

## News Release

### Summary of December 16-17, 2010, meeting of the Iowa Board of Medicine

**Cases Reviewed:** The Board reviewed 128 cases.

**New Investigative Cases:** The Board reviewed 31 new investigative cases.

**Combined Statement of Charges and Settlement Agreements:** Upon a determination by the Board that probable cause exists to take formal disciplinary action, the Board and the licensee may enter into a combined Statement of Charges and Settlement Agreement to resolve the matter. A combined Statement of Charges and Settlement Agreement contains the allegations of the Board and the sanctions.

The Board approved three Combined Statement of Charges and Settlement Agreements.

1. A family physician from Calmar, Iowa, was charged with engaging in a sexual relationship with a patient for the second time in his career and he agreed to surrender his Iowa medical license.
2. A surgeon from Newton, Iowa, was convicted of 31 counts of health care fraud and he agreed to surrender his Iowa medical license.
3. A surgeon from Iowa City, Iowa, was charged with performing a partial tubal ligation on a patient without appropriate consent and he was issued a public reprimand, ordered to pay a \$2,500 fine and submit a written corrective action plan to avoid such errors in the future.

**Settlement Agreements:** After the Board has determined that probable cause exists to take formal disciplinary action and formal disciplinary charges have been filed, the Board and the licensee may enter into a Settlement Agreement to resolve the pending disciplinary charges rather than hold a formal disciplinary hearing.

The Board approved one Settlement Agreement.

1. A general practice physician from Fairfield, Iowa, who pleaded guilty to Medicaid fraud in Miami-Dade County, Florida, agreed to surrender his Iowa medical license.

**Stipulated Orders:** In some circumstances, the Board enters into Stipulated Orders with licensees to modify the terms and conditions of a current disciplinary order.

The Board entered into Stipulated Order with two physicians.

1. A physician who formerly practiced internal medicine in Grinnell, Iowa, who had been placed on probation by the Board for five years for substance abuse and mental health monitoring, agreed to stop practicing medicine under his Iowa medical license.
2. A physician who formerly practiced obstetrics and gynecology in Davenport, Iowa, who had been placed on indefinite probation by the Board for improper prescribing and inappropriate patient care, agreed to surrender his Iowa medical license.

**Iowa Physician Health Program (IPHP) Cases:** The IPHP is a confidential health program established by the Board that evaluates and monitors licensees for the following concerns: substance abuse; physical or mental health; or disruptive behavior.

The Board reviewed one case of a physician who participated in the IPHP due to concerns that the physician engaged in serious violations of her physician health contract, including alcohol use and altering IPHP documents. The Board voted to initiate formal disciplinary action against the physician.

**Confidential Letters of Warning or Education:** When the Board determines that probable cause does not exist to take formal disciplinary action the Board may send a confidential, non-disciplinary letter to a licensee expressing concerns and requesting that a licensee take corrective action, including further medical education.

The Board voted to issue 9 confidential Letters of Warning or Education due to the following areas of concern:

1. Failure to provide appropriate care to a pregnant female patient;
2. Failure to prescribe a medication to a patient to avoid future miscarriages;
3. Failure to provide appropriate care to a nursing home patient;
4. Failure to diagnose a ruptured spleen;
5. Failure to provide appropriate wound care to a patient;
6. Improper use of restraints on a violent patient;
7. Failure to complete ethics medical education required in another state;
8. Failure to complete the necessary continuing medical education for Iowa licensure;  
and
9. Employing a physician assistant without obtaining appropriate certification required in another state.

**Board Appearances:** The Board may ask a licensee to appear before the Board to discuss concerns when the Board determines that a face-to-face meeting will assist the Board during the investigative process.

Four physicians appeared before the Board due to the following concerns:

1. Discussion of obstetrical procedures (2);
2. Allegations of domestic assault; and
3. Supervision of a physician assistant.

**Licensure Committee:** The Licensure Committee is a committee of the Board that reviews initial license applications, renewals and reinstatements. Most license applications are approved by Board staff without Licensure Committee review. However, some applications raise concerns about an applicant and the Licensure Committee must review the matter to determine whether a license should be granted, renewed or reinstated.

The Licensure Committee reviewed four licensure applications. Two of new licenses were granted and two applicants were asked to withdraw or provide further information.

The committee denied one request to waive the continuing medical education requirement for renewal.

The committee approved participation in the Volunteer Healthcare Provider Program for two licensees and reviewed a final progress report for one licensee.

The committee approved six Letters of Warning that were issued due to concerns that the applicants failed to provide truthful, accurate or complete information on the license application.

The committee reviewed the Federation of State Medical Board's Draft Template for Maintenance of Licensure Implementation.

**Monitoring Committee:** The Monitoring Committee is a committee of the Board that monitors licensees that have been disciplined by the Board and placed under a Board order which requires Board monitoring.

The Monitoring Committee reviewed 13 physicians who are being monitored by the Board following disciplinary action. Four physicians appeared before the committee to discuss their Board monitoring.

**Screening Committee:** The Screening Committee is a committee of the Board that reviews cases that are lower priority and have not been investigated by the Board to determine whether investigation is warranted.

The Screening Committee reviewed 38 cases. The screening committee closed 35 cases without further investigation and requested further investigation of 3 cases.

**Administrative rules:** The Board voted to adopt ARC 9089B, which contains amendments to 653 Iowa Administrative Code Chapter 2.13. The amendments update language in subrules 2.13(2) and 2.13(4) to clarify what is a confidential record and to allow the Board to share information with the Department of Revenue and the College Student Aid Commission in certain circumstances. The adopted amendments will be published January 12 in the Iowa Administrative Bulletin and will become effective February 16.

- A press release describing public disciplinary action taken by the Board was distributed and posted on the Board's Website on December 23, 2010.
- If you have any questions or concerns please contact Kent Nebel, Legal Director, at 515-281-7088 or [kent.nebel@iowa.gov](mailto:kent.nebel@iowa.gov).