

**BEFORE THE IOWA BOARD OF MEDICINE**

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

**TERRY L. SPRAGUE, D.O., RESPONDENT**

**No. 03-00-484**

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**TERMINATION ORDER**

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Date: March 20, 2013.

1. On July 7, 1978, Respondent was issued Iowa medical license number 01713.
2. Respondent's Iowa medical license is active and will next expire on January 1, 2014.
3. On January 18, 2001, the Board filed formal disciplinary charges against Respondent alleging that he engaged in a sexual relationship with a patient between 1994 and January 1998.
4. On January 18, 2001, Respondent entered into a Settlement Agreement with the Board to resolve the pending disciplinary charges. Respondent's Iowa medical license was suspended indefinitely.
5. On January 13, 2003, the Board reinstated Respondent's Iowa medical license and placed him on indefinite probation subject to certain terms and conditions, including the following:

- A. Respondent was permanently prohibited from treating any patient without having a Board-approved healthcare professional chaperone present. The healthcare professional chaperone shall be continually present when the Respondent is interacting with any patient, the patient's family members or any other patient representative, while in a healthcare provision setting. The chaperone shall document his/her continued presence in each patient's chart.
- B. Respondent was permanently prohibited from providing counseling or psychotherapy services, including, but not limited to, providing treatment for eating disorders, providing family, marital and individual counseling, or providing other mental health services not within the ordinary range of services provided by a family practitioner.

6. On January 17, 2008, the Board voted to terminate Respondent's probation. However, the restrictions described in subparagraphs 5(A) and (B) above remained in effect.

7. Recently, Respondent submitted a request to terminate the restrictions described in subparagraphs 5(A) and (B) above.

8. On March 8, 2013, the Board voted to terminate the restrictions described in subparagraphs 5(A) and (B) above.

**THEREFORE IT IS HEREBY ORDERED:** that all restrictions placed on Respondent's Iowa medical license 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 March 20, 2013.

*Colleen K. Stockdale MD MS*

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

**BEFORE THE IOWA BOARD OF MEDICINE**

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

**TERRY L. SPRAGUE, D.O., RESPONDENT**

**No. 03-00-484**

\*\*\*\*\*

**TERMINATION ORDER**

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Date: February 5, 2008.

1. Respondent was issued license number 01713 to practice medicine and surgery in Iowa on July 7, 1978.
2. Respondent's Iowa medical license is active and will expire on January 1, 2010.
3. On January 18, 2001, the Board filed formal disciplinary charges against Respondent alleging that he inappropriately engaged in a sexual relationship with a patient between 1994 and January 1998.
4. On January 18, 2001, Respondent entered into a Settlement Agreement with the Board to resolve the pending disciplinary charges and Respondent's Iowa medical license was indefinitely suspended.
5. On January 13, 2003, the Board reinstated Respondent's Iowa medical license and he was placed on indefinite probation subject to certain terms and conditions. Respondent was also **permanently prohibited** from treating any patient without having a Board-approved healthcare professional chaperone present and from providing counseling or psychotherapy services.

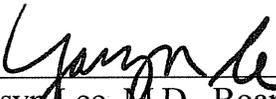
6. On January 17, 2008, the Board voted to terminate the terms and conditions of Respondent's probation.

7. Respondent is **permanently prohibited** from treating any patient without having a Board-approved healthcare professional chaperone present. The healthcare professional chaperone shall be continually present when the Respondent is interacting with any patient, the patient's family members or any other patient representative, while in a healthcare provision setting. The chaperone shall document his/her continued presence in each patient's chart.

8. Respondent is **permanently prohibited** from providing counseling or psychotherapy services, including but not limited to providing treatment for eating disorders, providing family, marital and individual counseling, or providing other mental health services not within the ordinary range of services provided by a family practitioner.

**THEREFORE IT IS HEREBY ORDERED** that the terms and conditions of probation placed upon Respondent's Iowa medical license are terminated. However, Respondent must fully comply with the permanent prohibitions discussed in paragraphs 7 and 8 above.

**IOWA BOARD OF MEDICINE**

  
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Yasya Lee, M.D., Board Chairperson  
400 SW 8<sup>th</sup>, Suite C  
Des Moines, Iowa 50309-4686

**BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA**

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

**TERRY L. SPRAGUE, D.O., RESPONDENT**

**File No. 03-00-484**

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**AMENDED ORDER**

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Date: March 18, 2004.

1. On January 20, 2004, Respondent filed a request with the Board seeking certain amendments to the Final Order On Rehearing issued by the Board in the above entitled matter on February 13, 2003.

2. On March 18, 2004, the Board considered Respondent's requests and voted to authorize the certain amendments to the Order.

**THEREFORE IT IS HEREBY ORDERED:**

3. That the following amendments be made to Paragraphs 4 and 5 of the February 13, 2003, Final Order on Rehearing:

A. Respondent shall receive treatment from his therapist, Dr. Nicholas Tormey, Ph.D., or another Board-approved therapist, at least once per month.

B. Respondent shall no longer be required to attend joint marital counseling as recommended by his treating physicians/counselors.

**IOWA BOARD OF MEDICAL EXAMINERS**

*Dale R. Holdiman MD*

Dale R. Holdiman, M.D., Chairperson  
400 SW 8<sup>th</sup>, Suite C  
Des Moines, Iowa 50309-4686

**BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA**

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<b>IN THE MATTER OF</b>	)	<b>DIA NO: 02DPHMB021</b>
<b>THE STATEMENT OF CHARGES</b>	)	<b>CASE NO: 03-00-484</b>
<b>AGAINST:</b>	)	
	)	<b>FINAL ORDER ON REHEARING</b>
<b>TERRY L. SPRAGUE, D.O.</b>	)	
	)	<b>FINDINGS OF FACT,</b>
<b>RESPONDENT</b>	)	<b>CONCLUSIONS OF LAW,</b>
	)	<b>DECISION AND ORDER</b>

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**TO: TERRY L. SPRAGUE, D.O.**

On December 12, 2002 at 1:30 p.m., a hearing was held before the Iowa Board of Medical Examiners (Board) concerning the request for reinstatement filed by Terry L. Sprague, D.O. (Respondent). The hearing was held in the Board Conference Room, 400 SW 8th Street, Des Moines, Iowa. The Respondent appeared and was represented by his counsel, Brent Rosenberg. The state was represented by Theresa O'Connell Weeg, Assistant Attorney General. The following members of the Board presided at the hearing: Dale Holdiman, M.D., Chairperson; Susan Johnson, M.D.; Carole Frier, D.O.; Bruce Hughes, M.D.; John Brinkman, M.D.; and Janece Valentine, public member. Margaret LaMarche, Administrative Law Judge from the Iowa Department of Inspections and Appeals, assisted the Board in conducting the hearing. The hearing was closed to the public, at the Respondent's request, pursuant to Iowa Code section 272C.6(1). The hearing was recorded by a certified court reporter.

The Board issued its Findings of Fact, Conclusions of Law, Decision and Order on January 13, 2003. On January 24, 2003, the Respondent filed a Motion for Additional Time To Comply With Certain Provisions. On February 3, 2003, the Respondent filed a timely Application for Rehearing to Clarify Certain Provisions of the Order. The State filed a Response, and the Board issued a Rehearing Order, scheduling a hearing on the Application for February 6, 2003 at 12:30 p.m. Theresa O'Connell Weeg appeared on behalf of the state of Iowa. Brent Rosenberg appeared on behalf of the Respondent. The following members of the Board were present for the hearing on the Application for Rehearing: Dale Holdiman, M.D., Chairperson; Carole Frier, D.O.; Mary

Hoppa, M.D.; Bruce Hughes, M.D.; John Brinkman, M.D.; Janece Valentine and Michael Byrne, public members. The hearing was closed to the public, pursuant to Iowa Code section 272C.6(1). The record was recorded by a certified court reporter. The Respondent submitted Rehearing Exhibit 1 in support of the Application. The State submitted Rehearing Exhibit A. After hearing the oral arguments of the attorneys, the Board convened in closed executive session, pursuant to Iowa Code section 21.5(1)(f), to deliberate its decision. The Board directed the administrative law judge to draft its decision, in conformance with the deliberations.

By this Final Order, the Board grants the Respondent additional time to comply with the provisions of its Order. The Board has denied the Respondent's request to modify the permanent prohibition requiring a chaperone for all patients [Order, paragraph 2]. The Board has granted the Respondent's request to modify the probation provisions relating to mediated therapy [Order, paragraph 5(d)] and the probation provisions related to disclosing information to other parties [Order, paragraphs 6, 7, 9]

#### **THE RECORD**

The record includes the Notice of Hearing, the testimony of the witnesses, Respondent Exhibits A and B, State Exhibits 1-16, Findings of Fact, Conclusions of Law, Decision and Order issued 1/13/03, Respondent's Motion for Additional Time, Respondent's Application for Rehearing, Response to Application for Rehearing, and Rehearing Exhibits A and 1.

#### **FINDINGS OF FACT**

1. The Respondent was issued Iowa medical license number 01713 on July 7, 1978, and is a family physician with a clinic in Audubon, Iowa. From 1995 to 1999, the Respondent engaged in an inappropriate sexual relationship with a female patient. The Respondent agreed to provide counseling for this patient, even though as a family practitioner he had no special training as a counselor. The patient filed a complaint with the Board in May 2000.

On January 18, 2001, the Board filed a Statement of Charges against the Respondent charging him with unethical conduct when he engaged in an inappropriate sexual relationship with a patient (Count I), and unethical or unprofessional conduct when he entered into an inappropriate agreement with a patient (Count II). (Testimony of Respondent; States Exhibit 1, 3-5)

2. The Respondent entered into a Settlement Agreement and Final Order with the Board on October 18, 2001, to resolve the pending disciplinary charges. Pursuant to the Settlement Agreement, the Respondent admitted to engaging in an inappropriate sexual relationship with a patient and the allegations in Count II were dismissed. At the direction of the Board, the Respondent completed a comprehensive professional sexual misconduct evaluation under the direction of Gene G. Abel, M.D. at the Behavioral Medicine Institute of Atlanta. The Respondent agreed to fully comply with Dr. Abel's recommendations for treatment and any recommendations made by Dr. Abel following treatment.

On December 1, 2001, the Respondent's Iowa medical license was **indefinitely suspended** and the Settlement Agreement prevented the Respondent from seeking reinstatement of his medical license for at least six months. Respondent was also permanently prohibited from treating any patient without having a Board-approved chaperone continually present and is required to document the chaperone's continued presence in each patient's chart. Further, the Respondent is permanently prohibited from providing counseling or psychotherapy services, including but not limited to, providing treatment for eating disorders, providing family, marital and individual counseling, or providing other mental health services not within the ordinary range of services provided by a family practitioner. Finally, the Board issued the Respondent a Citation and Warning and assessed a \$5,000 civil penalty for engaging in unethical conduct. (State Exhibit 2)

3. At the conclusion of the professional sexual misconduct evaluation, Dr. Abel recommended that the Respondent participate in at least two months of intensive cognitive-behavioral treatment with a strong relapse prevention component. Dr. Abel noted in his August 27, 2001, report that the Respondent had engaged in an inappropriate sexual relationship on at least two separate occasions and that the Respondent had engaged in an

ongoing sexual relationship with at least one previous patient. The Respondent's sexual misconduct with both patients continued over months and years. Dr. Abel concluded that the Respondent's treatment must address the cognitive distortions that allow him to rationalize and justify his inappropriate sexual conduct with patients. Dr. Abel further concluded that the Respondent had a severe misunderstanding of the ethical principles involved and the inappropriateness of his actions. Dr. Abel also referred the Respondent for further neuropsychological testing. (Testimony of Gene Abel, M.D.; State Exhibit 13)

4. The Respondent received cognitive-behavioral therapy at Behavioral Medicine Institute of Atlanta (BMI) from September 20, 2001 until January 17, 2002. His treatment included ammonia aversion therapy, victim empathy, cognitive restructuring, anger management, assertiveness training, relapse prevention, education regarding sexual harassment and professional sexual misconduct, and individual psychodynamic psychotherapy. Dr. Abel referred the Respondent to Nicholas Tormey, Ph.D., a psychotherapist in Des Moines, Iowa, for further therapy. (Testimony of Gene Abel, M.D.; State Exhibit 14)

5. Beginning on January 21, 2002 and continuing through February 18, 2002, the Respondent participated in three-hour weekly therapy sessions with Dr. Tormey. The sessions were then reduced to two-hour monthly sessions, in addition to monthly Physician Treatment Group sessions. At hearing it was learned that the Respondent had not shared a copy of Dr. Abel's evaluation and/or treatment reports with Dr. Tormey during this period of therapy. The Respondent indicated that he was not aware that Dr. Tormey needed these reports and that the reports were withheld due to concerns about possible criminal prosecution.

In a report dated September 9, 2002, Dr. Tormey indicated that he intended to continue to see the Respondent for one 50-minute individual session and one two-hour group session each month. Dr. Tormey also recommends that the Respondent and his victim participate in some type of mediated counseling. The Victim Offender Reconciliation Program (VORP) was specifically discussed at the hearing, and Dr. Tormey is willing to participate in this type of therapy.

Both Dr. Abel and Dr. Tormey believe that the Respondent is able to return to the practice of medicine so long as there are conditions and safeguards in place to monitor his practice. In Dr. Abel's opinion, the Respondent should be required to remain in therapy for as long as he practices medicine.

Both Dr. Abel and Dr. Tormey recommend that the Respondent use three survey forms in his practice: Principles of Medical Practice, a Staff Surveillance Form, and a Patient Satisfaction Survey. The Principles of Medical Practice are to be handed out to every patient and clearly displayed above the Respondent's desk and in each exam room where he examines patients. The Staff Surveillance Forms are to be completed once a month by three staff members. The Patient Satisfaction Survey is to be completed once every three months by all patients seen in a one-week interval. They are to be handed out by staff and returned directly to Dr. Tormey.

In addition to ongoing monthly individual and group therapy sessions, Dr. Tormey recommends that the Respondent and his wife receive marital therapy from another therapist. Dr. Tormey indicated his willingness to serve as the Respondent's supervising therapist. Both Dr. Abel and Dr. Tormey recommend that the Respondent continue to have polygraphs every six months. In addition, the Respondent should have a local physician supervising his practice. (Testimony of Nicholas Tormey, Ph.D.; Gene Abel, M.D.; State Exhibit 15)

#### **CONCLUSIONS OF LAW**

The Iowa Administrative Code provides that any person whose license to practice medicine and surgery has been revoked or suspended by the Board may apply to the Board for reinstatement in accordance with the terms and conditions of the order of revocation or suspension. 653 IAC 12.40.

If the order of revocation or suspension did not establish terms and conditions upon which reinstatement might occur, an initial application for reinstatement may not be made until one year has elapsed from the date of the director's order or the date of voluntary surrender. 653 IAC 12.40(1).

An application for reinstatement shall allege facts which, if established, will be sufficient to enable the board to determine

that the basis for the revocation or suspension of the respondent's license no longer exists and that it will be in the public interest for the license to be reinstated. The burden of proof to establish such facts shall be on the respondent. 653 IAC 12.40(3).

An order of reinstatement shall be based upon a decision which incorporates findings of facts and conclusions of law, and must be based upon the affirmative vote of not fewer than six members of the board. The order for reinstatement shall be published as provided in subrule 12.39. 653 IAC 12.40(4).

The Board noted that the Respondent engaged in an extremely serious violation of his professional ethics which led to the indefinite suspension of his medical license, however, the Board concluded that the preponderance of the evidence established that the Respondent is now able to return to the practice of medicine so long as there are conditions and safeguards in place to monitor his medical practice. While the Respondent has always admitted his sexual relationship with the patient, prior to therapy he failed to accept full responsibility for his actions and clearly did not appreciate or acknowledge the enormity of his professional violation of this vulnerable patient. The Respondent now acknowledges that as a physician, he was solely responsible for his unprofessional and unethical conduct.

The Respondent has complied with all of the requirements established in the Settlement Agreement entered into with the Board and both of his therapists agree that he is ready to resume the practice of medicine. It is in the public interest for his license to be reinstated, subject to monitoring and terms of probation.

#### **ORDER**

**IT IS THEREFORE ORDERED**, that the Respondent's Iowa medical license be **REINSTATED** and shall immediately be placed on **indefinite probation** subject to the following terms and conditions:

1. Within 14 days of receipt of this Order, the Respondent shall contact the Coordinator of Monitoring Programs, Iowa Board of Medical Examiners, 400 SW 8<sup>th</sup>

Street, Suite C, Des Moines, IA 50309-4686, Ph. #515-281-6491, to establish a monitoring program.

2. The Respondent is **permanently prohibited** from treating any patient without having a Board-approved healthcare professional chaperone present. The healthcare professional chaperone shall be continually present when the Respondent is interacting with any patient, the patient's family members or any other patient representative, while in a healthcare provision setting. The chaperone shall document his/her continued presence in each patient's chart.

3. The Respondent is **permanently prohibited** from providing counseling or psychotherapy services, including but not limited to providing treatment for eating disorders, providing family, marital and individual counseling, or providing other mental health services not within the ordinary range of services provided by a family practitioner.

4. The Respondent shall continue to receive treatment from his therapist, Dr. Nicholas Tormey, Ph.D., or another Board approved therapist, at a frequency of at least 3 times a month, unless a different schedule is recommended by his therapist and approved by the Board. Treatment shall include individual and group therapy, as recommended by his therapist and approved by the Board.

a) As a condition of approval, the Board-approved therapist must agree to submit written quarterly reports to the Board concerning Respondent's progress in treatment and shall include a summary of the Patient Satisfaction Surveys completed by patients in Respondent's practice, as set forth in subparagraph 5(a) below. Quarterly reports shall be submitted to the Board office by January 20, April 20, July 20 and October 20 of each year of the Respondent's probation.

b) Respondent shall sign all necessary releases of information forms to ensure a free flow of information between his Board-approved therapist and the Board.

c) Respondent shall continue counseling until discharged by the Board-approved therapist and until Respondent's discharge is approved by the Board.

5. The Respondent shall fully comply with all recommendations made by Dr. Abel and by Dr. Tormey as part of his continuing sexual misconduct treatment including, but not limited to:

a) The Respondent shall utilize the Principles of Medical Ethics, Staff Surveillance Forms and Patient Satisfaction Surveys in his practice. The Respondent shall ensure that for a one-week period each month, all patients seen by the Respondent complete a Patient Satisfaction Survey. The form is to be distributed to patients by staff, not Respondent, and mailed to his Board-approved therapist by staff, not Respondent by the first of the following month. The Board-approved therapist shall share any concerns raised as the result of the Patient Satisfaction Surveys with Deb Anglin, the worksite monitor, and the administrative director and nursing director as discussed below.

b) The Respondent shall submit to polygraph examinations every six months as approved by the Board;

c) The Respondent shall participate in marital therapy as recommended by his therapists and approved by the Board;

d) The Respondent shall participate in Board-approved mediated therapy with the victim in this matter, and shall pay all expenses associated with mediated therapy. The Respondent's participation in the program sponsored by the Center for Creative Justice in Ames, Iowa will satisfy this requirement. Dr. Tormey shall participate in this mediated therapy to the extent permitted by the Center for Creative Justice program.

6. Within 14 days of receipt of this Order, Respondent shall provide the Board with the name, address and telephone number of the administrative director and the director of nursing at all current and future hospitals, clinics and other healthcare facilities where Respondent practices medicine under his Iowa medical license. The Board will provide the administrative director and the

nursing director with all Board Orders relating to the Respondent's discipline. The Board will also provide a one-page document summarizing the restrictions placed on the Respondent's medical license. [See Attachment A]. The administrative director and nursing director shall provide a written statement indicating that they have read the Board Orders and agree to inform the Board immediately if there is any evidence of inappropriate sexual behavior, professional misconduct, a violation of the terms of this Final Order, or a violation of any of the laws and rules governing the practice of medicine in Iowa.

7. Within 14 days of receipt of this Order, the Respondent shall submit to the Board for approval, the name of a physician who regularly observes and/or supervises Respondent in his practice setting to serve as the Respondent's worksite monitor. The Board will provide the worksite monitor with all Board Orders relating to the Respondent's discipline and the Board's summary of the restrictions placed on his medical license. The worksite monitor shall provide a written statement indicating that he/she has read the Board Orders and agrees to inform the Board immediately if there is any evidence of inappropriate sexual behavior, professional misconduct, a violation of the terms of this Final Order, or a violation of any of the laws and rules governing the practice of medicine in Iowa. As a condition of approval, the worksite monitor shall agree to submit written quarterly reports to the Board concerning the Respondent's compliance with this Order. The reports shall be filed with the Board not later than January 20, April 20, July 20 and October 20 of each year of Respondent's probation.

8. The Respondent shall limit his scheduled clinic hours to forty hours each week.

9. Within 14 days of receipt of this Order, the Respondent shall provide the Board with the names of all persons providing chaperone services for him and all nursing and administration staff at all facilities where Respondent practices medicine under his Iowa medical license. The Respondent shall thereafter provide the Board the name(s) of any and all new chaperones, nursing or administration staff within 48 hours of their joining the

staff. The Board will provide all of these persons with a copy of all Board Orders and the Board's summary of the restrictions on the Respondent's license. The chaperones, nursing, and administrative staff persons shall provide a written statement to the Board indicating that they have read the Board Orders and agree to inform the Board immediately if there is any evidence of inappropriate sexual behavior, professional misconduct, a violation of the terms of this Final Order, or a violation of any of the laws and rules governing the practice of medicine in Iowa.

10. Respondent shall file sworn quarterly reports with the Board attesting to his compliance with all terms and conditions of his probation, including attendance at meetings with his therapist. The reports shall be filed not later than January 10, April 10, July 10, and October 10 of each year of Respondent's probation.

11. The Respondent shall make appearances before the Board or a Board committee annually or upon request. Respondent shall be given reasonable notice of the date, time, and location for the appearances.

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

13. If the Respondent leaves Iowa to reside or practice outside the state, Respondent shall notify the Board in writing of the dates of departure and return.

14. If the 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, 272C, and 653 IAC 12.2.

Dated this 13<sup>th</sup> day of February , 2003.

*Dale R. Holdiman MD*

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Dale R. Holdiman, M.D., Chairperson  
Iowa Board of Medical Examiners

cc: Theresa O'Connell Weeg, Assistant Attorney General  
Brent Rosenberg, Attorney for the Respondent

Judicial review of the board's action may be sought in accordance with the terms of the Iowa administrative procedure Act, from and after the date of this order.

## ATTACHMENT A

### SUMMARY OF BOARD RESTRICTIONS ON DR. SPRAGUE'S MEDICAL LICENSE

1. **Permanently** prohibited from treating **any** patient unless a Board-approved professional chaperone is present. The chaperone must be continually present when Dr. Sprague is interacting in a healthcare setting with any patient, the patient's family members, or any other patient representative. The **chaperone must document** his/her continued presence in each patient's chart.

2. **Permanently** prohibited from providing counseling or psychotherapy services, including but not limited to providing treatment for eating disorders, providing family, marital and individual counseling, or providing other mental health services not within the ordinary range of services provided by a family practitioner.

3. Dr. Sprague's medical license is on indefinite probation, subject to conditions. As a co-worker, you should be familiar with the following conditions of his probation:

- Dr. Sprague is required to use three survey forms in his practice: Principles of Medical Ethics, Staff Surveillance Forms and Patient Satisfaction Surveys.

The Principles of Medical Practice must be handed out to every patient and clearly displayed above Dr. Sprague's desk and in each exam room where he examines patients. Three staff members must complete the Staff Surveillance Forms once a month. For a one-week period each month, all of Dr. Sprague's patients must complete a Patient Satisfaction Survey. Staff (not Dr. Sprague) must distribute the form to patients and promptly mail the completed forms to Dr. Sprague's Board-approved therapist.

- The administrative director, director of nursing, all persons serving as chaperones, and all administration and nursing staff at all hospitals, clinics, or other health care facilities in Iowa where Dr. Sprague practices medicine must be given copies of all Board Orders. They must verify to the Board, in writing, that they have read the Board Orders and agree to inform the Board immediately if there is any evidence of inappropriate sexual behavior, professional misconduct, a violation of the terms of the Board's Final Order, or a violation of any of the laws and rules governing the practice of medicine in Iowa by Dr. Sprague.

Dr. Sprague is also required to have a Board-approved worksite monitor who is a physician. The worksite monitor is subject to the same reporting requirements described in the above paragraph.

- Dr. Sprague must limit his scheduled clinic hours to 40 hours each week.

**BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF IOWA**

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<b>IN THE MATTER OF</b>	)	<b>DIA NO: 02DPHMB021</b>
<b>THE STATEMENT OF CHARGES</b>	)	<b>CASE NO: 03-00-484</b>
<b>AGAINST:</b>	)	
	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW,</b>
<b>TERRY L. SPRAGUE, D.O.</b>	)	<b>DECISION AND ORDER</b>
	)	
<b>RESPONDENT</b>	)	

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**TO: TERRY L. SPRAGUE, D.O.**

On December 12, 2002 at 1:30 p.m., a hearing was held before the Iowa Board of Medical Examiners (Board) concerning the request for reinstatement filed by Terry L. Sprague, D.O. (Respondent). The hearing was held in the Board Conference Room, 400 SW 8th Street, Des Moines, Iowa. The Respondent appeared and was represented by his counsel, Brent Rosenberg. The state was represented by Theresa O'Connell Weeg, Assistant Attorney General. The following members of the Board presided at the hearing: Dale Holdiman, M.D., Chairperson; Susan Johnson, M.D.; Carole Frier, D.O.; Bruce Hughes, M.D.; John Brinkman, M.D.; and Janece Valentine, public member. Margaret LaMarche, Administrative Law Judge from the Iowa Department of Inspections and Appeals, assisted the Board in conducting the hearing. The hearing was closed to the public, at the Respondent's request, pursuant to Iowa Code section 272C.6(1). The hearing was recorded by a certified court reporter.

After hearing the testimony and examining the exhibits, the Board convened in closed executive session, pursuant to Iowa Code section 21.5(1)(f)(2001), to deliberate their decision.

**THE RECORD**

The record includes the Notice of Hearing, the testimony of the witnesses, Respondent Exhibits A and B, State Exhibits 1-16.

**FINDINGS OF FACT**

1. The Respondent was issued Iowa medical license number 01713 on July 7, 1978, and is a family physician with a clinic in Audubon, Iowa. From 1995 to 1999, the Respondent engaged in an inappropriate sexual relationship with a female patient. The Respondent agreed to provide counseling for this patient, even though as a family practitioner he had no special training as a counselor. The patient filed a complaint with the Board in May 2000.

On January 18, 2001, the Board filed a Statement of Charges against the Respondent charging him with unethical conduct when he engaged in an inappropriate sexual relationship with a patient (Count I), and unethical or unprofessional conduct when he entered into an inappropriate agreement with a patient (Count II). (Testimony of Respondent; States Exhibit 1, 3-5)

2. The Respondent entered into a Settlement Agreement and Final Order with the Board on October 18, 2001, to resolve the pending disciplinary charges. Pursuant to the Settlement Agreement, the Respondent admitted to engaging in an inappropriate sexual relationship with a patient and the allegations in Count II were dismissed. At the direction of the Board, the Respondent completed a comprehensive professional sexual misconduct evaluation under the direction of Gene G. Abel, M.D. at the Behavioral Medicine Institute of Atlanta. The Respondent agreed to fully comply with Dr. Abel's recommendations for treatment and any recommendations made by Dr. Abel following treatment.

On December 1, 2001, the Respondent's Iowa medical license was **indefinitely suspended** and the Settlement Agreement prevented the Respondent from seeking reinstatement of his medical license for at least six months. Respondent was also permanently prohibited from treating any patient without having a Board-approved chaperone continually present and is required to document the chaperone's continued presence in each patient's chart. Further, the Respondent is permanently prohibited from providing counseling or psychotherapy services, including but not limited to, providing treatment for eating disorders, providing family, marital and individual counseling, or providing other mental health services not within the ordinary range of services provided by a family practitioner. Finally,

the Board issued the Respondent a Citation and Warning and assessed a \$5,000 civil penalty for engaging in unethical conduct. (State Exhibit 2)

3. At the conclusion of the professional sexual misconduct evaluation, Dr. Abel recommended that the Respondent participate in at least two months of intensive cognitive-behavioral treatment with a strong relapse prevention component. Dr. Abel noted in his August 27, 2001, report that the Respondent had engaged in an inappropriate sexual relationship on at least two separate occasions and that the Respondent had engaged in an ongoing sexual relationship with at least one previous patient. The Respondent's sexual misconduct with both patients continued over months and years. Dr. Abel concluded that the Respondent's treatment must address the cognitive distortions that allow him to rationalize and justify his inappropriate sexual conduct with patients. Dr. Abel further concluded that the Respondent had a severe misunderstanding of the ethical principles involved and the inappropriateness of his actions. Dr. Abel also referred the Respondent for further neuropsychological testing. (Testimony of Gene Abel, M.D.; State Exhibit 13)

4. The Respondent received cognitive-behavioral therapy at Behavioral Medicine Institute of Atlanta (BMI) from September 20, 2001 until January 17, 2002. His treatment included ammonia aversion therapy, victim empathy, cognitive restructuring, anger management, assertiveness training, relapse prevention, education regarding sexual harassment and professional sexual misconduct, and individual psychodynamic psychotherapy. Dr. Abel referred the Respondent to Nicholas Tormey, Ph.D., a psychotherapist in Des Moines, Iowa, for further therapy. (Testimony of Gene Abel, M.D.; State Exhibit 14)

5. Beginning on January 21, 2002 and continuing through February 18, 2002, the Respondent participated in three-hour weekly therapy sessions with Dr. Tormey. The sessions were then reduced to two-hour monthly sessions, in addition to monthly Physician Treatment Group sessions. At hearing it was learned that the Respondent had not shared a copy of Dr. Abel's evaluation and/or treatment reports with Dr. Tormey during this period of therapy. The Respondent indicated that he was not aware that Dr. Tormey needed these reports and that the reports were withheld due to concerns about possible criminal prosecution.

In a report dated September 9, 2002, Dr. Tormey indicated that he intended to continue to see the Respondent for one 50-minute individual session and one two-hour group session each month. Dr. Tormey also recommends that the Respondent and his victim participate in some type of mediated counseling. The Victim Offender Reconciliation Program (VORP) was specifically discussed at the hearing, and Dr. Tormey is willing to participate in this type of therapy.

Both Dr. Abel and Dr. Tormey believe that the Respondent is able to return to the practice of medicine so long as there are conditions and safeguards in place to monitor his practice. In Dr. Abel's opinion, the Respondent should be required to remain in therapy for as long as he practices medicine.

Both Dr. Abel and Dr. Tormey recommend that the Respondent use three survey forms in his practice: Principles of Medical Practice, a Staff Surveillance Form, and a Patient Satisfaction Survey. The Principles of Medical Practice are to be handed out to every patient and clearly displayed above the Respondent's desk and in each exam room where he examines patients. The Staff Surveillance Forms are to be completed once a month by three staff members. The Patient Satisfaction Survey is to be completed once every three months by all patients seen in a one-week interval. They are to be handed out by staff and returned directly to Dr. Tormey.

In addition to ongoing monthly individual and group therapy sessions, Dr. Tormey recommends that the Respondent and his wife receive marital therapy from another therapist. Dr. Tormey indicated his willingness to serve as the Respondent's supervising therapist. Both Dr. Abel and Dr. Tormey recommend that the Respondent continue to have polygraphs every six months. In addition, the Respondent should have a local physician supervising his practice. (Testimony of Nicholas Tormey, Ph.D.; Gene Abel, M.D.; State Exhibit 15)

#### **CONCLUSIONS OF LAW**

The Iowa Administrative Code provides that any person whose license to practice medicine and surgery has been revoked or suspended by the Board may apply to the Board for reinstatement in accordance with the terms and conditions of the order of revocation or suspension. 653 IAC 12.40.

If the order of revocation or suspension did not establish terms and conditions upon which reinstatement might occur, an initial application for reinstatement may not be made until one year has elapsed from the date of the director's order or the date of voluntary surrender. 653 IAC 12.40(1).

An application for reinstatement shall allege facts which, if established, will be sufficient to enable the board to determine that the basis for the revocation or suspension of the respondent's license no longer exists and that it will be in the public interest for the license to be reinstated. The burden of proof to establish such facts shall be on the respondent. 653 IAC 12.40(3).

An order of reinstatement shall be based upon a decision which incorporates findings of facts and conclusions of law, and must be based upon the affirmative vote of not fewer than six members of the board. The order for reinstatement shall be published as provided in subrule 12.39. 653 IAC 12.40(4).

The Board noted that the Respondent engaged in an extremely serious violation of his professional ethics which led to the indefinite suspension of his medical license, however, the Board concluded that the preponderance of the evidence established that the Respondent is now able to return to the practice of medicine so long as there are conditions and safeguards in place to monitor his medical practice. While the Respondent has always admitted his sexual relationship with the patient, prior to therapy he failed to accept full responsibility for his actions and clearly did not appreciate or acknowledge the enormity of his professional violation of this vulnerable patient. The Respondent now acknowledges that as the physician, he was solely responsible for his unprofessional and unethical conduct.

The Respondent has complied with all of the requirements established in the Settlement Agreement entered into with the Board and both of his therapists agree that he is ready to resume the practice of medicine. It is in the public interest for his license to be reinstated, subject to monitoring and terms of probation.

**ORDER**

**IT IS THEREFORE ORDERED**, that the Respondent's Iowa medical license be **REINSTATED** and shall immediately be placed on **indefinite probation** subject to the following terms and conditions:

1. Within 7 days of the date of this Order, the Respondent shall contact the Coordinator of Monitoring Programs, Iowa Board of Medical Examiners, 400 SW 8<sup>th</sup> Street, Suite C, Des Moines, IA 50309-4686, Ph. #515-281-6491, to establish a monitoring program.

2. The Respondent is **permanently prohibited** from treating any patient without having a Board-approved healthcare professional chaperone present. The healthcare professional chaperone shall be continually present when the Respondent is interacting with any patient, the patient's family members or any other patient representative, while in a healthcare provision setting. The chaperone shall document his/her continued presence in each patient's chart.

3. The Respondent is **permanently prohibited** from providing counseling or psychotherapy services, including but not limited to providing treatment for eating disorders, providing family, marital and individual counseling, or providing other mental health services not within the ordinary range of services provided by a family practitioner.

4. The Respondent shall continue to receive treatment from his therapist, Dr. Nicholas Tormey, Ph.D., or another Board approved therapist, at a frequency of at least 3 times a month, unless a different schedule is recommended by his therapist and approved by the Board. Treatment shall include individual and group therapy, as recommended by his therapist and approved by the Board.

a) As a condition of approval, the Board-approved therapist must agree to submit written quarterly reports to the Board concerning Respondent's progress in treatment and shall include a summary of the Patient Satisfaction Surveys completed by patients in Respondent's practice, as set forth in subparagraph

5(a) below. Quarterly reports shall be submitted to the Board office by January 20, April 20, July 20 and October 20 of each year of the Respondent's probation.

b) Respondent shall sign all necessary releases of information forms to ensure a free flow of information between his Board-approved therapist and the Board.

c) Respondent shall continue counseling until discharged by the Board-approved therapist and until Respondent's discharge is approved by the Board.

5. The Respondent shall fully comply with all recommendations made by Dr. Abel and by Dr. Tormey as part of his continuing sexual misconduct treatment including, but not limited to:

a) The Respondent shall utilize the Principles of Medical Ethics, Staff Surveillance Forms and Patient Satisfaction Surveys in his practice. The Respondent shall ensure that for a one-week period each month, all patients seen by the Respondent complete a Patient Satisfaction Survey. The form is to be distributed to patients by staff, not Respondent, and mailed to his Board-approved therapist by staff, not Respondent by the first of the following month. The Board-approved therapist shall share any concerns raised as the result of the Patient Satisfaction Surveys with Deb Anglin, the worksite monitor, and the administrative director and nursing director as discussed below.

b) The Respondent shall submit to polygraph examinations every six months as approved by the Board;

c) The Respondent shall participate in marital therapy as recommended by his therapists and approved by the Board;

d) The Respondent shall participate in Board-approved mediated therapy with the victim in this matter. The Board recommends participating in the Victim Offender Reconciliation Program (VORP) if it is available.

6. Within 7 days of the date of this Order, Respondent shall provide the Board with the name, address and telephone number of the administrative director and the director of nursing at all current and future hospitals, clinics and other healthcare facilities where Respondent practices medicine under his Iowa medical license. The Respondent hereby gives the Board a release to share a copy of all investigative reports, peer review reports, evaluation and treatment reports and Board Orders relating to this matter with the chosen administrative director and the nursing director. The administrative director and nursing director shall provide a written statement indicating that they have read the material and agree to inform the Board immediately if there is any evidence of inappropriate sexual behavior, professional misconduct, a violation of the terms of this Settlement Agreement and Final Order or a violation of any of the laws and rules governing the practice of medicine in Iowa.

7. Within 7 days of the date of this Order, the Respondent shall submit to the Board for approval, the name of a physician who regularly observes and/or supervises Respondent in his practice setting to serve as the Respondent's worksite monitor. The Respondent hereby gives the Board a release to share a copy of all investigative reports, peer review reports, evaluation and treatment reports and Board Orders relating to this matter with the worksite monitor. The worksite monitor shall provide a written statement indicating that he/she has read the material and agrees to inform the Board immediately if there is any evidence of inappropriate sexual behavior, professional misconduct, a violation of the terms of this Settlement Agreement and Final Order or a violation of any of the laws and rules governing the practice of medicine in Iowa. As a condition of approval, the worksite monitor shall agree to submit written quarterly reports to the Board concerning the Respondent's compliance with this Order. The reports shall be filed with the Board not later than January 20, April 20, July 20 and October 20 of each year of Respondent's probation.

8. The Respondent shall limit his scheduled clinic hours to forty hours each week.

9. The Respondent hereby gives the Board a release to share a copy of all evaluation and treatment reports and Board Orders relating to this matter with the all current and future clinic staff personnel where Respondent practices medicine under his Iowa medical license. The Respondent shall provide the Board the name(s) of all new staff members within 48 hours of their joining the staff. Each staff member shall provide a written statement indicating that they have read the material and agree to inform the Board immediately if there is any evidence of inappropriate sexual behavior, professional misconduct a violation of the terms of this Settlement Agreement and Final Order or a violation of any of the laws and rules governing the practice of medicine in Iowa.

10. Respondent shall file sworn quarterly reports with the Board attesting to his compliance with all terms and conditions of his probation, including attendance at meetings with his therapist. The reports shall be filed not later than January 10, April 10, July 10, and October 10 of each year of Respondent's probation.

11. The Respondent shall make appearances before the Board or a Board committee annually or upon request. Respondent shall be given reasonable notice of the date, time, and location for the appearances.

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

13. If the Respondent leaves Iowa to reside or practice outside the state, Respondent shall notify the Board in writing of the dates of departure and return.

14. If the 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, 272C, and 653 IAC 12.2.

Dated this 13<sup>th</sup> day of January, 2003.

Dale R. Holdiman MD

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Dale R. Holdiman, M.D., Chairperson  
Iowa Board of Medical Examiners

cc: Theresa O'Connell Weeg, Assistant Attorney General  
Brent Rosenberg, Attorney for the Respondent

Judicial review of the board's action may be sought in accordance with the terms of the Iowa administrative procedure Act, from and after the date of this order.

**BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA**

\*\*\*\*\*

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

**TERRY L. SPRAGUE, D.O., RESPONDENT**

**No. 03-00-484**

\*\*\*\*\*

**SETTLEMENT AGREEMENT and FINAL ORDER**

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**COMES NOW** the Iowa Board of Medical Examiners (the Board), and Terry L. Sprague, D.O., (Respondent), on October 18, 2001, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into this Settlement Agreement and Final Order to resolve the contested case currently on file.

1. Respondent was issued license number 01713 to practice medicine and surgery in Iowa on July 7, 1978.
2. The license is current and will next expire on January 1, 2002.
3. A Statement of Charges was filed against Respondent on January 18, 2001, and is awaiting hearing.
4. The Board has jurisdiction over the parties and subject matter.
5. The Board hereby dismisses paragraph 4, Count II, of the Statement of Charges filed on January 18, 2001.

6. Respondent admits that he engaged in unethical and unprofessional conduct when he exploited the trust and influence derived from the physician/patient relationship by engaging in a sexual relationship with a patient.

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

8. Respondent recently completed a comprehensive professional sexual misconduct evaluation under the direction of Gene G. Abel, M.D., at the Behavioral Medicine Institute of Atlanta, 1401 Peachtree Street, Suite 140, Atlanta, Georgia, 30309.

9. Respondent agrees to fully comply with Dr. Abel's recommendations for treatment and any recommendations made by Dr. Abel following Respondent's evaluation and treatment for professional sexual misconduct.

10. Upon the Board's approval of this Settlement Agreement and Final Order, Respondent shall be assessed a civil penalty in the amount of \$5,000. The civil penalty shall be paid on or before December 1, 2001, payable to the Treasurer of Iowa, to the executive director of the Board. The civil penalty shall be deposited into the State General Fund.

11. Respondent's Iowa medical license shall be *indefinitely suspended*. Respondent shall be allowed until December 1, 2001, to obtain appropriate coverage for his medical practice to ensure necessary continuity of care for his patients. The indefinite suspension of Respondent's Iowa medical license shall commence on December 1, 2001. During the period of suspension Respondent shall not see or treat patients. In order to reinstate his medical

license, Respondent shall be subject to the license reinstatement provisions of section 148.9 of the Iowa Code (2001) and 653 IAC 12.40. Respondent shall not seek reinstatement of his Iowa medical license for at least six (6) months from the date of the suspension.

12. Immediately upon the date Respondent signs this Settlement Agreement and Final Order, Respondent shall be permanently prohibited from treating any patient without having a Board-approved chaperone continually present. The chaperone shall document his/her continued presence in each patient's chart.

13. Upon the Board's approval of this Order, Respondent shall be *permanently prohibited* from providing counseling or psychotherapy services, including but not limited to, providing treatment for eating disorders, providing family, marital and individual counseling, or providing other mental health services not within the ordinary range of services provided by a family practitioner.

14. In the event the Board determines Respondent's medical license shall be reinstated, Respondent's Iowa medical license shall be placed on *probation* for a period of five (5) years under certain terms and conditions, including but not limited to the following:

- a) Within 14 days of the date Respondent's license is reinstated, Respondent shall contact Coordinator of Monitoring Programs, Iowa Board of Medical Examiners, 400 SW 8<sup>th</sup> Street, Suite C, Des Moines, IA 50309-4686, Ph. #515-281-6491, to establish a monitoring program.
- b) Respondent shall fully comply with any other terms and conditions the Board deems appropriate upon reinstatement.

- c) Respondent shall comply with all recommendations made by Dr. Abel at the conclusion of Respondent's evaluation and treatment program for professional sexual misconduct.
- d) Within fourteen (14) days of the date Respondent's license is reinstated, Respondent shall submit for Board approval the name and curriculum vitae of a psychiatrist or counselor to provide continuing counseling for Respondent and to monitor Respondent's progress.
  - (1) As a condition of approval, the physician or counselor shall agree to submit written quarterly reports to the Board concerning Respondent's progress. The reports shall be filed with the Board not later than January 20, April 20, July 20 and October 20 of each year of Respondent's probation.
  - (2) Respondent shall continue with counseling until discharged by the Board-approved physician or counselor and until Respondent's discharge from counseling is approved by the Board.
  - (3) Respondent shall meet with his Board-approved physician or counselor at least once monthly.
- e) Within 14 days of the date Respondent's license is reinstated, Respondent shall submit to the Board for approval, the name of a physician who regularly observes and/or supervises Respondent in a practice setting to serve as Respondent's worksite monitor. The

worksite monitor shall provide the Board a written statement indicating he/she has read all Board Orders in this matter and the report provided at the conclusion of the professional sexual misconduct evaluation. The worksite monitor shall inform the Board immediately if there is any evidence of inappropriate sexual behavior, professional misconduct or a violation of the terms of this Settlement Agreement and Final Order. Respondent must provide the worksite monitor with a copy of all Board orders relating to this disciplinary action. As a condition of approval, the worksite monitor shall agree to submit written quarterly reports to the Board concerning Respondent's compliance with this Order. The reports shall be filed with the Board not later than January 20, April 20, July 20 and October 20 of each year of Respondent's probation.

- f) Respondent shall ensure that all current and future staff personnel provide the Board a written statement indicating that they have read and understand all Board Orders in this matter. Each staff person must indicate that they will inform the Board immediately if there is any evidence of inappropriate sexual behavior, professional misconduct or a violation of the terms of this Settlement Agreement and Final Order.
- g) Respondent shall file sworn quarterly reports with the Board attesting to his compliance with all the terms and conditions of this Settlement Agreement, including attendance at meetings with his counselor. The reports shall be filed not later than January 10, April 10, July 10 and

October 10 of each year of Respondent's probation.

- h) Respondent shall appear before a committee of the Board on December 12, 2001. The Board will provide prior written notice outlining the time and location of the Board appearance. Respondent shall make appearances before the Board or a Board committee 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 12.6(6)(d).

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

16. In the event Respondent leaves Iowa to reside or practice outside the state, Respondent shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside the state of Iowa will not apply to the duration of this Order.

17. In the event Respondent violates or fails to comply with any of the terms or conditions of this Settlement Agreement and Final 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. Upon full compliance with the terms of this Settlement Agreement and Final Order, and upon expiration of the period of probation, Respondent's Iowa medical license shall be restored to its full privileges free and clear of the terms of probation.

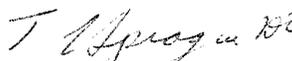
19. This Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

20. By entering into this Settlement Agreement and Final 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.

21. This Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.

22. This Settlement Agreement and Final Order is subject to approval of the Board. If the Board fails to approve this Settlement Agreement and Final Order, it shall be of no force or effect to either party.

23. The Board's approval of this Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.

  
Terry L. Sprague, D.O., Respondent

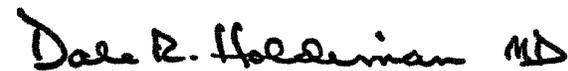
Subscribed and sworn to before me on 9/24, 2001.

Notary Public, State of Iowa



This Settlement Agreement and Final Order is approved by the Board on

October 18, 2001.



Dale R. Holdiman, M.D., Chairperson  
Iowa Board of Medical Examiners  
400 SW 8<sup>th</sup> Street, Suite C  
Des Moines, Iowa 50309-4686

cc: Theresa O'Connell-Weeg, Assistant Attorney General  
Brent Rosenberg, Attorney for Respondent

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT  
OF CHARGES AGAINST:

TERRY L. SPRAGUE D.O.  
  
Respondent.

CASE NO. 03-00-484  
DIA # 01DPHMB004

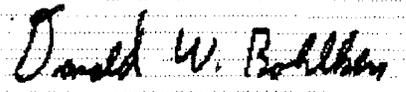
SCHEDULING ORDER FOR  
TELEPHONE HEARING ON THE STATE'S  
MOTION TO QUASH SUBPOENA

1. On this date, the undersigned received a motion to quash subpoena filed by the state. Attached to the motion is the Respondent's request for issuance of administrative subpoena.
2. A telephone hearing will be scheduled for 10:00 a.m. on Friday August 17, 2001 to hear argument on the motion to quash. The undersigned will telephone the attorneys at the time of the hearing.

**DECISION AND ORDER:**

THEREFORE, IT IS HEREBY ORDERED that a telephone hearing on the motion to quash will be held 10:00 a.m. on Friday August 17, 2001 to hear argument on the motion to quash. The undersigned will telephone the attorneys at the time of the hearing.

Dated this the 13th day of August 2001.



**DONALD W. BOHLKEN**  
Administrative Law Judge  
Department of Inspections and Appeals  
3rd Floor, Lucas Bldg.  
Des Moines, Iowa 50319-0083  
515-281-8469  
FAX: 515-281-4477

cc: Theresa Weeg, Assistant Attorney General  
(By FAX: 515-281-7551)

Brent D. Rosenberg  
(By FAX: 515-243-0583)

Board of Medical Examiners  
(By FAX: 515-281-8641)

**BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA**

\*\*\*\*\*

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

**TERRY L. SPRAGUE, D.O., RESPONDENT**

**No. 03-00-484**

\*\*\*\*\*

**STATEMENT OF CHARGES**

\*\*\*\*\*

**COMES NOW** the Iowa Board of Medical Examiners (the Board), on

January 18, 2001, and files this Statement of Charges against Terry L. Sprague, D.O., (Respondent), a physician licensed pursuant to Chapter 147 of the Code of Iowa and alleges:

1. Respondent was issued license number 01713 to practice medicine and surgery in Iowa on July 7, 1978. The license is current and will next expire on January 1, 2002.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.

**COUNT I**

3. Respondent is charged under Iowa Code section 147.55(3) (1999) and 653 IAC section 12.4(3) with engaging in unethical conduct when he engaged in a sexual relationship with a patient.

**COUNT II**

4. Respondent is charged under Iowa Code sections 147.55(30 and 272C.10(3) and 653 IAC sections 12.4(3) and (36) with engaging in unethical or unprofessional conduct when he entered into an inappropriate agreement with a patient.

## CIRCUMSTANCES

5. Respondent admitted engaging in a sexual relationship with a patient between 1994 and January 1998.

6. Respondent inappropriately entered in to an agreement with the patient in which Respondent agreed to compensate the patient on the condition that the patient not institute any kind claim or action, regarding the sexual relationship, in any federal, state or local agency or court.

**On this** the 18<sup>th</sup> day of January, 2001, the Iowa Board of Medical Examiners finds cause to file this Statement of Charges.

*Dale R. Holdiman MD*

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Dale R. Holdiman, M.D., Chair  
Iowa Board of Medical Examiners  
400 SW 8<sup>th</sup> Street, Suite C  
Des Moines, Iowa 50309-4686

c: Theresa O'Connell Weeg, Esq., Assistant Attorney General  
Presiding Administrative Law Judge  
Assigned Investigator  
Brent Rosenberg, Attorney for Respondent