

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

WAYNE L. ROBINSON, M.D., RESPONDENT

FILE NO. 02-07-752

SETTLEMENT AGREEMENT

COMES NOW the Iowa Board of Medicine (Board), and Wayne L. Robinson, M.D., (Respondent), on May 21, 2009, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) and enter into this Settlement Agreement to resolve the contested case currently on file.

1. Respondent was issued Iowa medical license no. 16097 on July 1, 1960.
2. Respondent's Iowa medical license has been inactive since November 1, 2007.
3. The Board has jurisdiction pursuant to Iowa Code chapters 147, 148 and 272C.

STATEMENT OF THE MATTERS ASSERTED

4. Respondent practices medicine in Irvine, California.
5. On February 28, 2006, the Medical Board of California (California Board) charged Respondent for participating in a system of weight loss clinics in California in violation of California law. On September 6, 2007, Respondent's California medical license was revoked, the revocation was stayed, and Respondent was placed on probation for a period of four years subject to certain terms and conditions effective February 22, 2008.

6. On February 12, 2009, the Iowa Board filed formal disciplinary charges against Respondent alleging that he engaged in unethical or unprofessional conduct and for being disciplined by the licensing authority of another state in violation of the laws and rules governing the practice of medicine in Iowa.

SETTLEMENT AGREEMENT

7. **CITATION AND WARNING:** Respondent is hereby **CITED** for engaging in unethical or unprofessional conduct and for being disciplined by the licensing authority of another state in violation of the laws and rules governing the practice of medicine in Iowa. Respondent is hereby **WARNED** that such conduct in the future may result in further disciplinary action, including revocation of his Iowa medical license.

8. **INDEFINITE SUSPENSION:** Respondent's Iowa medical license shall be **suspended indefinitely**. Respondent shall not engage in any aspect of the practice of medicine under his Iowa medical license during the period of suspension.

9. **REINSTATEMENT:** The Board will consider reinstatement of Respondent's Iowa medical license upon a motion for reinstatement pursuant to Iowa Code chapters 17A, 147, 148 and 272C and 653 IAC 26. Respondent's license shall not be reinstated except upon a showing by Respondent that the basis for suspension of the Respondent's medical license no longer exists, and that it is in the public interest for the license to be reinstated. Prior to seeking reinstatement, Respondent shall fully comply with the following terms and conditions:

A. **CIVIL PENALTY:** Respondent shall pay a civil penalty in the amount of **\$10,000**. The civil penalty shall be payable to the Treasurer of Iowa, and shall be mailed to the executive director of the Board. The civil penalty shall be deposited into the State General Fund.

B. **ETHICS PROGRAM:** Respondent shall successfully complete the Professional/Problem Based Ethics (PROBE) program sponsored by the Ethics Group, LLC, of Summit, New Jersey. Respondent shall cause a report to be sent the Board directly from PROBE at the conclusion of the program. Respondent is responsible for all costs associated with the ethics program.

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

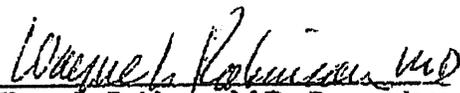
11. This Order constitutes the resolution of a contested case proceeding.

12. 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 Settlement Agreement.

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

14. 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.

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


Wayne L. Robinson, M.D., Respondent

3/23/09
Date

This Order is approved by the Board on May 21, 2009.

A handwritten signature in cursive script, reading "Siroos S. Shirazi". The signature is written in black ink and is positioned above a horizontal line.

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

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

WAYNE L. ROBINSON, M.D., RESPONDENT

FILE NO. 02-07-752

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medicine on February 12, 2009, and files this Statement of Charges pursuant to Iowa Code section 17A.12(2)(2007). Respondent was issued Iowa medical license no. 16097 on July 1, 1960. Respondent's Iowa medical license has been inactive since November 1, 2007.

TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on March 25, 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 prehearing 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 pursuant to Iowa Code section 148.6(2)(d) with being disciplined by the medical licensing authority of another state.

COUNT II

11. Respondent is charged pursuant to Iowa Code sections 147.55(3) and 272C.10(3) and 653 IAC 23.1(4) with engaging in unprofessional conduct in the practice of medicine.

STATEMENT OF THE MATTERS ASSERTED

12. Respondent practices medicine in Irvine, California.

13. On February 28, 2006, the Medical Board of California (California Board) filed formal disciplinary charges against Respondent alleging that he participated in a system of weight loss clinics in California where he:

- A. Conspired with unlicensed persons to violate California law;
- B. Aided and abetted the unlicensed practice of medicine in California;
- C. Violated the corporate practice of medicine statute in California;
- D. Inappropriately received consideration for patient referrals;
- E. Used false or misleading advertising;
- F. Inappropriately employed persons to procure patients; and
- G. Disseminated false information in the practice of medicine.

14. On September 6, 2007, Respondent entered into a Stipulated Settlement and Disciplinary Order with the California Board. Respondent's California medical license was revoked, the revocation was stayed, and Respondent was placed on probation for a period of four years subject to certain terms and conditions effective February 22, 2008.

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 Iowa Administrative Code 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 this 12th day of February 2009, the Iowa Board of Medicine found probable cause to file this Statement of Charges.


Yash Lee, M.D., Chairperson
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686