BEFORE THE IOWA BOARD OF MEDICINE

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IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

RICHARD L. YUKL, M.D., RESPONDENT

FILE Nos. 02-05-500 & 02-05-565

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STATEMENT OF CHARGES AND SETTLEMENT AGREEMENT
(Combined)

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COMES NOW the Iowa Board of Medicine (Board), and Richard L. Yukl, M.D., (Respondent), on October 1, 2009, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) (2007), enter into this combined Statement of Charges and Settlement Agreement to resolve this matter.

STATEMENT OF CHARGES

1. Respondent was issued Iowa medical license no. 35878 on October 27, 2004.

2. Respondent's Iowa medical license is active and will next expire on September 1, 2011.

3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

COUNT I

4. Respondent is charged under Iowa Code sections 147.55(2), 148.6(2)(g) and 272C.10(2) and 653 IAC 23.1(2)(f) for failing to conform to the minimal standard of acceptable and prevailing practice of medicine and surgery in Iowa.

STATEMENT OF MATTERS ASSERTED

5. Respondent is an Iowa-licensed physician who formerly practiced surgery in Shenandoah, Iowa.

6. The Board alleges that Respondent failed to conform to the minimal standard of acceptable and prevailing practice of medicine and surgery in his treatment of three surgical patients in Shenandoah, Iowa, in 2005, including the following:

Patient #1: Respondent performed a surgical palliation of an obstructing pancreatic mass without considering and/or documenting more conservative treatment options;

Patient #2: Respondent preformed a laparoscopic cholecystectomy, an elective procedure, at a facility that lacked appropriate equipment; and

Patient #3: Respondent performed a laparoscopic appendectomy and failed to timely recognize and address the patient's post-operative intra-abdominal bleeding.

7. Respondent subsequently left Iowa and completed significant training in laparoscopic surgery.

8. Respondent has retired from the practice of medicine due to health concerns.

SETTLEMENT AGREEMENT

9. **CITATION AND WARNING**: Respondent is hereby **CITED** for failing to conform to the minimal standard of acceptable and prevailing practice of medicine and surgery in his treatment of three surgical patients in Shenandoah, Iowa, in 2005. Respondent is hereby **WARNED** that such practice in the future may result in further formal disciplinary action, including suspension or revocation of his Iowa medical license.

10. **VOLUNTARY SURRENDER:** Respondent **voluntarily surrenders** his Iowa medical license.

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

12. 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.

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

14. By entering into this Order, Respondent 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.

15. Respondent understands that by entering into this combined Statement of Charges and Settlement Agreement, he 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.

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

17. 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.

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

Richard L. Yukl, M.D., Respondent

See attached notarial certificate MD 2009

Subscribed and sworn to before me on _____, 2009.

Notary Public, State of _____.

This Order is approved by the Board on October 1, 2009.

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

Jurat

State of California

County of San Bernardino

Subscribed and sworn to (or affirmed) before me on this 31 day of Aug-,

20 09 by Richard L. Yuki,

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature

(Notary seal)

MATTHEW DALE
Commission # 1660754
Notary Public - California
San Bernardino County
My Comm. Expires Apr 25, 2010

OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____ Document Date_____

(Additional information)

INSTRUCTIONS FOR COMPLETING THIS FORM

The wording of all Jurats completed in California after January 1, 2008 must be in the form as set forth within this Jurat. There are no exceptions. If a Jurat to be completed does not follow this form, the notary must correct the verbiage by using a jurat stamp containing the correct wording or attaching a separate jurat form such as this one which does contain proper wording. In addition, the notary must require an oath or affirmation from the document signer regarding the truthfulness of the contents of the document. The document must be signed AFTER the oath or affirmation. If the document was previously signed, it must be re-signed in front of the notary public during the jurat process.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the jurat process is completed.
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Signature of the notary public must match the signature on file with the office of the county clerk.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different jurat form.
  - Additional information is not required but could help to ensure this jurat is not misused or attached to a different document.
  - Indicate title or type of attached document, number of pages and date.
- Securely attach this document to the signed document