

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

STEPHEN E. SPARKS, M.D., RESPONDENT

File Nos. 02-07-595 & 02-08-046

TERMINATION ORDER

1. Respondent was issued Iowa medical license No. 22623 on July 17, 1981.
2. Respondent's Iowa license is active and will next expire on September 1, 2014.
4. Respondent is an Iowa-licensed physician who formerly practiced family medicine in Bloomfield, Iowa, and currently practices in Ft. Madison, Iowa.
5. On April 17, 1986, the Board charged Respondent with substance abuse. On March 10, 1987, the Board placed Respondent on probation for a period of five years subject to counseling and Board monitoring. Respondent successfully completed the terms of probation on March 10, 1992.
6. On February 6, 2003, the Board charged Respondent with substance abuse. On April 25, 2003, Respondent entered into a Settlement Agreement with the Board to resolve the pending disciplinary charges. The Board placed Respondent on probation for a period of five years subject to counseling and Board monitoring. Respondent successfully completed the terms of probation on April 25, 2008.

7. On April 2, 2009, the Board charged Respondent with engaging in a pattern of unethical or unprofessional conduct and sexual misconduct in the practice of medicine when he made inappropriate sexual comments to female co-workers and patients on numerous occasions and engaged in sexual relationships with one or more female patients. On February 11, 2011, Respondent entered into a Settlement Agreement with the Board to resolve the pending disciplinary charges. The Board issued Respondent a Citation and Warning and ordered him to pay a \$5,000 civil penalty. The Board also restricted Respondent to a Board-approved practice setting and ordered him to complete a Board-approved professional boundary evaluation and education program. The Board also placed Respondent on probation for a period of two years subject to counseling and Board monitoring.

8. Respondent successfully completed the terms of probation on February 11, 2013.

THEREFORE IT IS HEREBY ORDERED: that the terms and conditions of Respondent's probation are terminated and Respondent's Iowa medical license is returned to its full privileges, free and clear of all restrictions.

This Order is effective on February 11, 2013.



Colleen Stockdale, M.D., M.S., Chairwoman
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 STATEMENT OF CHARGES AGAINST
STEPHEN E. SPARKS, M.D., RESPONDENT**

File Nos. 02-07-595 & 02-08-046

01-27-11 P03:23 RCVD

SETTLEMENT AGREEMENT

COMES NOW the Iowa Board of Medicine (Board), and Stephen E. Sparks, M.D., (Respondent), and on February 11, 2011, 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. 22623 on July 17, 1981.
2. Respondent's Iowa license is active and will next expire on September 1, 2012.
3. The Board has jurisdiction pursuant to Iowa Code chapters 147, 148 and 272C.

STATEMENT OF THE MATTERS ASSERTED

4. Respondent is an Iowa-licensed physician who formerly practiced family medicine in Bloomfield, Iowa.
5. On April 2, 2009, the Board charged Respondent with engaging in a pattern of unethical or unprofessional conduct and violation of professional boundaries in the

practice of medicine.

SETTLEMENT AGREEMENT

6. **CIVIL PENALTY:** Respondent shall pay a **\$5,000** civil penalty within thirty (30) days of the date of this order. The civil penalty shall be made payable to the Treasurer of Iowa and the civil penalty shall be deposited into the State General Fund.

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

8. **TWO YEARS PROBATION:** Respondent shall be placed on probation for a period of two (2) years subject to the following terms and conditions:

A. **Monitoring Program:** Respondent shall establish a monitoring program with Shantel Billington, Compliance Monitor, Iowa Board of Medicine, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686, Ph.#515-281-3654. Respondent shall fully comply with all requirements of the monitoring program.

B. **Board approved practice setting:** During the probation period, Respondent shall practice medicine only in a Board-approved practice setting at the Iowa Department of Corrections or in another practice setting approved by the Board.

- C. Professional Boundaries Education Program.** Respondent shall complete a professional boundary education program under the direction of John Hung, Ph.D., Health Psychology Consultants, 7250 France Ave., Suite 420, Edina, Minnesota, 55435, within sixty (60) days. Respondent shall ensure that proof of completion of the program is forwarded directly to the Board. Respondent is responsible for all costs associated with the program.
- D. Professional Boundaries Counseling:** Respondent shall submit to the Board for approval the name and CV of a physician or counselor to provide professional boundaries counseling.
1. The counselor shall submit written quarterly reports concerning Respondent's progress no later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.
 2. Respondent shall continue with professional boundaries counseling for a) the duration of the probation or b) until discharged by the Board-approved counselor and until Respondent's discharge from counseling is approved by the Board, whichever occurs first.
 3. Respondent shall meet with his Board-approved counselor not less than once per month for the duration of the probationary period. Respondent is responsible for all costs associated with the counseling.
- E. Worksite Monitor:** Respondent shall submit for Board approval the name of a physician who regularly observes and/or supervises Respondent in the

practice of medicine to serve as worksite monitor at each location where he practices medicine. The Board shall provide a copy of all Board orders relating to this matter to the worksite monitor. The worksite monitor shall provide a written statement indicating that they agree to serve under the terms of this Order. The worksite monitor shall agree to inform the Board immediately if there is evidence of professional misconduct, sexual misconduct, or any violation of the terms of this Order. The practice monitor shall submit quarterly reports to the Board no later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.

- F. **Quarterly Reports:** Respondent shall file sworn quarterly reports attesting to his compliance with all the terms and conditions of this Order not later than 1/10, 4/10, 7/10 and 10/10 of each year of this Order.
- G. **Board Appearances:** Respondent shall make an appearance before the Board annually or upon request. Respondent shall be given written notice of the date, time and location for the appearances. Such appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(e)(3).
- H. **Monitoring Fee:** Respondent shall make a payment of \$100 to the Board each quarter for the duration of this Order to cover the Board's monitoring expenses in this matter. The monitoring fee shall be received by the Board with each quarterly report required under this Order. The monitoring fee shall be sent to: Shantel Billington, Compliance Monitor, Iowa Board of Medicine, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686. The

check shall be made payable to the Iowa Board of Medicine. The monitoring fee shall be considered repayment receipts as defined in Iowa Code section 8.2.

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

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

11. Periods of residence or practice outside the state of Iowa shall not apply to the duration of this Order unless Respondent obtains prior written approval from the Board. Periods in which Respondent does not practice medicine or fails to comply with the terms established in this Order shall not apply to the duration of this Order unless Respondent obtains prior written approval from the Board.

12. Respondent agrees that the State's counsel may present this Order to the Board.

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

14. By entering into this Order, Respondent voluntarily waives any right to a contested case hearing, and waives any objections to the terms of this Order.

15. 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 24.

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.

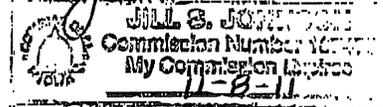
SE Sparks MD
Stephen E. Sparks, M.D., Respondent

SE Sparks MD
1-27-11

Subscribed and sworn to before me on January 27, 2011.

Notary Public, State of Iowa

Jill S. Johnson



This Order is approved by the Board on _____, 2011.

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

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

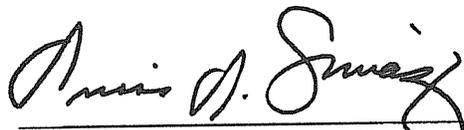


Stephen E. Sparks, M.D., Respondent

Subscribed and sworn to before me on _____, 2011.

Notary Public, State of _____.

This Order is approved by the Board on February 11, 2011.



Siros 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 NOS. 02-07-595, 02-08-046
STATEMENT OF CHARGES AGAINST) DIA NO. 09DPHMB005
)
)
STEPHEN SPARKS, M.D.) ORDER DENYING MOTION
) TO CONTINUE, REQUEST FOR
Respondent) WITHDRAWAL OF COMPLAINT,
) AND REQUEST FOR STAY

Procedural Background

On April 2, 2009, the Iowa Board of Medicine (Board) filed a Statement of Charges against Stephen Sparks, M.D. (Respondent) charging him with engaging in a pattern of unethical or unprofessional conduct in the practice of medicine (Count I) and inappropriately engaging in a pattern of sexual misconduct and/or sexual harassment in the practice of medicine (Count II). The initial hearing date was continued by the Board. Following a January 5th prehearing conference, the hearing was rescheduled for May 10-11, 2010,

On February 2, 2010, Respondent's attorney filed a Request for Continuance, Request for Withdrawal of Complaint, and Request to Stay Proceedings. The state filed a Resistance with attached Exhibits A and B on February 16, 2010. The Board has referred the motions to the undersigned administrative law judge for ruling.

Request for Continuance

Following the prehearing conference, an Order was issued establishing discovery deadlines based on an anticipated hearing date between May 6 and May 28, 2010. The attorneys were both allowed input into setting the hearing date and the discovery deadlines. The deadline for written discovery requests was January 29, 2010. The deadline to complete all depositions was April 2, 2010. (Initial Prehearing Conference Scheduling Order). On January 25, 2010, the written discovery deadline was extended to February 25, 2010, by agreement of the parties. (Order Extending Written Discovery Deadline)

In the pending motion, Respondent's attorney reports that he attempted to schedule a deposition of the "claimant" in January or early February but counsel for the state was not available until February 18, 2010. Counsel for the state then canceled the February 18, 2010 deposition due to discovery matters in other cases. According to the state's counsel, the deposition has now been rescheduled for March 2, 2010. Respondent asserts that he will not have sufficient time prior to hearing to obtain a deposition transcript and file any dispositive motions. However, the March 2, 2010 deposition is one month prior to the deadline previously established for completing depositions in this case when it was anticipated that the hearing might be as early as May 6, 2010. The deposition is currently scheduled more than two months prior to hearing and does not justify a continuance of the May 10-11, 2010 hearing date.

Request To Indefinitely Postpone or Stay Proceedings

According to Respondent's motion, this case started in September 2007 with complaints to the Board from Respondent's former long term employee. As part of the Board's investigation, a formal investigative inquiry was sent to Respondent, and he asked for additional time to respond. Respondent contends that state's counsel allowed him additional time to respond but that the Board issued its formal charges before that extension expired. Respondent maintains that the Board is required to give a physician an opportunity to respond to allegations before formal charges are filed and made public (although he does not cite to the rules supporting this argument.)

653 IAC 24.2(3) provides, in relevant part, that the Board's screening committee shall review the recommendations of the complaint review committee and shall take one of the following actions: " b. Request an investigation by seeking a letter of explanation from the physician, medical records, or both." 653 IAC 24.2(5)" c" provides that prior to the commencement of a contested case proceeding, the investigator shall attempt to contact the licensee at the address of record to give the licensee the opportunity to respond to the allegations under investigation...

State's counsel asserts that Respondent was given sufficient opportunity to respond to the allegations, that the rules do not require the Board to obtain a response before filing charges, and that the seriousness of the charges and Respondent's prior history of disciplinary action justified the Board's decision to proceed to formal charges on April 2, 2009 rather than waiting for the Board's next regularly scheduled meeting.

On May 15, 2009 Respondent filed a petition in Davis County District Court seeking a Writ of Certiorari, injunctive relief, and a permanent restraining order to prevent further prosecution of the case by the Board, apparently based on the Board's filing of charges without first obtaining Respondent's response. On September 15, 2009, the Davis County District Court issued a ruling allowing Respondent to amend the petition to recast his arguments under the judicial review provisions of Iowa Code section 17A.19(1). However, the District Court then dismissed Respondent's claims against the Board based on Respondent's failure to meet the requirements in Section 17A.19(1) for obtaining intermediate review of agency action. (Ex. B) Respondent has requested further review of the District Court ruling. According to the State's Resistance, final briefs are to be filed with the appellate court later this month and it is unlikely that a decision will be issued for several months.

Respondent now requests an Order Indefinitely Postponing or Staying the Board Hearing pending resolution of the pending appeal. Respondent asserts that there is no jeopardy to the public from such delay because the complaint was not filed by a patient or disinterested third party involving patient care issues.

According to the state's Resistance, a Board investigator sent Respondent a letter on December 4, 2008, requesting his response to certain allegations and Respondent replied in a letter dated February 9, 2009. A different Board investigator sent Respondent a letter on January 20, 2009 asking for his response to additional allegations within ten business days. Respondent did not respond to this request. On February 25, 2009, Respondent's attorney contacted the Board in writing to report that he was now representing Respondent and to ask for an additional 30 days to respond. There was no documented response to the request for extension from the Board. On March 5th, Respondent's attorney emailed the Board's Legal Director to ask where the response should be sent. On March 24, 2009, apparently without full knowledge of prior communications between Respondent and Board staff, the state's counsel spoke to Respondent's attorney and agreed to an additional extension to April 15, 2009. However the Board filed the formal charges before receiving a response from Respondent's attorney.

These circumstances do not justify indefinitely postponing or staying the disciplinary proceedings pending an appellate court decision. The charges do implicate the public, health, safety and welfare and are not limited to allegations of misconduct with respect to a former co-worker. The charges include allegations of: inappropriate sexual comments to female co-workers and patients,

a pattern of sexual harassment and inappropriate sexual conduct in his medical practice, inappropriately engaging in sexual relationships with one or more patients, and intentionally harming one or more patients while providing medical treatment. As of May 2010 the charges will have been pending for more than a year, and it could take many months before an appellate decision is issued. Moreover, it appears that Respondent was given sufficient opportunity to respond to the allegations before charges were filed.

Request to Withdraw Complaint

Respondent also asks the Board to withdraw the public complaint [Statement of Charges] and allow him the opportunity to respond and request a [discretionary] personal appearance before the Board. In support of this request, Respondent asserts that if the case goes to hearing as scheduled there is a reasonable probability that it will be reversed on appeal for deprivation of due process required by the Board's rules. He contends that going to hearing at this time would be an unjustifiable waste of the Board's time and resources and an enormous expense to Respondent. For all of the reasons previously stated, the circumstances do not justify withdrawing the Statement of Charges and revisiting the investigation stage to allow Respondent the opportunity to respond to the charges. Moreover, the charges are already public.

Order

IT IS THEREFORE ORDERED that Respondent's Request for Continuance, Request for Withdrawal of Complaint, and Request to Stay Proceedings are all hereby DENIED.

Dated this 18th day of February, 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

cc: Michael Sellers, 400 Locust Street, Suite 170, Des Moines, Iowa 50309-2351
Theresa O'Connell Weeg, Department of Justice, Hoover Bldg, 2nd Fl.
(LOCAL)
Kent Nebel, Iowa Board of Medicine, 400 SW 8th Street, Suite C (LOCAL)

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

STEPHEN E. SPARKS, M.D., RESPONDENT

FILE No. 02-07-959, 02-08-046

INITIAL PREHEARING CONFERENCE SCHEDULING ORDER

An initial telephone prehearing conference was conducted by the undersigned Administrative Law Judge (ALJ) on January 5, 2010. Present at the prehearing were Michael Sellers, Respondent's attorney, and Theresa O'Connell Weeg, Assistant Attorney General. Also present was Kent Nebel and Mark Bowden for the Board of Medicine.

IT IS HEREBY ORDERED that the following deadlines shall be met in this pending contested case hearing:

1. The final hearing in this matter will be held sometime between May 6 and May 28, 2010 depending upon the availability of a Board panel. Dates to be avoided include May 12 and May 17-21. The hearing is estimated to require two days.

2. The final telephone prehearing conference will be held on April 16, 2010 at 8:00 a.m. The parties will be contacted by the ALJ at the same phone numbers they provided for today's teleconference, unless another number is provided prior to that date.

3. The parties will file their expert and non-expert witness lists by March 5, 2010. Witnesses not listed on the final witness list may be excluded from testifying unless there was good cause for the failure to include their names within the time period provided by this order.

4. The parties shall abide by the following deadlines for discovery:

a. All written discovery requests, including interrogatories, requests for production of documents, and requests for admissions, shall be *filed* no later than January 29, 2010.

b. All depositions shall be completed by April 2, 2010.

5. Exhibit lists shall be exchanged by April 9, 2010. Exhibit lists may be amended before the final prehearing conference. Any such amendments must be served on all parties. Amendments to the witness list may not be made after the final prehearing conference unless the parties agree to the amendment, or the ALJ or the Board approves the amendment upon a showing of good cause. Other than rebuttal exhibits, exhibits that are not listed on the final exhibit list may be excluded from admission into evidence unless there was good cause for the failure to include them.

6. The parties will either stipulate to the admissibility of their exhibit books, or resolve issues regarding the admissibility of particular exhibits with the ALJ, by April 16, 2010 at the prehearing conference.

7. Exhibit books will be mailed to the Board hearing panel members (or each party shall provide its exhibits electronically to the Board office) at least two weeks prior to the date scheduled for hearing. If the exhibits are not provided electronically, then each party is responsible for timely mailing a copy of an exhibit book to each hearing panel member, to the ALJ, and to Kent Nebel, Legal Director, Board of Medicine. The names and addresses of the panel members and the ALJ will be provided to the parties by Kent Nebel upon request.

8. At the final prehearing conference, the parties will discuss and if necessary, the ALJ will issue an order regarding the following:

- a. Stipulations as to law or facts.
- b. Identification of matters which the parties intend to request be officially noticed.
- c. Any additional matters which will expedite the hearing

DATED THIS 6th DAY OF JANUARY, 2010.

Margaret LaMarche

Margaret LaMarche
Administrative Law Judge
Department of Inspections and Appeals
3rd Floor, Wallace State Office Building
Des Moines, IA 50319
[FOR THE IOWA BOARD OF MEDICINE]

CASE NOS. 02-07-959, 02-08-046

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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

)	FILE NO. 02-07-959, 02-08-046
IN THE MATTER OF THE)	DIA NO. 09DPHMB005
STATEMENT OF CHARGES AGAINST)	
)	
STEPHEN E. SPARKS, M.D.)	ORDER FOR
Respondent)	PREHEARING CONFERENCE

A telephone prehearing conference will be held on **Tuesday, January 5, 2010 at 2:30 p.m.** The attorneys will be contacted at their office telephone numbers unless alternate numbers are provided.

Dated this 8th day of December, 2009.

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 THE STATEMENT OF CHARGES AGAINST

STEPHEN E. SPARKS, M.D., RESPONDENT

File Nos. 02-07-595 & 02-08-046

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medicine on April 2, 2009, and files this Statement of Charges pursuant to Iowa Code section 17A.12(2)(2007). Respondent was issued Iowa medical license no. 22623 on June 17, 1981. Respondent's Iowa medical license is active and will next expire on September 1, 2010.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on May 6, 2009, before the Board. The hearing shall begin at 8:30 a.m. and shall be located in the conference room at the Board 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 sections 147.55(3) and 272C.10(3) and 653 IAC 23.1(4) with engaging in a pattern of unethical or unprofessional conduct in the practice of medicine.

COUNT II

11. Respondent is charged pursuant to Iowa Code sections 147.55(8) and 272C.10(8), and 653 IAC 23.1(5) and 13.7 (4) and (6) with willfully or repeatedly violating the laws and rules governing the practice of medicine in Iowa when he inappropriately engaged in a pattern of sexual misconduct and/or sexual harassment in the practice of medicine.

STATEMENT OF THE MATTERS ASSERTED

12. Respondent is an Iowa-licensed physician who practices family medicine in Bloomfield, Iowa.

13. On April 17, 1986, the Board charged Respondent with excessive use of alcohol or drugs in a manner which impaired his ability to practice medicine with reasonable skill and safety. On March 10, 1987, the Board placed Respondent on probation for a period of five years subject to substance abuse counseling and monitoring.

14. On February 6, 2003, the Board charged Respondent with excessive use of alcohol or drugs in a manner which impaired his ability to practice medicine with reasonable skill and safety when he engaged in the practice medicine under the influence of alcohol. On April 25, 2003, the Board placed Respondent on probation for a period of five years subject to substance abuse counseling and monitoring.

15. The Board alleges that Respondent engaged in a pattern of unethical or unprofessional conduct and sexual misconduct in the practice of medicine, including, but not limited to the following:

- A. Respondent made inappropriate sexual comments to female co-workers and patients on numerous occasions;
- B. Respondent engaged in a pattern of sexual harassment in his medical practice;
- C. Respondent engaged in a pattern of inappropriate sexual conduct in his medical practice;

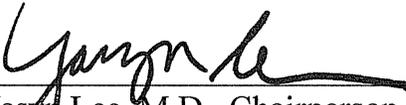
- D. Respondent inappropriately engaged in sexual relationships with one or more patients; and
- E. Respondent intentionally harmed one or more patients while providing medical treatment.

E. SETTLEMENT

16. 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

17. On this 2nd day of April 2009, the Iowa Board of Medicine found probable cause to file this Statement of Charges.


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