGREEMENT

9. **CITATION AND WARNING:** Respondent is hereby **CITED** for violating the standards of practice for appropriate pain management when he prescribed excessive controlled substances to numerous patients, including patients with known drug abuse histories who exhibited drug seeking behavior in violation of the laws and rules governing the practice of medicine in Iowa. Respondent is hereby **WARNED** that such practice in the future may result in further formal disciplinary action, including suspension or revocation of his Iowa medical license.

10. **CIVIL PENALTY:** Respondent shall pay a **\$10,000** civil penalty. The civil penalty shall be paid within twenty days of the date of this Order and shall be paid by delivery of a check or money order, payable to the Treasurer of Iowa, to the executive director of the Board. The civil penalty shall be deposited into the State General Fund.

11. **CHRONIC PAIN:** Respondent shall not treat patients for chronic pain unless and until he demonstrates that he is able to do so in a safe manner and he receives prior written approval from the Board. Respondent shall not prescribe, administer or dispense controlled substances to patients unless he demonstrates that he is able to do so in a safe manner and he receives prior written approval from the Board.

12. **COMPETENCY EVALUATION:** Respondent shall successfully complete a comprehensive competency evaluation at the Center for Personalized Educational for Physicians (CPEP) in Denver, Colorado, within sixty days of the date of this Order. Respondent shall ensure that a written report is provided directly to the Board by CPEP. If areas of deficiency are identified, and it is recommended, Respondent shall submit, for Board approval, a formal educational plan which addresses all identified areas of need. Respondent shall fully comply with all recommendations made by CPEP and the Board following the evaluation, including any program of remediation. Respondent is responsible for all costs associated with the evaluation.

13. **FIVE YEARS PROBATION:** Respondent shall be placed on **probation for a period of five years** subject to the following terms and conditions:

A. **Monitoring Program:** Respondent shall contact Shantel Billington, Compliance Monitor, Iowa Board of Medicine, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686, Ph.#515-281-3654 to establish a monitoring program. Respondent shall fully comply with all requirements of the monitoring program.

- B. **CPEP Educational Plan:** Respondent shall fully comply with the CPEP recommendations, including any recommended education program.
- C. **Practice Monitoring Plan:** Respondent shall fully comply with the practice monitoring plan approved by the Board. The practice monitor shall be an Iowa-licensed, board-certified, physician. The practice monitor shall agree to serve under the terms of the practice monitoring plan. The practice monitor shall review medical records for selected patients and meet regularly with Respondent to review cases, review specific topics and engage in a quality improvement processes. Respondent shall fully comply with all recommendations of the practice monitor. The practice monitor shall immediately notify the Board if he receives information which indicates that Respondent has violated the appropriate standard of care or has engaged in practice which is harmful or detrimental to the public. The practice monitor shall submit written quarterly reports to the Board no later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.
- D. **Worksite Monitor:** Respondent shall submit for Board approval the name of a physician who regularly observes and/or supervises Respondent in the practice of medicine to serve as worksite monitor. The Board shall provide a copy of all Board orders relating to this matter to the worksite monitor. The worksite monitor shall provide a written statement indicating that they have

read and understand this Order and agrees to serve under the terms of this Order. The worksite monitor shall agree to inform the Board immediately if there is evidence of professional misconduct, sexual misconduct, substance abuse or a violation of the terms of this Order. The worksite monitor shall submit quarterly reports to the Board no later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.

- E. **Quarterly Reports:** Respondent shall file sworn quarterly reports attesting to his compliance with all the terms of this Order no later than 1/10, 4/10, 7/10 and 10/10 of each year for the duration of the period of this Order.
- F. **Board Appearances:** Respondent shall appear before the Board annually or upon request of the Board during the period of this order. Respondent shall be given notice of the date, time and location of the appearances. The appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(2).
- G. **Monitoring Fee:** Respondent shall make a payment of \$100 to the Board each quarter for the duration of his probation to cover the Board's monitoring expenses in this matter. The monitoring fee shall be received by the Board with all quarterly reports required during his probation. The monitoring fee shall be sent to: Shantel Billington, 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 be considered repayment receipts as defined in Iowa Code section 8.2.

14. 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.

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

16. Periods of residence or practice outside the state of Iowa shall not apply to the duration of this Order unless Respondent obtains prior written approval from the Board. Periods in which Respondent does not practice medicine or fails to comply with the terms established in this Order shall not apply to the duration of this Order unless Respondent obtains prior written approval from the Board. 17. This Order constitutes the resolution of a contested case proceeding.

17. By entering into this Order, Respondent 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.

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.

20. 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.

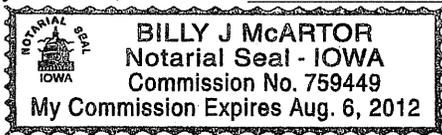
21. The Board's approval of this Order shall constitute a **Final Order** of the Board.

W Risk

Winthrop S. Risk, M.D., Respondent

Subscribed and sworn to before me on 3.5.2010, 2010.

Notary Public, State of _____.



This Order is approved by the Board on April 9, 2010.

Siroos S. Shirazi

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

BEFORE THE IOWA BOARD OF MEDICINE

12-23-09A08:24 RCVD

IN THE MATTER OF THE) FILE NOS. 02-06-779, 02-06-833,
STATEMENT OF CHARGES AGAINST) 02-07-336 & 02-08-516
) DIA NO. 09DPHMB010
)
WINTHROP RISK, M.D.) ORDER FOLLOWING
Respondent) PREHEARING CONFERENCE

A telephone prehearing conference was held by the undersigned ALJ on December 18, 2009 at 3:00 p.m. at the request of the Iowa Board of Medicine (Board). Assistant Attorney General Theresa O'Connell Weeg and Respondent's Attorney, David Brown, both participated. The state reports it has responded to Respondent's interrogatories. Respondent has not yet responded to the state's interrogatories. The attorneys discussed scheduling conflicts, potential hearing dates, and discovery deadlines. They anticipate that the hearing could take two full days. The attorneys have agreed to hearing dates of February 15 and 16, 2010 or in the alternative, February 16 and 17, 2010. The hearing dates are subject to Board availability. The attorneys further agreed to the following discovery deadlines:

January 21, 2010: Close of discovery and exchange of witness lists(including experts)
January 28, 2010: Exchange exhibit lists and exhibits
February 4, 2010: Stipulated exhibits to the Board office for distribution to the Board

Dated this 21st day of December, 2009.

Margaret LaMarche

Margaret LaMarche
Administrative Law Judge
Iowa Department of Inspections and Appeals
Division of Administrative Hearings
Wallace State Office Building-Third Floor
Des Moines, Iowa 50319
Voice: (515) 281-7177

cc: Theresa O'Connell Weeg, Asst. Attorney General, Hoover Bldg-2nd Fl.,
(LOCAL)

David L. Brown, Hansen, McClintock & Riley, 218 Sixth Ave., 8th Fl.,
Des Moines, IA 50309 (FIRST CLASS MAIL)

Kent Nebel, Iowa Board of Medicine, 400 SW 8th Street, Suite C, Des
Moines (LOCAL)

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

WINTHROP S. RISK, M.D., RESPONDENT

FILE Nos. 02-06-779, 02-06-833, 02-07-336 & 02-08-516

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medicine on August 6, 2009, and files this Statement of Charges pursuant to Iowa Code section 17A.12(2). Respondent was issued Iowa medical license no. 35883 on October 28, 2004. Respondent's Iowa medical license is active and will next expire on April 1, 2011.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on September 10, 2009, before the Board. The hearing shall begin at 8:30 a.m. and shall be located in the conference room at the Board office at 400 SW 8th 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 24.2(5)(d) to file an Answer. In that Answer, you should 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 pre-hearing matters, and be present to assist and advise the board at hearing.

4. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 653 IAC 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 IAC 25.16. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

5. 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, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319.

6. 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 should direct any questions to Kent M. Nebel, J.D., the Board's Legal Director at 515-281-7088 or to Assistant Attorney General Theresa O'Connell Weeg at 515-281-6858.

B. LEGAL AUTHORITY AND JURISDICTION

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

8. 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 and 653 IAC 25.

9. 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 IAC 25.20.

C. SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

10. Respondent is charged with professional incompetency pursuant to Iowa Code sections 147.55(2), 148.6(2)(g) and (i), and 272C.10(2) and 653 IAC sections 23.1(2)(c), (d), (e), and (f), by demonstrating one or more of the following:

- A. A substantial lack of knowledge or ability to discharge professional obligations within the scope of the physician's or surgeon's practice;
- B. A substantial deviation from the standards of learning or skill ordinarily possessed and applied by other physicians or surgeons in the state of Iowa acting in the same or similar circumstances;
- C. A failure by a physician or surgeon to exercise in a substantial respect that degree of care which is ordinarily exercised by the average physician or surgeon in the state of Iowa acting in the same or similar circumstances; or
- D. A willful or repeated departure from, or the failure to conform to, the minimal standard of acceptable and prevailing practice of medicine and surgery in Iowa.

COUNT II

11. Respondent is charged under Iowa Code section 147.55(3) (2005) and 653 Iowa Administrative Code section 12.4(3) with engaging in practice harmful or detrimental to the public.

STATEMENT OF THE MATTERS ASSERTED

12. Respondent practices neurology and pain management in Cedar Rapids, Iowa.

13. The Board received information which indicates that Respondent engaged in a pattern of willful and repeated violations of the standards of practice for appropriate pain management, placing patients at risk of serious harm, when he prescribed excessive controlled substances to numerous patients, including patients with known drug abuse histories, including but not limited to the following:

- A. **Inappropriate Prescribing:** Respondent prescribed large quantities of potentially lethal drugs to patients with known substance abuse histories who exhibited drug-seeking behavior;
- B. **Other Medications:** Respondent prescribed controlled substances to patients without adequately pursuing other medications typically used by neurologists for pain treatment, including tricyclics and antidepressants;
- C. **Postdated Prescriptions:** Respondent postdated controlled substance prescriptions in violation of the laws and rules governing the practice of medicine in Iowa;
- D. **Education and Training:** Respondent lacks the appropriate education and training in prescribing controlled substances for pain treatment;

- E. **Patient Evaluations:** Respondent failed to perform and/or document appropriate patient evaluations; including comprehensive medical histories, pain assessment, physical and psychological function, diagnostic studies, previous interventions, substance abuse histories and underlying and coexisting conditions;
- F. **Treatment Plans:** Respondent failed to establish and/or document appropriate treatment plans; including clear treatment objectives, diagnostic evaluations or treatments performed and/or other treatment modalities performed, including NSAIDS, acetaminophen, methadone, or fentanyl patches, and rehabilitation programs;
- G. **Informed Consent:** Respondent failed to provide patients and/or document appropriate informed consent, including discussion of the risks and benefits of the use of controlled substances;
- H. **Periodic Review:** Respondent failed to perform and/or document appropriate periodic patient reviews to consider the appropriateness of continuing drug therapy, the use of other treatment modalities and any evidence of drug diversion or a pattern of substance abuse;
- I. **Consultation/Referral:** Respondent failed to appropriately consider and/or document consultation or referral to a specialist; including pain medicine, physical medicine, rehabilitation medicine, general surgery, orthopedics, anesthesiology, psychiatry, or other consultation, when there was evidence of significant adverse effects or a lack of response to the controlled substances;

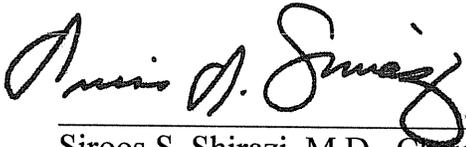
- J. **Documentation:** Respondent failed to maintain accurate, timely and complete documentation, including patient evaluations, diagnostic studies, treatment modalities, treatment plans, informed consent, periodic review, and/or consultation or referral;
 - K. **Physician-Patient Agreements:** Respondent failed to maintain and/or document appropriate physician-patient agreements that specify the rules for medication use and the consequences for misuse;
 - L. **Early Refills:** Respondent frequently refilled prescriptions for highly abusable drugs before the refills were due, ignoring evidence of drug abuse;
 - M. **Termination of Care:** Respondent failed to consider and/or document his consideration of terminating care when there was evidence of noncompliance with the rules of medication use, drug diversion, or a repeated pattern of substance abuse;
 - N. **Drug Overdoses:** At least three of the patients that Respondent treated with controlled substances died of apparent drug overdose.
14. On July 23, 2009, Respondent voluntarily agreed to limit his controlled substance prescribing.

E. SETTLEMENT

15. Settlement. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 653 IAC 25. 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

16. On August 6, 2009, the Iowa Board of Medicine found probable cause to file this Statement of Charges.



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