



Fields of Opportunities

STATE OF IOWA

TERRY BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

IOWA BOARD OF MEDICINE
MARK BOWDEN, EXECUTIVE DIRECTOR

March 12, 2014
FOR IMMEDIATE RELEASE

Summary of March 6-7, 2014, Board Meeting

The following is a summary of March 6-7, 2014, meeting of the Iowa Board of Medicine.

Cases Reviewed: The Board reviewed 112 cases.

New Investigative Cases: The Board reviewed 45 new investigative cases.

Statement of Charges: Upon a determination by the Board that probable cause exists to take formal disciplinary action, the Board may file a Statement of Charges which contains the allegations of the Board.

The Board approved 2 Statements of Charges.

1. An Iowa-licensed physician who formerly practiced family medicine in Des Moines, Iowa, had formal disciplinary charges filed against him by the Board on March 6, 2014. The Board charged the physician with diverting drugs from patients and substance abuse. The Board alleged that the physician took controlled substances from patients for his own use on multiple occasions in 2013. The physician is not practicing medicine at this time. A hearing is scheduled on May 15, 2014.
2. An Iowa-licensed physician who formerly practiced pediatrics in Iowa City, Iowa, and currently practices in Indianapolis, Indiana, had formal disciplinary charges filed against him by the Board on March 6, 2014. The Board charged the physician with engaging in a pattern of sexual harassment, unethical or unprofessional and/or practice harmful or detrimental to the public in violation of the laws and rules governing the practice of medicine. The Board alleged that the physician engaged in conduct of a sexual nature in the workplace which interfered with other health care worker's performance or created an intimidating, hostile or offensive work environment. The Board alleged that the physician made improper and unwanted sexual comments and sexual advances toward multiple female co-workers in the workplace. The Board alleged that the physician engaged in sexual relations with female co-workers. The Board also alleged that the physician prescribed medications to two female co-workers, himself, and members of his immediate family without establishing an appropriate physician-patient relationship and without maintaining appropriate medical records. A hearing is scheduled on May 15, 2014.

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 and the sanctions.

The Board approved 4 Combined Statement of Charges and Settlement Agreements.

1. An Iowa-licensed physician who formerly practiced internal medicine in Omaha, Nebraska, entered into a combined Statement of Charges and Settlement Agreement with the Board on March 6, 2014. On June 25, 2013, the Nebraska Division of Public Health (Nebraska Board) filed a Petition for Disciplinary Action and Temporary License Suspension against the physician. The Nebraska Board charged the physician with engaging in unprofessional conduct. On August 28, 2013, the physician voluntarily surrendered his Nebraska medical license to resolve the pending disciplinary matter. Under the terms of the March 6, 2014, combined Statement of Charges and Settlement Agreement, the physician voluntarily surrendered his Iowa medical license to resolve the pending disciplinary matter.
2. An Iowa-licensed physician who practices radiology in Mason City, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on March 6, 2014. The Board charged the physician with engaging in unprofessional conduct when she inappropriately accessed the medical records of an individual who was not under her care, in violation of patient privacy standards. Under the terms of the March 6, 2014, combined Statement of Charges and Settlement Agreement, the Board issued the physician a Citation and Warning and ordered her to pay a \$2,500 civil penalty and complete a Board-approved professional ethics program.
3. An Iowa-licensed physician who practices family medicine in St. Ansgar, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on March 6, 2014. The Board charged the physician with violating the laws and rules governing the practice of medicine in Iowa when he failed to provide appropriate pain management to multiple patients in St. Ansgar, Iowa, between 2006 and 2013. Under the terms of the March 6, 2014, combined Statement of Charges and Settlement Agreement, the Board issued the physician a Citation and Warning and ordered him to pay a \$5,000 civil penalty. The Board prohibited the physician from prescribing, administering or dispensing controlled substances for the treatment of chronic pain and ordered him to complete a Board-approved professional ethics program and medical record keeping course. The Board also placed the physician on probation for a period of five (5) years subject to Board monitoring, including prescribing audits.
4. An Iowa-licensed physician who formerly practiced family medicine in Ft. Dodge, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on March 6, 2014. The Board charged the physician with violating the laws and rules governing the practice of medicine in Iowa when he failed to provide appropriate pain management to multiple patients in Fort Dodge, Iowa, in 2009 and 2010. Under the terms of the March 6, 2014, combined Statement of Charges and Settlement Agreement, the Board issued the physician a Citation and Warning and ordered him to pay a \$5,000 civil penalty. The Board prohibited the physician from prescribing, administering or dispensing controlled substances for the treatment of chronic pain and ordered him to complete a Board-approved professional ethics program. The Board also placed the physician on probation for a period of five (5) years subject to Board monitoring, including prescribing audits.

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 1 Settlement Agreement.

1. An Iowa-licensed physician who formerly practiced nuclear medicine in Iowa City, Iowa, entered into a Settlement Agreement with the Board on March 6, 2014. On November 18, 2011, the Board ordered the physician to complete a Board-approved confidential comprehensive physical, neuropsychological, mental health, unprofessional conduct and disruptive behavior evaluation. The physician filed an objection to the Confidential Evaluation Order. On September 11, 2012, the physician entered into a Stipulated Order with the Board. The physician agreed not to engage in the practice medicine under his Iowa medical license and the Board agreed to stay enforcement of the Confidential Evaluation Order. The physician subsequently requested a hearing before the Board. On August 13, 2013, the Board issued a Findings of Fact, Conclusions of Law, Decision and Order. The Board ordered the physician to complete the evaluation within ninety (90) days. The physician failed to complete the evaluation. On December 20, 2013, the Board charged the physician for failing to complete the evaluation within ninety (90) days. Under the terms of the March 6, 2014, Settlement Agreement, the physician agreed not to engage in any aspect of the practice medicine under his Iowa medical license until and unless he successfully completes a Board-approved comprehensive physical, neuropsychological, mental health, unprofessional conduct and disruptive behavior evaluation.

Debt Suspension Orders: The Board may suspend a physician's Iowa medical license if the physician fails to pay a state or local debt owed to the Iowa Department of Revenue.

The Board voted to issue 1 Debt Suspension Order:

1. An Iowa-licensed physician who formerly practiced pediatrics in Bettendorf, Iowa, had his Iowa medical license indefinitely suspended by the Board on February 24, 2014. The Board suspended the physician's Iowa medical license for failing to pay a state or local debt owed to the Iowa Department of Revenue.

Confidential Evaluation Orders: If the Board receives evidence that a physician may suffer from physical, neurological, mental condition, substance abuse or has engaged in sexual misconduct or violated appropriate professional boundaries, the Board may issue a confidential evaluation order requiring the physician to complete an appropriate evaluation at a Board-approved program. Additionally, if the Board receives evidence that a physician lacks the appropriate knowledge or ability to practice medicine with reasonable skill or safety or that a physician has failed to provide appropriate care to patients, the Board may issue a confidential order requiring the physician to complete a competency evaluation at a Board-approved competency assessment program.

The Board voted to issue 1 Confidential Evaluation Order due to the following concerns:

1. The Board received information which indicates that the physician engaged in sexual misconduct and/or violated appropriate professional boundaries in violation of the laws and rules governing the practice of medicine in Iowa when he engaged in a sexual relationship with a female co-worker, who was also his patient, between 2004 and 2006.

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 16 confidential Letters of Warning or Education due to the following concerns:

1. Concerns about a physician's surgical care.
2. Concerns that a physician failed to inform an infant's mother about available vaccinations.
3. Concerns that a physician failed to properly inform a patient about the potential risks associated with a surgical procedure.
4. Concerns that a physician failed to complete multiple death certificates in a timely manner.
5. Concerns that a physician failed to properly communicate with the parents of a patient who experienced fetal demise.
6. Concerns that a physician violated appropriate physician-patient boundaries and improperly disposed of prescribed medications.
7. Concerns that a physician failed to admit a patient to the hospital after the patient described suicidal thoughts and a suicidal plan.
8. Concerns about a physician's post-operative treatment of a patient who suffered a bile duct injury during a cholecystectomy.
9. Concerns about a physician's examination of a male child without the presence of a family member or chaperone and poor communication with family members.
10. Concerns that a physician failed to maintain timely medical records.
11. Concerns that a physician performed surgery on the wrong hernia.
12. Concerns that a physician with an inactive Iowa medical license surrendered his Maine medical license while under investigation.
13. Concerns that a physician with an inactive Iowa medical license was disciplined in Vermont for failing to appropriately verify prescription telephone orders.
14. Concerns that a physician with an inactive Iowa medical license was disciplined in California for failing to pay his income taxes.
15. Concerns that a physician with an inactive Iowa medical license failed to report a driving while under the influence charge to the Florida Board in a timely manner.
16. Concerns that a physician with an inactive Iowa medical license was disciplined in Texas due to concerns about his performance of gastric bypass surgery.

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.

The Board held 6 physician appearances due to the following concerns:

1. Concerns about a physician's surgical treatment of multiple patients.
2. An appearance to discuss a physician's request to lift a restriction placed on his medical license by the Board.
3. Concerns about the treatment provided at a dermatology clinic.
4. Concerns that a physician failed to properly inform a patient about the potential risks associated with a surgical procedure.
5. Concerns that a physician improperly allowed his staff to utilize his personal e-prescribing password.

6. Concerns that a physician failed to complete multiple death certificates in a timely manner.

Monitoring Committee: The Monitoring Committee monitors licensees who have been disciplined by the Board and require monitoring.

The Board reviewed 5 physicians who are being monitored by the Board. The Monitoring Committee held 4 physician appearances.

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

The Screening Committee reviewed 27 cases.

Licensure Committee: The Licensure Committee is a committee which reviews initial license applications, renewals and reinstatements and other licensure policies and issues. 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 7 licensure applications. The Committee granted 4 permanent licenses, left 1 permanent license application open to obtain further information, and reinstated 1 permanent license. The Committee reviewed the final evaluation report for a re-entry practice plan for 1 permanent licensee.

In other action the Board:

- Received notices that two physicians were not in compliance with their contracts with the Iowa Physician Health Committee. The Board accepted the Committee's recommendations that the physicians be allowed to remain the Iowa Physician Health Program, which monitors physicians with mental health issues, physical disabilities or substance use disorders. There were 83 participants in the program on February 1. There were 7 new participants in the program since January 1 and 3 discharges during the same period.
- Received reports from the Iowa Attorney General's Office on 7 disciplinary cases and one rulemaking case under judicial review in state courts.
- Affirmed Diane Clark as the Board's voting delegate for the Federation of State Medical Boards' House of Delegates meeting on April 26 in Denver.

A press release describing public disciplinary action taken by the Board was distributed and posted on the Board's Website on March 11, 2014. If you have questions about this summary or Board's disciplinary action press release, please contact Kent Nebel, Legal Director, at (515) 281-7088 or kent.nebel@iowa.gov.