

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF STATEMENT OF CHARGES AGAINST

HENRY W. SNEAD, M.D., RESPONDENT

File No. 02-09-222

SETTLEMENT AGREEMENT

COMES NOW the Iowa Board of Medicine (Board), and Henry W. Snead, M.D., (Respondent), and on April 9, 2010, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into this Settlement Agreement to resolve this matter.

- 1. Respondent was issued Iowa medical license no. 24147 on April 18, 1984.
- 2. Respondent's license is active and will next expire on May 1, 2011.
- 3. The Board has jurisdiction pursuant to Iowa Code chapters 147, 148 and 272C.

STATEMENT OF THE MATTERS ASSERTED

- 4. Respondent practices internal medicine in Waterloo, Iowa.
- 5. On June 25, 2007, Respondent was charged in Black Hawk County District Court with Domestic Abuse Assault Causing Bodily Injury, a violation of Iowa Code chapter 708.2(A)2(B), a serious misdemeanor.
- 6. On February 24, 2009, Respondent pleaded guilty in Black Hawk County District Court to Harassment and Disorderly Conduct, violations of Iowa Code chapters

708.7(4) and 723.4(2), both simple misdemeanors.

SETTLEMENT AGREEMENT

7. **CITATION AND WARNING:** Respondent is hereby **CITED** for engaging in unprofessional conduct. Respondent is hereby **WARNED** that engaging in such conduct in the future may result in further disciplinary action, including suspension or revocation of his Iowa medical license.

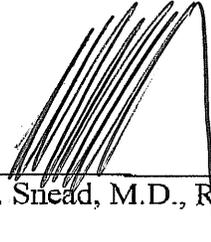
8. **CIVIL PENALTY:** Respondent shall pay a **\$5,000** civil penalty within twenty (20) days of the date of this Order. The civil penalty shall be paid by delivery of a check or money order, payable to the Treasurer of Iowa, to the executive director of the Board. The civil penalty shall be deposited into the State General Fund.

9. **REFERRAL TO THE IPHP FOR MONITORING:** Respondent is hereby referred to the Iowa Physician Health Program (IPHP) for assessment and monitoring. Respondent shall enter into a Physician Health Contract with the IPHP prior to the Board's approval of this order. Respondent shall fully comply with all requirements established by the IPHP.

10. **VIOLATION OF THE IPHP CONTRACT:** In the event that Respondent violates or fails to fully comply with any of the terms or conditions established by the IPHP, the Board may initiate further disciplinary action against Respondent's Iowa medical license.

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

- 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 25.
- 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 Settlement Agreement.
- 16. 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.
- 17. The Board's approval of this Order shall constitute a **Final Order** of the Board.



 Henry W. Shead, M.D., Respondent

Subscribed and sworn to before me on 3/24, 2010.
 Notary Public, State of Iowa.



This Order is approved by the Board on April 9, 2010.

A handwritten signature in cursive script, reading "Siroos S. Shirazi". The signature is written in black ink and is positioned above a horizontal line.

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

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE) FILE NO. 02-09-222
STATEMENT OF CHARGES AGAINST) DIA NO. 09DPHMB013
HENRY W. SNEAD, M.D.)
Respondent) ORDER FOR
PREHEARING CONFERENCE

A telephone prehearing conference was held by the undersigned on Wednesday, December 9, 2009 at 1:00 p.m. Assistant Attorney General (AAG) Theresa O'Connell Weeg and Respondent's Attorney, Michael Sellers, both participated. The parties agreed that a half day should be sufficient for the hearing, and it could be set for the afternoon of April 9, 2010. The parties agreed to the following discovery deadlines:

February 12, 2010: Exchange witness list, including experts
March 12, 2010: Close of discovery
March 19, 2010: Exchange exhibit lists
March 26, 2010: Stipulated exhibits provided to the Board office and ALJ

Dated this 10th day of December, 2010.

Margaret LaMarche

Margaret LaMarche
Administrative Law Judge
Iowa Department of Inspections and Appeals
Division of Administrative Hearings
Wallace State Office Building-Third Floor
Des Moines, Iowa 50319
Voice: (515) 281-7177
FOR THE IOWA BOARD OF MEDICINE

cc: Michael Sellers, 400 Locust Street, Suite 170, Des Moines, IA 50309-2351
Theresa O'Connell Weeg, Assistant Attorney General, Hoover (LOCAL)
Kent Nebel, Iowa Board of Medicine, 400 SW 8th St., Suite C, Des Moines
(LOCAL)

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF STATEMENT OF CHARGES AGAINST

HENRY W. SNEAD, M.D., RESPONDENT

File No. 02-09-222

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medicine on October 21, 2009, and files this Statement of Charges pursuant to Iowa Code Section 17A.12(2). Respondent was issued Iowa medical license no. 24147 on April 18, 1984. Respondent's license is active and will next expire on May 1, 2011.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on December 16, 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 Notice of Hearing you are required by 653 Iowa Administrative Code 25.10 to file an Answer. In that Answer, you should also 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. Prehearing Conference. A prehearing conference will be held by telephone on November 17, 2009, at 9:30 a.m., before an Administrative Law Judge from the Iowa Department of Inspections and Appeals (ALJ). Please contact Kent M. Nebel, J.D., Legal Director, Iowa Board of Medicine, at 515-281-7088 with the telephone number at which you or your legal counsel can be reached. Board rules on prehearing conferences may be found at 653 Iowa Administrative Code 25.15.

5. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 653 Iowa Administrative Code Chapter 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 Iowa Administrative Code 25.16. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

6. 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.

7. 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 may contact Kent M. Nebel, J.D., Legal Director, at 515-281-7088 or to Assistant Attorney General Theresa O’Connell Weeg at 515-281-6858.

B. LEGAL AUTHORITY AND JURISDICTION

8. Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 17A, 147, 148, and 272C (2005).

9. 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 (2005) and 653 Iowa Administrative Code Chapter 25.25.

10. 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 Iowa Administrative Code 25.20.

C. SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

11. Respondent is charged pursuant to Iowa Code section 148.6(c) for violating a statute or law of this state, another state or the United States without regard to its designation as a felony or misdemeanor, which statute or law relates to the practice of medicine.

COUNT II

12. 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 unethical or unprofessional conduct and/or practice harmful or detrimental to the public. 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.

D. STATEMENT OF MATTERS ASSERTED

13. Respondent practices internal medicine in Waterloo, Iowa.

14. On June 22, 2004, Respondent entered into a Statement of Charges, Settlement Agreement and Final Order with the Board. The Board charged Respondent with failing to provide appropriate treatment to weight loss patients and patients with substance abuse and mental health conditions. Under the terms of the Settlement Agreement, Respondent was required to complete a Board-approved competency evaluation. Following the evaluation, the assessment program expressed concerns about Respondent's medical knowledge, clinical reasoning and documentation and recommended that he complete a structured education plan.

15. On June 2, 2005, the Board charged Respondent with failing to complete the structured education plan and falsifying his professional credentials when he indicated that he had obtained a “Ph.D.” when he had not. Following an evidentiary hearing, the Board ordered Respondent to complete the structured education plan, complete a Board-approved disruptive behavior evaluation and pay a \$1,000 Civil Penalty. Respondent completed the terms of his Board order and on June 21, 2007, the Board issued a Termination Order.

16. Recently, the Board received information which indicates that Respondent physically assaulted his fiancé during a domestic dispute on June 24, 2007, and he was charged in Black Hawk County District Court with Assault Domestic Abuse Causing Bodily Injury, a violation of Iowa Code chapter 708.2(A)2(B), a serious misdemeanor.

17. On February 24, 2009, Respondent pleaded guilty in Black Hawk County District Court to Harassment and Disorderly Conduct, violations of Iowa Code chapters 708.7(4) and 723.4(2), both simple misdemeanors.

E. SETTLEMENT

18. 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 12.25. 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

19. On this 21st day of October, 2009, the Iowa Board of Medicine found probable cause to file this Statement of Charges.



Siros S. Shirazi, M.D., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686