

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

JOHN Q. A. WEBB, JR., M.D., RESPONDENT

FILE No. 02-12-443

STATEMENT OF CHARGES AND SETTLEMENT AGREEMENT

(Combined)

COMES NOW the Iowa Board of Medicine (Board) and John Q. A. Webb, Jr., M.D., (Respondent), on August 30, 2013, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) and 653 IAC 25.3, enter into this combined Statement of Charges and Settlement Agreement.

1. Respondent was issued Iowa medical license no. 24578 on October 16, 1984.
2. Respondent's Iowa medical license went inactive due to nonrenewal on March 1, 1987.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.

COUNT I

4. **Discipline by Another Licensing Authority:** Respondent is charged pursuant to Iowa Code section 148.6(2)(d) and 653 IAC 23.1(1) with having a license to practice medicine and surgery or osteopathic medicine and surgery revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the order of disciplinary action is prima facie evidence.

STATEMENT OF MATTERS ASSERTED

5. Respondent is an Iowa-licensed ophthalmologist who currently practices medicine in Houston, Texas.

6. **First Texas Disciplinary Action:** On or about December 13, 2002, Respondent entered into an Agreed Order with the Texas Medical Board (Texas Board). The Texas Board alleged that Respondent aided and abetted the unlicensed practice of medicine by permitting himself to be named as the medical director for a laser facility, but failed to be on-site as required for laser treatments. The Texas Board ordered Respondent to pay a \$5,000 administrative penalty and prohibited him from diagnosing, treating, or prescribing any medical treatment whatsoever, without first establishing a proper physician-patient relationship by performing a direct examination of the patient at their first visit. On August 19, 2004, the Texas Board issued an order granting termination of the December 13, 2002, Agreed Order.

7. **Second Texas Disciplinary Action:** On or about June 8, 2012, Respondent entered into an Agreed Order with the Texas Board. The Texas Board alleged that Respondent:

- A. Failed to adequately document physical examinations; poorly documented dosages and medicines prescribed and failed to accurately document the diagnosis and rationale supporting the prescription of pain medication;
- B. Failed to maintain legible medical records; and
- C. Failed to support his rationale for increased dosages and failed to maintain pain management treatment plans for some of the patients.

8. **Sanctions:** The Texas Board established the following sanctions:
 - A. Respondent was ordered to practice under the supervision of a Board-approved physician monitor;
 - B. Respondent agreed not to register or otherwise obtain DEA or DPS Controlled Substances Registration until he has received written authorization from the Texas Board;
 - C. Respondent was ordered to successfully complete a Board-approved medical record keeping course;
 - D. Respondent was ordered to successfully complete at least 8 hours of continuing medical education in the topic of risk management and 4 hours in the topic of identifying drug seeking behavior; and
 - E. Respondent was ordered to pay a \$2,000 administrative penalty.

SETTLEMENT AGREEMENT

9. **CITATION AND WARNING:** Respondent is hereby **CITED** for being disciplined by the Texas Board for failing to maintain adequate medical records for his treatment of patients, failing to maintain legible medical records; and failing to support his rationale for increased dosages and failing to maintain pain management treatment plans for the patients. Respondent is hereby **WARNED** that being disciplined by another state licensing board and/or violating the laws and rules governing the practice of medicine in Iowa in the future may result in further formal disciplinary action against his Iowa medical license.

10. **COMPLAINEE WITH THE TEXAS ORDER:** Respondent shall fully comply with the terms established by the Texas Board.

11. **PROHIBITION - CHRONIC PAIN MANAGEMENT:** Respondent is prohibited from prescribing, administering or dispensing controlled substances for the treatment of chronic pain under his Iowa medical license until and unless he receives prior written approval from the Board. Pursuant to 653 IAC 13.2(1), "*Chronic pain* means persistent or episodic pain of a duration or intensity that adversely affects the functioning or well-being of a patient when (1) no relief or cure for the cause of pain is possible; (2) no relief or cure for the cause of pain has been found; or (3) relief or cure for the cause of pain through other medical procedures would adversely affect the well-being of the patient. If pain persists beyond the anticipated healing period of a few weeks, patients should be thoroughly evaluated for the presence of chronic pain."

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

13. Respondent agrees that the State's counsel may present this Order to the Board for consideration.

14. By entering into this Order, Respondent understands that he has a right to be represented by legal counsel, voluntarily waives any rights to a contested case hearing on the allegations in the Statement of Charges, and waives any objections to the terms of this Order. This Order constitutes the resolution of a contested case proceeding.

15. In the event Respondent fails to comply with any of the terms of this Order, the Board may initiate action to suspend or revoke Respondent's license or to impose other license discipline as authorized in Iowa Code chapters 148 and 272 and 653 IAC 25.

16. Respondent understands that by entering into this combined Statement of Charges and Settlement Agreement, Respondent cannot obtain a copy of the investigative file. Pursuant to Iowa Code section 272C.6(4), a copy of the investigative file may only be provided to a licensee after a Statement of Charges is filed but before the final resolution of those charges.

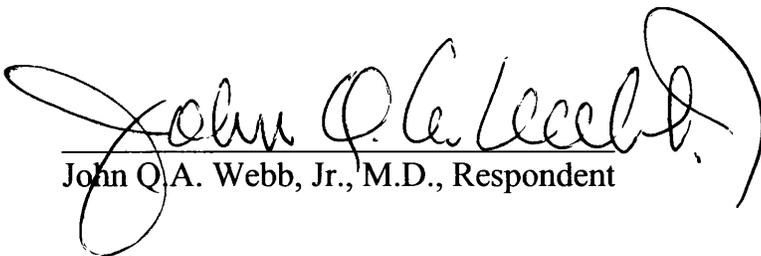
17. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

18. Respondent understands that the Board is required by Federal law to report this Order to the National Practitioner Data Bank and Healthcare Integrity and Protection Data Bank.

19. This Order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.

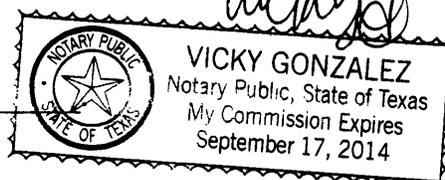
20. This Order is subject to approval of the Board. If the Board fails to approve this Order it shall be of no force or effect to either party.

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


John Q. A. Webb, Jr., M.D., Respondent

Subscribed and sworn to before me on 19th day of July, 2013.

Notary Public, State of Texas



This Order is approved by the Board on August 30, 2013.

A handwritten signature in black ink, appearing to read "Greg Hoversten". The signature is written in a cursive style with a large, stylized initial "G".

Gregory B. Hoversten, D.O., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686