

PRESS RELEASE
IOWA BOARD OF MEDICINE
(June 13, 2012)

PUBLIC DOCUMENTS: Please click on the physician's name to access a link to a copy of the public documents for each physician.

Recently, the Iowa Board of Medicine took the following actions:

[Robert S. Cairns, M.D.](#), a 72-year-old physician who formerly practiced orthopedic surgery in Dubuque, Iowa, entered into a Settlement Agreement with the Board on June 8, 2012. On August 20, 2010, the Board filed formal disciplinary charges against Dr. Cairns for failing to provide appropriate surgical care to several patients and for performing inappropriate physical examinations on a female patient. On September 20, 2010, Dr. Cairns filed an answer denying the allegations. Dr. Cairns retired from the practice of medicine on December 16, 2010, due to a diagnosis of cancer and other related health problems. Dr. Cairns allowed his Iowa medical license to go inactive on October 1, 2011. Under the terms of the June 8, 2012, Settlement Agreement, Dr. Cairns agreed not to renew his Iowa medical license in the future.

[Zbigniew M. Ciechanowski, M.D.](#), a 55-year-old Iowa-licensed physician who formerly practiced internal medicine in Clinton, Iowa, had his Iowa medical license suspended by the Board on June 1, 2012. The Board suspended Dr. Ciechanowski's Iowa medical license pursuant to Iowa Code section 272D.9 for failing to pay a debt owed to the Iowa Department of Revenue.

[Tyson K. Cobb, M.D.](#), a 50-year-old Iowa-licensed physician who practices orthopedic surgery in Davenport, Iowa, entered into a Settlement Agreement with the Board on June 8, 2012. On August 25, 2011, the Board filed formal disciplinary charges against Dr. Cobb for engaging in a pattern of unprofessional conduct and disruptive behavior including: unprofessional comments to staff and co-workers; inadequate patient evaluations; poor communication; improper surgical practices and improper record keeping. The Board also charged Dr. Cobb with performing wrong-site surgery on a patient while performing an excision of a mass on a patient's right ring finger on March 28, 2011. Under the terms of the June 8, 2012, Settlement Agreement, the Board issued Dr. Cobb a public reprimand for engaging in a pattern of disruptive conduct and for failing to provide appropriate care to patients in violation of the laws and rules governing the practice of medicine. The Board warned Dr. Cobb that engaging in such conduct in the future may result in further disciplinary action, including suspension or revocation of his Iowa medical license. The Board ordered Dr. Cobb to pay a \$10,000 fine for engaging in a pattern of disruptive conduct and a \$10,000 fine for performing wrong-site surgery. Dr. Cobb was also required to submit a written corrective action plan describing the steps he has taken to avoid wrong-site surgery in the future. Dr. Cobb also completed a psychological, unprofessional conduct and disruptive behavior evaluation and agreed to fully comply with the recommendations of the evaluation program. Dr. Cobb also agreed to continue to participate in disruptive behavior counseling.

[Richard M. Fleming, M.D.](#), a 56-year-old Iowa-licensed cardiologist from Reno, Nevada, had formal disciplinary charges filed against him on June 8, 2012. On January 18, 2007, Dr. Fleming was indicted in the United States District Court for the District of Nebraska on ten (10) counts of health care fraud, two (2) counts of wire fraud and one (1) count of mail fraud. The criminal charges alleged that Dr. Fleming submitted false claims for services to Medicare, Medicaid and Blue Cross Blue Shield of Nebraska and committed wire and mail fraud when he attempted to obtain money by means of false representations via e-mail and via a commercial interstate carrier. On August 21, 2009, Dr. Fleming pleaded guilty to one count each of health care fraud and mail fraud. Dr. Fleming was placed on

probation for a period of five years, placed under home confinement for a period of six (6) months, ordered to complete 150 hours of community service and ordered to pay \$107,244.24 in restitution. Effective May 11, 2009, Dr. Fleming was permanently excluded from participation in all Federal health care programs. On February 4, 2010, the Board charged Dr. Fleming with being convicted of a felony related to the practice of medicine and engaging in unethical or unprofessional conduct in the practice of medicine. A hearing was held before the Board on August 26, 2011. On February 9, 2012, the Board issued a Findings of Fact, Conclusions of Law, Decision and Order. The Board concluded that the preponderance of the evidence established that Dr. Fleming violated laws and rules governing the practice of medicine in Iowa when he was convicted of crimes that were related to and arose out of his medical practice and that he engaged in unethical or unprofessional conduct in the practice of medicine. The Board issued Dr. Fleming a Citation and Warning; ordered him to pay a \$10,000 fine; and ordered him to complete a Board-approved professional ethics program and a Board-approved billing course. The Board also placed Dr. Fleming on probation subject to Board monitoring for a period of five years. On June 8, 2012, the Board filed new charges against Dr. Fleming for violating the terms of the February 9, 2012, Findings of Fact, Conclusions of Law, Decision and Order. The Board alleged that Dr. Fleming has failed to pay the \$10,000 civil penalty; failed to complete the Board-approved professional ethics program; failed to complete a Board-approved billing course and failed to pay the \$75 disciplinary hearing fee. A hearing is scheduled on August 16, 2012.

Parveen A. Malik, M.D., a 55-year-old Iowa-licensed physician who formerly practiced general medicine in Bay City, Michigan, entered into a combined Statement of Charges and Settlement Agreement with the Board on June 8, 2012. On December 10, 2010, the Michigan Board of Medicine filed formal disciplinary charges against Dr. Malik for billing Medicare and private insurers for intravenous infusion associated with Chelation Therapy from 2001 through 2006 using the diagnosis codes for other therapies because Medicare and most private insurance carriers do not pay for Chelation Therapy, for billing for services that she rendered to herself, her husband and her children and for billing for services she rendered to another family of an unknown relationship to Dr. Malik. On February 22, 2011, the Michigan Board of Medicine ordered Dr. Malik to pay a \$2,500 fine and placed her on probation for a period of three years subject to Board monitoring. Dr. Malik also received a life-time exclusion from participating in any federal health care program. Under the terms of the June 8, 2012, combined Statement of Charges and Settlement Agreement, the Iowa Board charged Dr. Malik with engaging in unethical or unprofessional conduct and for being disciplined by the Michigan Board. The Board issued Dr. Malik a public reprimand and indefinitely suspended her Iowa medical license. Prior to seeking reinstatement of her Iowa medical license, Dr. Malik must pay a \$10,000 fine and complete a Board-approved professional ethics program.

Kent J. Van Why, M.D., a 50-year-old physician who practices clinical cardiac electrophysiology in Davenport, Iowa, entered into a Settlement Agreement with the Board on June 8, 2012. On March 1, 2012, the Board charged Dr. Van Why with violating a physician health contract that he entered into with the Iowa Physician Health Program (IPHP). The Board alleged that Dr. Van Why failed to stop practicing medicine when requested to do so by the IPHP in August 2009 and consumed alcohol in December 2011. Under the terms of the June 8, 2012, Settlement Agreement, Dr. Van Why was issued a public reprimand and ordered to pay a \$5,000 fine. The Board also placed Dr. Van Why on probation for a period for five years subject to Board monitoring.

CONSUMER COMPLAINTS: Consumers can submit complaints against physicians through the Board's Website at www.medicalboard.iowa.gov, by calling (515) 281-5847, or by mail at 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686.