

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

JAMES S. ROSS, M.D., RESPONDENT

FILE NO. 02-07-597

SETTLEMENT AGREEMENT

COMES NOW the Iowa Board of Medicine (Board), and James S. Ross, M.D., (Respondent), and on April 2, 2009, and pursuant to Iowa Code sections 17A.10 (2) and 272C.3 (4) (2007), enter into this Settlement Agreement to resolve the contested case currently on file.

1. Respondent was issued Iowa medical license no. 29377 on July 1, 1993.
2. Respondent's Iowa medical license has been inactive due to nonrenewal since November 1, 1997.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

STATEMENT OF THE MATTERS ASSERTED

4. Respondent formerly practiced general medicine in Clarksville, Virginia.

5. On January 17, 2007, Respondent was arrested and charged with unlawfully distributing sixty dose units of OxyContin, a controlled substance, without a legitimate medical purpose in violation of Virginia law. Respondent allegedly exchanged the OxyContin with a police informant for what Respondent believed to be crack cocaine.

6. On April 13, 2007, Respondent pleaded guilty to one count of Illegally Distributing a Schedule III Controlled Substance. Under the terms of the Plea Agreement, Respondent agreed to:

- A. Voluntarily surrender his controlled substance privileges for all schedules to the United States Drug Enforcement Administration;
- B. Permanently surrender his license to practice medicine in the Commonwealth of Virginia; and
- C. Never practice medicine again.

7. On July 5, 2007, Respondent entered into a Consent Order with the Virginia Board of Medicine and he permanently surrendered his Virginia medical license.

8. On December 18, 2008, the Board filed formal disciplinary charges against Respondent for being disciplined by the Virginia Board of Medicine, engaging in unprofessional conduct and being convicted of a felony in violation of the laws and rules governing the practice of medicine in Iowa.

SETTLEMENT AGREEMENT

9. **Voluntary Surrender:** Respondent voluntarily surrenders his Iowa medical license to resolve this matter.

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

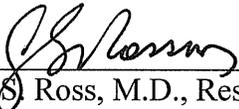
11. This Order constitutes the resolution of a contested case proceeding.

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.



James S. Ross, M.D., Respondent

2/25/09
Date

Date Subscribed and sworn to before me on FEBRUARY 15, 2009.

Notary Public, State of VIRGINIA


Levinia M. Thompson, NOTARY

This Order is approved by the Board on April 2, 2009.


Yasyn Lee, 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

JAMES S. ROSS, M.D., RESPONDENT

FILE NO. 02-07-597

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medicine (Board) on December 18, and files this Statement of Charges pursuant to Iowa Code section 17A.12(2)(2007). Respondent was issued Iowa medical license no. 29377 on July 1, 1993. Respondent's Iowa medical license has been inactive due to non-renewal since November 1, 1997.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on March 10, 2009, 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 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 sections 23.1(3) and (4) with engaging in unprofessional or unethical conduct and/or practice harmful or detrimental to the public.

COUNT III

12. Respondent is charged pursuant to Iowa Code section 147.55(5), 148.6(2)(b), 272C.10(5) and 653 IAC 23.1(9) with being convicted of a felony in the courts of this state, another state, the United States, or any country, territory or other jurisdiction.

STATEMENT OF THE MATTERS ASSERTED

13. Respondent formerly practiced general medicine in Clarksville, Virginia.

14. On January 17, 2007, Respondent was arrested and charged with unlawfully distributing sixty dose units of OxyContin, a controlled substance, without a legitimate medical purpose in violation of Virginia law. Respondent allegedly exchanged the OxyContin with a police informant for what Respondent believed to be crack cocaine.

15. On April 13, 2007, Respondent pleaded guilty to one count of Illegally Distributing a Schedule III Controlled Substance. Under the terms of the Plea Agreement, Respondent agreed to:

- A. Voluntarily surrender his controlled substance privileges for all schedules to the United States Drug Enforcement Administration;
- B. Permanently surrender his license to practice medicine in the Commonwealth of Virginia; and
- C. Never practice medicine again.

16. On July 5, 2007, Respondent entered into a Consent Order with the Virginia Board of Medicine and he permanently surrendered his Virginia medical license.

E. SETTLEMENT

17. 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

18. On December 18, the Iowa Board of Medicine found probable cause to file this Statement of Charges.



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