

**BEFORE THE IOWA BOARD OF MEDICINE**

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

**JULIE C. SMART-HOWARD, M.D., RESPONDENT**

**FILE No. 02-09-430**

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

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COMES NOW the Iowa Board of Medicine (Board), and Julie C. Smart-Howard, M.D., (Respondent), on June 11, 2010, 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 Iowa medical license no. 38237 on February 5, 2009.
2. Respondent's Iowa medical license went inactive on October 1, 2009.
3. The Board has jurisdiction pursuant to Iowa Code Chapters 147, 148 and 272C.

**COUNT I**

4. Respondent is charged pursuant to Iowa Code sections 147.55(3) and 272C.10(3) and 653 IAC sections 23.1(4) with engaging in unethical or unprofessional conduct. Engaging in unethical or unprofessional conduct includes, but is not limited to, the committing by a licensee of an act contrary to honesty, justice or good morals, whether the same is committed in the course of the licensee's practice or otherwise and whether committed within this state or elsewhere.

## STATEMENT OF MATTERS ASSERTED

5. Respondent formerly practiced family medicine at the Mercy North Iowa Family Practice Residency Program in Mason City, Iowa.
6. The Board received information which indicates that Respondent inappropriately accessed the medical records of a patient who was not under her care, in violation of patient privacy standards, on June 6, 7, and 10, 2009.
7. As a result, Respondent was terminated from the Mercy North Iowa Family Practice Residency Program effective July 22, 2009.
8. The Board also has serious concerns that Respondent failed to respond to the Board's investigation of this matter in a timely manner.

## SETTLEMENT AGREEMENT

9. **CITATION AND WARNING:** Respondent is hereby **CITED** for accessing the medical records of a patient who was not under her care, in violation of the laws and rules governing the practice of medicine in Iowa. Respondent is hereby **WARNED** that violating the laws and rules governing the practice of medicine in Iowa in the future may result in further disciplinary action, including suspension or revocation of her Iowa medical license.
10. **CIVIL PENALTY:** Respondent shall be assessed a **\$2,500** civil penalty. The civil penalty shall be payable to the Treasurer of Iowa, shall be mailed to the executive director of the Board and shall be deposited into the State General Fund.

11. **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.

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

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

14. 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.

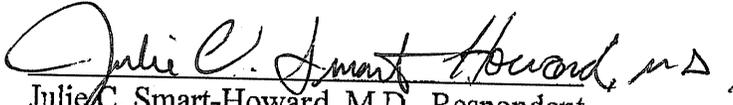
15. By entering into this Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges and waives any objections to the terms of this Order.

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

17. 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.

18. 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.

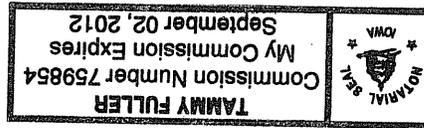
19. The Board's approval of this Order shall constitute a **Final Order** of the Board.

  
Julie C. Smart-Howard, M.D., Respondent

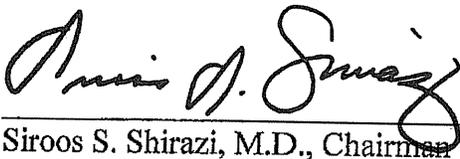
Subscribed and sworn to before me on May 27, 2010.

Notary Public, State of Iowa





This Order is approved by the Board on June 11, 2010.



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