

BEFORE THE IOWA BOARD OF MEDICINE

\*\*\*\*\*

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

KIMBERLY A. VERSTEEG, D.O., RESPONDENT

FILE No. 03-09-293

\*\*\*\*\*

TERMINATION ORDER

\*\*\*\*\*

Date: June 3, 2016.

1. Respondent was issued Iowa medical license No. 3547 on December 1, 2003.
2. Respondent's Iowa medical license is active and will next expire on September 1, 2016.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.
4. **Practice Setting:** Respondent is an Iowa-licensed physician who formerly practiced obstetrics and gynecology in Waverly and Waterloo, Iowa, and currently practices in International Falls, Minnesota.
5. **Statement of Charges:** On February 9, 2012, the Board filed formal disciplinary charges against Respondent alleging that she failed to conform to the minimal standard of acceptable and prevailing practice of medicine and surgery in her treatment of ten patients in Waverly, Iowa, between August 29, 2007, and February 18, 2009.

6. **Remediation:** Since this matter came to her attention, Respondent changed her practice setting and voluntarily completed additional mentoring and monitoring under the supervision of her new practice partners. The practice partners have indicated that Respondent has provided a high level of surgical care. Additionally, Respondent provided information to the Board which indicates that she completed significant training in pertinent surgical subjects.

7. **Settlement Agreement:** On October 5, 2012, Respondent entered into a Settlement Agreement with the Board to resolve the pending disciplinary charges. Under the terms of the October 5, 2012, Settlement Agreement, the Board issued Respondent a Citation and Warning and ordered her to pay a \$2,500 civil penalty. The Board also placed Respondent on probation for a period of five (5) years subject to certain terms and conditions, including a Board-approved practice monitoring program.

8. **Termination of Practice Monitoring Program:** On December 5, 2014, the Board concluded that Respondent has fully complied with the terms and conditions of her Board-approved practice monitoring program and terminated the practice monitoring program.

9. **Termination of Probation:** Recently, Respondent demonstrated that she has fully complied the terms of the October 5, 2012, Settlement Agreement. She has paid the \$5,000 civil penalty and has successfully completed her Board-approved practice monitoring program

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

*Diane L. Clark*

June 3, 2016

---

Diane L. Clark, R.N., M.A., 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

\*\*\*\*\*

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

KIMBERLY A. VERSTEEG, D.O., RESPONDENT

FILE No. 03-09-293

\*\*\*\*\*

AMENDED ORDER

\*\*\*\*\*

COMES NOW the Iowa Board of Medicine (Board), and on December 5, 2014, approves this Amended Order.

1. Respondent was issued Iowa medical license No. 3547 on December 1, 2003.
2. Respondent's Iowa medical license is active and will next expire on September 1, 2016.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.
4. **Practice Setting:** Respondent is an Iowa-licensed physician who currently practices obstetrics and gynecology in Waterloo, Iowa.
5. **Statement of Charges:** On February 9, 2012, the Board filed disciplinary charges against Respondent alleging that she failed to conform to the minimal standard of acceptable and prevailing practice of medicine and surgery in her treatment of ten patients in Waverly, Iowa, between August 29, 2007, and February 18, 2009.

6. **Settlement Agreement:** On October 5, 2012, Respondent entered into a Settlement Agreement with the Board to resolve the pending disciplinary charges. Under the terms of the October 5, 2012, Settlement Agreement, the Board issued Respondent a Citation and Warning and ordered her to pay a \$2,500 civil penalty. The Board also placed Respondent on probation for a period of five (5) years subject to certain terms and conditions including a Board-approved practice monitoring program.

7. **Termination of Practice Monitoring Program:** On December 5, 2014, the Board concluded that Respondent has fully complied with the terms and conditions placed on her Iowa medical license and voted to terminate the Board-approved practice monitoring program.

**THEREFORE IT IS HEREBY ORDERED:** that the Board-approved practice monitoring program is terminated. Respondent shall fully comply with the remaining terms and conditions established in the October 5, 2012, Settlement Agreement.

This Amended Order is approved by the Board on December 5, 2014.



---

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

**BEFORE THE IOWA BOARD OF MEDICINE**

\*\*\*\*\*

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

**KIMBERLY A. VERSTEEG, D.O., RESPONDENT**

**FILE No. 03-09-293**

\*\*\*\*\*

**SETTLEMENT AGREEMENT**

\*\*\*\*\*

**COMES NOW** the Iowa Board of Medicine (Board), and Kimberly A. VerSteeg, D.O., (Respondent), on October 5, 2012, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into this Settlement Agreement to resolve this matter.

**STATEMENT OF MATTERS ASSERTED**

1. Respondent was issued Iowa medical license No. 3547 on December 1, 2003.
2. Respondent's Iowa medical license is active and will next expire on September 1, 2012.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.
4. Respondent is an Iowa-licensed physician who practices obstetrics and gynecology in Waterloo, Iowa.

5. **STATEMENT OF CHARGES:** On February 9, 2012, the Board filed formal disciplinary charges against Respondent alleging that she failed to conform to the minimal standard of acceptable and prevailing practice of medicine and surgery in her treatment of ten patients in Waverly, Iowa, between August 29, 2007, and February 18, 2009.

6. **REMEDICATION:** Since this matter came to her attention, Respondent has changed her practice setting and voluntarily completed additional mentoring and monitoring under the supervision of her new practice partners. The practice partners have indicated that Respondent has provided a high level of surgical care. Additionally, Respondent provided information to the Board which indicates that she completed significant training in pertinent surgical subjects.

#### **SETTLEMENT AGREEMENT**

7. **CITATION AND WARNING:** Respondent is hereby **CITED** for failing to conform to the prevailing standard of care in her treatment of multiple patients between August 29, 2007 and February 18, 2009, in violation of the laws and rules governing the practice of medicine in Iowa. Respondent is hereby **WARNED** that failure to conform to the prevailing standard of care in the future may result in further disciplinary action.

8. **CIVIL PENALTY:** Respondent shall pay a **\$2,500 civil penalty**. The civil penalty shall be paid within twenty days of the date of this Order and shall be paid by delivery of a check or money order, payable to the Treasurer of Iowa, to the executive director of the Board. The civil penalty shall be deposited into the State General Fund.

9. **FIVE YEARS PROBATION:** Respondent shall be placed on probation for a period of five (5) years subject to the following terms and conditions:

- A. **Board Monitoring Program:** Within thirty (30) days of the date of this Order, Respondent shall establish a Board monitoring program with Mary Knapp, Compliance Monitor, Iowa Board of Medicine, 400 SW 8<sup>th</sup> Street, Suite C, Des Moines, IA 50309-4686, Ph.#515-281-5525. If Respondent fails to establish a Board monitoring program within thirty (30) days of the date of this Order or fails to fully comply with the Board monitoring plan, the Board will issue a notice to Respondent that the license will be suspended within thirty (30) days of the date the notice is served on Respondent. The suspension shall occur automatically and without further Board action, unless Respondent files with the Board a request for hearing on the notice within ten (10) days of the date the notice is served.
- B. **Practice Monitoring Program:** Within thirty (30) days of the date of this Order, Respondent shall fully comply with the written practice monitoring program agreed upon by the parties.
- 1) Respondent shall submit the name and CV of an Iowa-licensed, board-certified, obstetrician and gynecologist, to serve as practice monitor.
  - 2) The Board shall provide the practice monitor a copy of the practice monitoring plan and all other relevant Board material in this matter.
  - 3) The practice monitor shall provide a written statement indicating that the practice monitor has read and understands this order and agrees to serve as

the practice monitor under the terms of the practice monitoring plan. The practice monitor shall meet with Respondent regularly, review selected patients records, ensure that Respondent provides appropriate care and treatment to patients and engage in a quality improvement process. The practice monitor shall contact the Board immediately if there is evidence that Respondent has provided substandard medical care to patients. The practice monitor shall agree to submit written quarterly reports to the Board not later than 1/20, 4/20, 7/20 and 10/20 of each year of this order. The practice monitor may be asked to appear before the Board in-person, or by telephone or video conferencing. The practice monitor 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).

- 4) If Respondent fails to establish a practice monitoring program within thirty days of the date of this Order or fails to fully comply with the practice monitoring program, the Board will issue a notice to Respondent that the license will be suspended within thirty (30) days of the date the notice is served on Respondent. The suspension shall occur automatically and without further Board action, unless Respondent files with the Board a request for hearing on the notice within ten (10) days of the date the notice is served.

C. **Worksite Monitoring Program:** Within thirty days of the date of this Order, Respondent shall establish a worksite monitoring program.

- 1) Respondent shall submit for Board approval the name of a physician who regularly observes and/or supervises Respondent in the practice of medicine.
- 2) The Board shall provide a copy of all Board orders relating to this matter to the worksite monitor.
- 3) The worksite monitor shall provide a written statement indicating that they have read and understand this Order and agrees to serve under the terms of this Order. The worksite monitor shall agree to inform the Board immediately if there is evidence that Respondent has provided substandard medical care to patients or a violation of the terms of this Order. The worksite 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. The worksite monitor may be asked to appear before the Board in-person, or by telephone or video conferencing. The worksite monitor shall be given written notice of the date, time and location for the appearances. Such appearances shall be subject to the provisions of 653 IAC 24.2(5)(d).
- 4) If Respondent fails to establish a worksite monitoring program within thirty days of the date of this Order or fails to fully comply with the worksite

monitoring program, the Board will issue a notice to Respondent that the license will be suspended within thirty (30) days of the date the notice is served on Respondent. The suspension shall occur automatically and without further Board action, unless Respondent files with the Board a request for hearing on the notice within ten (10) days of the date the notice is served.

- D. **Quarterly Reports:** Respondent shall file sworn quarterly reports attesting to his compliance with 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.
- E. **Board Appearances:** Respondent agrees to appear before the Board annually or upon request for the duration of the period of probation. Respondent shall be given reasonable notice of the date, time and location for the appearances. Said appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(e)(3).
- F. **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 8<sup>th</sup> 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.

- G. After three years of successful completion of these terms of probation, Respondent may apply for early termination of probation.
10. Respondent voluntarily submits this Order to the Board for consideration.
11. This Order constitutes the resolution of a contested case proceeding.
12. By entering into this Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges and waives any objections to the terms of this Order.
13. In the event Respondent violates or fails to comply with any of the terms or conditions of this Order, the Board may initiate action to suspend or revoke Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code Chapters 148 and 272 and 653 IAC 12.2.
14. 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.
15. Pursuant to 653 IAC 21.6, if applicable, Respondent shall notify all physician assistant supervisees within one workday upon receiving disciplinary action from the Board or any other change in status that affects the physician's eligibility to supervise a physician assistant.

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

17. 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.

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

*Kimberly A. VerSteeg*

\_\_\_\_\_  
Kimberly A. VerSteeg, D.O., Respondent



Subscribed and sworn to before me on 9/28/, 2012.

Notary Public, State of Iowa. *Stephen D Lombardi*

This Order is approved by the Board on \_\_\_\_\_, 2012.

\_\_\_\_\_  
Hamed Tewfik, M.D., Secretary

Iowa Board of Medicine

400 SW 8<sup>th</sup> Street, Suite C

Des Moines, Iowa 50309-4686

This Order is approved by the Board on October 5, 2012.



---

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

Copies to:

Stephen D. Lombardi

1300 37<sup>th</sup> St., Suite 6

West Des Moines, IA 50266

Theresa O'Connell Weeg

Assistant Attorney General

Iowa Attorney General's Office

2<sup>nd</sup> Floor Hoover Bldg.

Des Moines, IA 50319

**BEFORE THE IOWA BOARD OF MEDICINE**

\*\*\*\*\*

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

**KIMBERLY A. VERSTEEG, D.O., RESPONDENT**

**FILE No. 03-09-293**

\*\*\*\*\*

**STATEMENT OF CHARGES**

\*\*\*\*\*

**COMES NOW** the Iowa Board of Medicine on February 9, 2012, and files this Statement of Charges pursuant to Iowa Code section 17A.12(2). Respondent was issued Iowa medical license no. 3547 on December 1, 2003. Respondent's Iowa medical license is active and will next expire on September 1, 2012.

**A. TIME, PLACE AND NATURE OF HEARING**

1. Hearing. A disciplinary contested case hearing shall be held on August 16-17, 2012, 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 8<sup>th</sup> 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 pre-hearing matters, and be present to assist and advise the board at hearing.

4. Prehearing Conference. A prehearing conference will be held by telephone on February 29, 2012, at 9:30 a.m., before an Administrative Law Judge from the Iowa Department of Inspections and Appeals (ALJ). Please contact Kent M. Nebel, J.D., Legal Director, Iowa Board of Medicine, at 515-281-7088 with the telephone number at which you or your legal counsel can be reached. Board rules on prehearing conferences may be found at 653 Iowa Administrative Code 25.15.

5. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 653 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.

6. Prosecution. The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address: Julie Bussanmas, Assistant Attorney General, Iowa Attorney General's Office, 2<sup>nd</sup> Floor, Hoover State Office Building, Des Moines, Iowa 50319.

7. Communications. You may not contact board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You should direct any questions to Kent M. Nebel, J.D., the Board's Legal Director at 515-281-7088 or to Assistant Attorney General Julie Bussanmas 515-281-5637.

#### **B. LEGAL AUTHORITY AND JURISDICTION**

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

9. Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 148, and 272C and 653 IAC 25.

10. Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 653 IAC 25.20.

#### **C. SECTIONS OF STATUTES AND RULES INVOLVED**

##### **COUNT I**

11. Respondent is charged with professional incompetency pursuant to Iowa Code sections 147.55(2), 148.6(2)(g) and (i), and 272C.10(2) and 653 IAC 23.1(2)(c), (d), (e), and (f), by demonstrating one or more of the following:

- A. A substantial lack of knowledge or ability to discharge professional obligations within the scope of the physician's or surgeon's practice;
- B. A substantial deviation from the standards of learning or skill ordinarily possessed and applied by other physicians or surgeons in the state of Iowa acting in the same or similar circumstances;
- C. A failure by a physician or surgeon to exercise in a substantial respect that degree of care which is ordinarily exercised by the average physician or surgeon in the state of Iowa acting in the same or similar circumstances; or
- D. A willful or repeated departure from, or the failure to conform to, the minimal standard of acceptable and prevailing practice of medicine and surgery in Iowa.

#### **STATEMENT OF THE MATTERS ASSERTED**

12. Respondent is an Iowa-licensed physician who practices obstetrics and gynecology in Waverly and Waterloo, Iowa.

13. The Board alleges that Respondent engaged in professional incompetency in her treatment of at least ten patients in Waverly, Iowa, between August 2007 and May 2009, including, but not limited to, the following:

- A. **Patient #1:** On or about January 1, 2008, Respondent induced labor due to progressive gestational hypertension with the aid of Cervidil prior to obtaining a reactive non-stress test (NST) and failed to utilize ultrasound even though fetal wellbeing could not be obtained with fetal monitoring.

- B. **Patient #2:** On or about December 5, 2007, Respondent perforated the uterus while performing a Novasure endometrial ablation. Respondent perforated the bowel while performing a laparoscopic hysterectomy.
- C. **Patient #3:** On or about August 29, 2007, Respondent perforated the uterus while performing a Novasure endometrial ablation. Respondent inappropriately attempted to remove a corpus luteal cyst 2 cm in diameter which would likely have resolved naturally.
- D. **Patient #4:** On or about September 24, 2008, Respondent perforated the uterus while performing a rollerball endometrial ablation.
- E. **Patient #5:** On or about December 26, 2007, Respondent placed one or more suture in the ureter resulting in a ureteral injury while performing a laparoscopic vaginal hysterectomy.
- F. **Patient #6:** On or about October 24, 2007, Respondent placed one or more suture in the ureter resulting in a ureteral injury while performing a total abdominal vaginal hysterectomy with bilateral salpingo-oophorectomy.
- G. **Patient #7:** On or about February 11, 2009, Respondent perforated the uterus while performing a hysteroscopy, dilation and curettage (D&C) and polypectomy.
- H. **Patient #8:** On or about November 5, 2008, the patient suffered an intraoperative injury during a laparoscopic-assisted vaginal hysterectomy resulting in a large pelvic hematoma.

I. **Patient #9:** On or about December 3, 2008, the patient suffered an intraoperative injury during a laparoscopic-assisted vaginal hysterectomy resulting in significant post-operative bleeding.

J. **Patient #10:** On or about February 18, 2009, the patient suffered a severe intraoperative hemorrhage and a bowel injury during a vaginal hysterectomy.

14. The Board alleges that Respondent's surgical performance failed to conform to the minimal standard of acceptable and prevailing practice of medicine and surgery in Iowa.

15. The Board alleges that the number and the incidence and types of complications experienced by Respondent relative to the number of surgical cases performed failed to conform to the minimal standard of acceptable and prevailing practice of medicine and surgery in Iowa.

16. The Board alleges that Respondent's judgment including, but not limited to, her choice of procedure and choice of approach, failed to conform to the minimal standard of acceptable and prevailing practice of medicine and surgery in Iowa.

17. The Board alleges that Respondent's operative skills failed to conform to the minimal standard of acceptable and prevailing practice of medicine and surgery in Iowa. The Board noted multiple uterine perforations and questions the technique utilized by Respondent as well as her operative skills. The Board also noted serious concerns regarding Respondent's understanding of the pelvic anatomy.

18. The Board alleges that Respondent's documentation, including the lack of thoroughness in her office notes and pre-operative notes and the lack of documentation of informed consent and alternatives to surgery or other surgical procedures, failed to conform to the minimal standard of acceptable and prevailing practice of medicine and surgery in Iowa.

### SETTLEMENT

19. Settlement. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 653 IAC 25. If you are interested in pursuing settlement, please contact Kent M. Nebel, J.D., Legal Director at 515-281-7088.

### F. PROBABLE CAUSE FINDING

20. On February 9, 2012, the Iowa Board of Medicine found probable cause to file this Statement of Charges.



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