

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

THOMAS J. RODENBERG, M.D., RESPONDENT

FILE No. 02-08-417

**STATEMENT OF CHARGES and SETTLEMENT AGREEMENT
(Combined)**

COMES NOW the Iowa Board of Medicine (Board) and Thomas J. Rodenberg, M.D., (Respondent), on December 20, 2013, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) and 653 IAC 25.3, enter into this combined Statement of Charges and Settlement Agreement.

STATEMENT OF CHARGES

1. Respondent was issued Iowa medical license no. 36639 on April 26, 2006.
2. Respondent's Iowa medical license went inactive due to nonrenewal on April 1, 2009.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

COUNT I

4. **Discipline by Another Licensing Authority:** Respondent is charged pursuant to Iowa Code section 148.6(2)(d) and 653 IAC 23.1(1) with having a license to practice medicine and surgery or osteopathic medicine and surgery revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the order of disciplinary action is prima facie evidence.

STATEMENT OF THE MATTERS ASSERTED

5. Respondent is an Iowa-licensed physician who formerly practiced anesthesiology and pain medicine in Lakeland and Pompano Beach, Florida.

6. **First Florida Disciplinary Action:** On or about February 11, 2008, the Florida Board of Medicine (Florida Board) issued a Final Order in a disciplinary action against Respondent. The Florida Board alleged that Respondent failed to provide appropriate anesthesia care to a 53-year-old female patient who underwent a MRI under sedation on June 4, 2005, in Lakeland, Florida. The patient died. The Florida Board charged Respondent with gross or repeated malpractice and failing to maintain appropriate medical records. The Florida Board issued Respondent a Letter of Concern; ordered him to pay a \$15,000 fine and \$4,305.99 in costs; ordered him to complete 100 hours of community service; and ordered him to complete continuing medical education in the areas of monitoring anesthesia patients undergoing MRI procedures and medical ethics. See Attachment A.

7. **Second Florida Disciplinary Action:** On or about December 7, 2012, the Florida Board issued a Final Order in a disciplinary action against Respondent. The Florida Board alleged that Respondent failed to provide appropriate anesthesia care to a 31-year-old male patient who underwent a Manipulation Under Anesthesia (MUA) of the cervical, thoracic and lumbar spine, pelvis, bilateral hips, shoulders and extremities on December 4, 2008, in Pompano Beach, Florida. The patient suffered a permanent anoxic brain injury leading to a persistent vegetative state. The Florida Board charged Respondent with medical malpractice, making deceptive, untrue, or fraudulent representation in the practice of medicine, and failing to maintain appropriate medical records. The Florida Board alleged that Respondent failed to provide appropriate anesthesia care to a 43-year-old female patient who underwent a two-level discectomy on June 25, 2008, in Pompano Beach, Florida. The patient suffered a permanent anoxic brain injury. The Florida Board charged Respondent with medical malpractice and failing to maintain appropriate medical records. The Florida Board suspended Respondent's Florida medical license for a minimum of six (6) months and ordered him to complete a comprehensive clinical competency assessment. The Florida Board issued Respondent a Reprimand, ordered him to pay a \$40,000 fine and \$14,398.77 in costs, and ordered him to complete continuing medical education in the areas of record keeping and risk management. See Attachment B.

8. **Pennsylvania Disciplinary Action:** On or about July 1, 2013, the Pennsylvania State Board of Medicine suspended Respondent's Pennsylvania medical license based on the Florida disciplinary action.

SETTLEMENT AGREEMENT

9. **CITATION AND WARNING:** Respondent is hereby **CITED** for being disciplined by the Florida Board for medical malpractice, making deceptive, untrue, or fraudulent representation in the practice of medicine, and failing to maintain appropriate medical records. Respondent is hereby **WARNED** that being disciplined by another state licensing board and/or violating the laws and rules governing the practice of medicine shall not be tolerated.

10. **VOLUNTARY SURRENDER:** Respondent agrees to voluntarily surrender his Iowa medical license to resolve this matter.

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

12. Respondent agrees that the State's counsel may present this Order to the Board for consideration.

13. By entering into this Order, Respondent understands that he has the right to legal counsel, 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. This Order constitutes the resolution of a contested case proceeding.

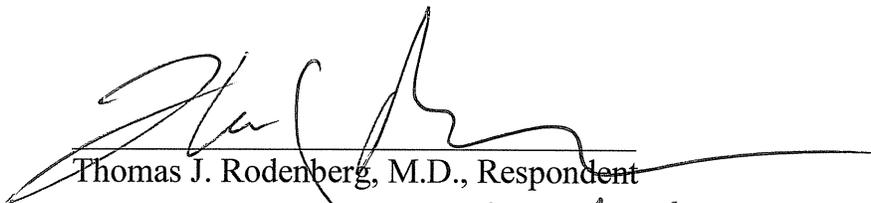
14. Respondent understands that by entering into this combined Statement of Charges and Settlement Agreement, Respondent cannot obtain a copy of the investigative file. Pursuant to Iowa Code section 272C.6(4), a copy of the investigative file may only be provided to a licensee after a Statement of Charges is filed but before the final resolution of those charges.

15. Respondent understands that the Board is required by Federal law (45 C.F.R. 60.8) to report this disciplinary action to the National Practitioner Data Bank.

16. The Order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.

17. 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.

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


Thomas J. Rodenberg, M.D., Respondent

see attached document

NOT PRO

Subscribed and sworn to before me on October 22, 2013.



DAVID W. OPATOSKY
MY COMMISSION # EE 862258
EXPIRES: May 3, 2017
Bonded Thru Budget Notary Services

Notary Public, State of Florida.



This Order is approved by the Board on December 20, 2013.

A handwritten signature in black ink, appearing to read "G. Hoversten". The signature is fluid and cursive, with a large initial "G" and a stylized "H".

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

WJB

Final Order No. DOH-08-0213-9-MQA
FILED DATE - 2.12.08
Department of Health

STATE OF FLORIDA
BOARD OF MEDICINE

By: Rachel Brown
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2005-54540
LICENSE NO.: ME0069753

THOMAS J. RODENBERG, M.D.,

Respondent.

_____ /

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on February 1, 2008, in Jacksonville, Florida, for the purpose of considering a Settlement Agreement (attached hereto as Exhibit A) entered into between the parties in this cause. Upon consideration of the Settlement Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises, the Board rejected the Settlement Agreement and offered a Counter Settlement Agreement which was accepted on the record by the parties. The Counter Settlement Agreement incorporates the original Settlement Agreement with the following amendments:

1. The fine set forth in Paragraph 2 of the Stipulated Disposition shall be increased to \$15,000.00.
2. The costs set forth in Paragraph 3 of the Stipulated Disposition shall be set at \$4,305.99.

3. The community service set forth in Paragraph 4 of the Stipulated Disposition shall be amended to require 100 hours of community service.

4. The continuing medical education (CME) required by Paragraph 5 of the Stipulated Disposition shall be amended to require said CME to be in the area of monitoring anesthesia patients undergoing MRI procedures.

5. Respondent shall document the completion of 5 hours of continuing medical education (CME) in the area of medical ethics within one year from the date this Final Order is filed. These hours shall be in addition to those hours required for biennial renewal of licensure. Respondent shall first submit a written request to the Probation Committee for approval prior to performance of said CME course(s). Unless otherwise approved by the Board or the Chairperson of the Probation Committee, said continuing education courses shall consist of a formal live lecture format.

IT IS HEREBY ORDERED AND ADJUDGED that the Settlement Agreement as submitted be and is hereby approved and adopted in toto and incorporated herein by reference with the amendments set forth above. Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Settlement Agreement as amended.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 11 day of FEBRUARY, 2008.

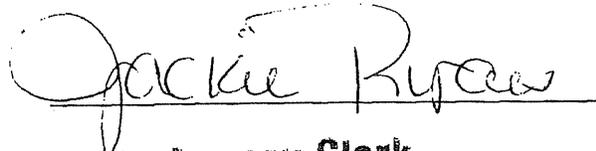
BOARD OF MEDICINE



Larry McPherson, Jr., Executive Director
for ROBERT CLINE, M.D., Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to THOMAS J. RODENBERG, M.D., 2805 East Oakland Park Boulevard, Oakland Park, Florida 33306; and 1600 Lakeland Hills Boulevard, Lakeland, Florida 33805-5000; to Allen R. Grossman, Esquire, Metzger, Grossman, Furlow & Bayo, P.A., 1408 N. Piedmont Way, Tallahassee, Florida 32308; and by interoffice delivery to Ephraim Livingston, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3253 this 12th day of February, 2008.



Deputy Agency Clerk

Final Order No. DOH-12-2604- S -MQA
FILED DATE - 12-7-12
Department of Health
By: Arny L. Canaway
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2009-01249
2009-15276
LICENSE NO.: ME0069753

THOMAS J. RODENBERG, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on November 30, 2012, in Orlando, Florida, for the purpose of considering a Settlement Agreement (attached hereto as Exhibit A) entered into between the parties in this cause. Pursuant to 456.073(9), Florida Statutes, the attorney for the Complainant made a presentation to the Board on behalf of her client. Upon consideration of the Settlement Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED that the Settlement Agreement as submitted be and is hereby approved and adopted in toto and incorporated herein by reference with the following clarification:

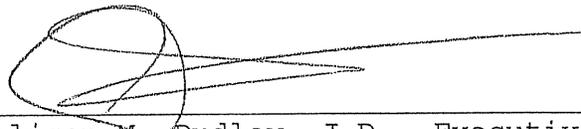
The costs set forth in Paragraph 3 of the Stipulated Disposition shall be set at \$15,898.77.

Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Settlement Agreement as clarified above.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 14th day of December, 2012.

BOARD OF MEDICINE



Allison M. Dudley, J.D., Executive Director
For Jason J. Rosenberg, M.D., Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by Certified Mail to THOMAS J. RODENBERG, M.D., 900 East Woodland Avenue, Knoxville, Tennessee 37917; and 553 E. Sample Road, Pompano Beach, Florida 33084; to William Furlow, Esquire, Grossman, Furlow & Bayo, LLC, 2022-2 Raymond Diehl Road, Tallahassee, Florida 32308; and by

interoffice delivery to Sharmin Hibbert, Department of Health,
4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-
3253 this 7 day of December, 2012.

Amy L. Conway

Deputy Agency Clerk

Knowville, TN

7012 1010 0002 2381 3195

Pompano Beach, FL

7012 1010 0002 2381 3201