

**BEFORE THE IOWA BOARD OF MEDICINE**

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**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST**

**DAVID W. SELBY, D.O., RESPONDENT**

**FILE No. 03-12-378**

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

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COMES NOW the Iowa Board of Medicine (Board) and David W. Selby, D.O., (Respondent), on October 3, 2014, 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. 02069 on September 18, 1984.
2. Respondent has not practiced medicine in Iowa since completing his training at the College of Osteopathic Medicine (now Des Moines University) in 1985. Respondent's Iowa medical license has been inactive due to voluntary nonrenewal since November 1, 1986.
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 disciplinary action taken by a licensing authority of another state. A certified copy of the order of disciplinary action is prima facie evidence.

### STATEMENT OF THE MATTERS ASSERTED

5. **Practice Setting:** Respondent is an Iowa-licensed physician who currently practices family medicine in Lake Oswego, Oregon. He holds an active license to practice medicine in the state of Oregon

6. **Oregon Disciplinary Action:** On March 1, 2012, Respondent entered into a Stipulated Order with the Oregon Medical Board (Oregon Board). The Oregon Board alleged that Respondent inappropriately prescribed medications to multiple patients without appropriate indications and monitoring in Lake Oswego, Oregon, between 2007 and 2010. The Oregon Board issued Respondent a reprimand and ordered him to pay a \$1,000 fine and successfully complete a Board-approved prescribing course and a Board-approved educational intervention. The Oregon Board also ordered Respondent to limit the number of physician assistants under his supervision to one. See Attachment A. Respondent denied the allegations but accepted the Oregon Board's order to compromise and resolve the proceedings.

7. Respondent has successfully completed the conditions established by the Oregon Board and is not under any current restriction or limit to practice medicine in that state.

8. Respondent has not practiced medicine in the State of Iowa since 1985 and this action is based solely on the action taken by the Oregon Board.

#### **SETTLEMENT AGREEMENT**

9. **CITATION AND WARNING:** Respondent is hereby **CITED** for being disciplined by the Oregon Board for conduct occurring in that state. Respondent is hereby **WARNED** that being disciplined by another state licensing board or violating the laws and rules governing the practice of medicine in Iowa in the future may result in further formal disciplinary action against his Iowa medical license.

10. **NOTICE TO THE IOWA BOARD:** Respondent's medical license has been inactive since November 1, 1986. Respondent shall provide the Iowa Board written notice at least ninety (90) days prior to seeking reinstatement of his Iowa medical license at which time he agrees to comply with any additional conditions ordered by the Board which are necessary to protect the public and ensure that Respondent practices medicine with reasonable skill and safety.

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

14. By entering into this Order, Respondent understands that he has a right to be represented by legal counsel in this matter, 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.

15. This Order constitutes the resolution of a contested case proceeding. Respondent does not by entering into this resolution concede the accuracy of the allegations of the Oregon Medical Board.

16. 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.

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

18. This 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.

19. 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.

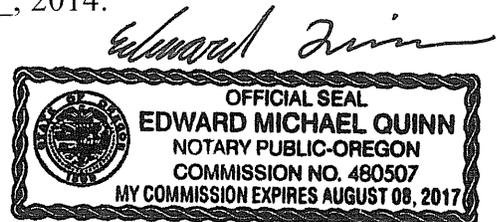
20. The Board's approval of this Order shall constitute a **Final Order** of the Board.

  
David W. Selby, D.O., Respondent

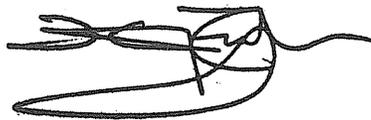


Subscribed and sworn to before me on 14 August, 2014.

Notary Public, State of Oregon.



This Order is approved by the Board on October 3, 2014.



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

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BEFORE THE  
OREGON MEDICAL BOARD  
STATE OF OREGON

In the Matter of )  
 )  
DAVID WILLIAM SELBY, DO ) STIPULATED ORDER  
LICENSE NO. DO14260 )  
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1.

The Oregon Medical Board (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including osteopathic physicians, in the state of Oregon. David William Selby, DO (Licensee) holds an active license to practice medicine in the state of Oregon.

2.

On August 12, 2011, the Board issued a Complaint and Notice of Proposed Disciplinary Action in which the Board proposed taking disciplinary action pursuant to ORS 677.205 against Licensee for violations of the Medical Practice Act, to wit; ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined in ORS 677.188(4)(a); and ORS 677.190(13) gross or repeated acts of negligence.

3.

Licensee is a Board certified family medicine osteopathic physician that practices medicine at the Lake Oswego Family Physician Clinic. The Board conducted a review of his medical charts pertaining to Patients A – L that gave rise to practice concerns that are described in the Board’s Complaint and Notice of Proposed Disciplinary action that was issued August 12, 2011.

4.

Licensee and the Board desire to settle this matter by the entry of this Stipulated Order. Licensee understands that he has the right to a contested case hearing under the Administrative Procedures Act (chapter 183), Oregon Revised Statutes, and fully and finally waives the right to

1 a contested case hearing and any appeal therefrom by the signing of and entry of this Order in the  
2 Board's records. Licensee denies but the Board finds that he engaged in the conduct described in  
3 the Board's Complaint & Notice of Proposed Disciplinary Action, and that this conduct violated  
4 ORS 677.190(1)(a) unprofessional or dishonorable conduct, as defined by ORS 677.188(4)(a)  
5 and ORS 677.190(13) gross or repeated negligence. Licensee understands that this Order is a  
6 public record and is a disciplinary action that is reportable to the National Practitioner Data  
7 Bank, the Healthcare Integrity and Protection Data Bank and the Federation of State Medical  
8 Boards.

9 5.

10 In order to address the concerns of the Board, Licensee and the Board agree that the  
11 Board will close this investigation and resolve this matter by entry of this Stipulated Order,  
12 subject to the following conditions:

13 5.1 Licensee is reprimanded.

14 5.2 Licensee must pay a fine of \$5,000, with \$4,000 of this fine stayed, and the  
15 remaining \$1,000 to be paid within 10 days from the date this Order is signed by the Board  
16 Chair. The full amount will be payable in full upon demand in the event Licensee breaches any  
17 of the terms of this Stipulated Order.

18 5.3 Licensee must ask the Center for Personalized Education for Physicians (CPEP)  
19 to develop, at Licensee's expense, an educational intervention plan, to include educational  
20 objectives that address Licensee's areas of need, educational activities, timeframes, and  
21 evaluation processes. A CPEP Associate Director will actively monitor progress and compliance  
22 with this plan, and will provide reports to the Board regarding Licensee's progress on an ongoing  
23 basis. Licensee must submit the CPEP educational intervention plan to the Board's Medical  
24 Director for review, comment, and approval prior to implementation.

25 5.4 Licensee must successfully complete the recommendations provided by CPEP for  
26 education or remediation, including any "Post-Education Evaluation," within 24 months from the  
27 date this Order is signed by the Board Chair.

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1           5.5    Licensee must also sign all necessary releases to authorize full ongoing  
2 communication between the Board and CPEP, and Licensee will ensure that periodic progress  
3 reports, interim reports and the final written evaluation report from CPEP are provided promptly  
4 to the Board.

5           5.6    Licensee must provide the Board with written proof from CPEP upon successful  
6 completion of any CPEP recommended education or remediation, including successful  
7 completion of the post-education evaluation.

8           5.7    Licensee must successfully complete an appropriate prescribing course (that  
9 includes the prescribing of antibiotics) that has been pre-approved by the Board's Medical  
10 Director, prior to, or within 120-days from the date of completion of the CPEP program. All  
11 costs associated with this course will be borne by the Licensee.

12          5.8    Licensee must limit the number of physician assistants under his supervision to  
13 one. Licensee must submit a practice description or practice agreement (and any modification to  
14 the practice description or practice agreement) for any physician assistant that he supervises to  
15 the Board's Medical Director for review and approval. After six months of full compliance with  
16 the terms of this Stipulated Order, Licensee may request the Board's Medical Director to  
17 increase the number of physician assistants that he supervises to two.

18          5.9    Licensee stipulates and agrees that any violation of the terms of this Order shall  
19 be grounds for further disciplinary action under ORS 677.190(17).

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5.10 This Order becomes effective the date it is signed by the Board Chair.

IT IS SO STIPULATED THIS 31 day of Jan, 2012.

SIGNATURE REDACTED

~~DAVID WILLIAM SELBY, DO~~

IT IS SO ORDERED THIS 1<sup>st</sup> day of March, 2012.

OREGON MEDICAL BOARD  
State of Oregon

SIGNATURE REDACTED

~~RALPH A. YATES, DO~~ W. KENT WILLIAMSON, MD  
BOARD CHAIR