BEFORE THE IOWA BOARD OF MEDIINE

****

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

PRADEEP SARSWAT, M.D., RESPONDENT

File No. 02-10-547

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STATEMENT OF CHARGES and SETTLEMENT AGREEMENT
(Combined)

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COMES NOW the Iowa Board of Medicine (Board), and Pradeep Sarswat, M.D. (Respondent), on February 9, 2012, 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 license number 21228 to practice medicine and surgery in Iowa on July 27, 1978.

2. Respondent's Iowa medical license is active and will next expire on January 1, 2012.

3. The Board has jurisdiction of the parties and the subject matter.

COUNT I

4. **Sexual Harassment:** Respondent is charged pursuant to Iowa Code section 148.6(2)(i) and 653 IAC 23.1 (10) and 13.7(6) with engaging in sexual harassment. Sexual harassment is defined as verbal or physical conduct of a sexual nature which interferes with another health care worker's performance or creates an intimidating, hostile or offensive work environment.

STATEMENT OF MATTERS ASSERTED

5. Respondent formerly practiced internal medicine for the Iowa Medical Classification Center in Oakdale, Iowa.

6. On July 20, 1989, the Board filed formal disciplinary charges against Respondent for excessive use of drugs. On July 20, 1989, Respondent was placed on probation for a period of five (5) years subject to counseling and monitoring for substance abuse.

7. On December 28, 1989, the Board filed formal disciplinary charges against Respondent for using controlled drugs in violation of his Board order. On April 9, 1990, the Board suspended Respondent's Iowa medical license for thirty (30) days, placed Respondent on probation for a period of five (5) years subject to counseling and monitoring for substance abuse and ordered him to pay a $1,000 civil penalty. On May 22, 1995, the Board terminated the terms of probation upon completion of the period of probation.

8. On March 12, 1992, the Board filed formal disciplinary charges against Respondent for engaging in unethical conduct when he committed sexually suggestive acts upon three patients between May, 1985 and September 1991. On July 1, 1993, following a hearing, the Board issued a Findings of Fact, Conclusions of Law, Decision and Order to resolve the pending charges. The Board concluded that Respondent failed to render service with full respect for the dignity of his patients when he was insensitive to his non-therapeutic physical touching of his patients during lower back exams. Respondent was placed on probation for a period of five (5) years subject to Board monitoring. On June 4, 1998, the Board terminated the terms of probation upon completion of the period of probation.

9. On April 4, 2002, Respondent entered into a combined Statement of Charges, Settlement Agreement and Final Order with the Board after the Board received information which indicated that Respondent engaged in drug abuse. The Board suspended Respondent's Iowa medical license sixty (60) days and placed him on probation for a period of five (5) years subject to substance abuse counseling and monitoring.

10. On December 12, 2002, the Board filed formal disciplinary charges against Respondent for using controlled drugs in violation of his Board order. On March 6, 2003, following a hearing, the Board suspended Respondent's Iowa medical license for 180 days, placed him on indefinite probation subject to substance abuse counseling and monitoring and ordered him to pay a $5,000 civil penalty.

11. On January 1, 2010, the Board terminated the terms and conditions of probation placed on Respondent's Iowa medical license.

12. Recently, the Board received information which indicates that Respondent engaged in the sexual harassment of a subordinate female staff worker at the Iowa Medical Classification Center in Oakdale, Iowa.

SETTLEMENT AGREEMENT

13. Respondent **voluntarily surrenders** his Iowa medical license (no. 03182) to resolve this matter.

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

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

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

17. 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 12.2.

18. By entering into this Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges and waives any objections to the terms of this Order.

19. 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.

20. 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.

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

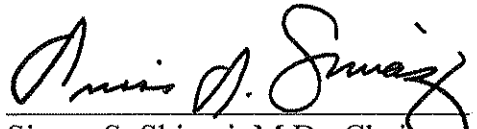
Pradeep Sarswat

Pradeep Sarswat, M.D., Respondent

Subscribed and sworn to before me on Jan 23, 2012.

Notary Public, State of _____.

This Order is approved by the Board on February 9, 2012.



Siroos S. Shirazi, M.D., Chairman
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