

PRESS RELEASE
IOWA BOARD OF MEDICINE
(February 12, 2010)

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

[American Laser Center \(ALC\)](#), 1300 37th Street, Suite 4, West Des Moines, Iowa. On February 8, 2010, the Board sent a letter formally advising ALC to cease and desist from engaging in the unlawful practice of medicine in Iowa. The Board received information which indicates that unlicensed and unqualified technicians employed by ALC have performed medical services without proper physician oversight in violation of the laws and rules governing the practice of medicine in Iowa. The information reviewed by the Board indicates that non-physician personnel employed by ALC have performed examinations, diagnosed medical conditions, offered treatment recommendations and performed medical procedures including, but not limited to, the use of lasers for the treatment of hyper-pigmentation and cellulite removal.

[Paul D. Anderson, D.O.](#), a 63-year-old psychiatrist who formerly practiced in Spencer, Iowa, entered into a Settlement Agreement with the Board to resolve pending disciplinary charges. On May 21, 2009, the Board charged Dr. Anderson with substance abuse and engaging in sexual misconduct in the practice of medicine. The Board alleged that Dr. Anderson has a forty year history of marijuana abuse and an extensive history of hallucinogen abuse which resulted in a prolonged episode of hallucinogen-induced intermittent psychosis. The Board also alleged that Dr. Anderson engaged in sexual misconduct with one of his psychiatric patients fifteen years ago. Dr. Anderson voluntarily discontinued the practice of medicine in 2007 and agreed not to return to the practice of medicine until this matter is resolved. Under the terms of the February 4, 2010, Settlement Agreement, the Board indefinitely suspended Dr. Anderson's Iowa medical license and issued a public reprimand. Dr. Anderson may not return to the practice of medicine unless and until he demonstrates that he safe to do so and he pays a \$5,000 fine. Should the Board choose to reinstate Dr. Anderson's Iowa medical license in the future, he will be placed on indefinite probation subject to substance abuse and sexual misconduct counseling and Board monitoring.

[Anthony O. Colby, M.D.](#), a 70-year-old physician who formerly practiced general medicine in Iowa City, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board. On February 4, 2010, the Board charged Dr. Colby with serving as the medical director at three American Laser Centers in Coralville, West Des Moines and Bettendorf, Iowa, without appropriate training or experience and without providing appropriate supervision to individuals who performed medical aesthetic services. Under the terms of the February 4, 2010, Settlement Agreement, Dr. Colby is prohibited from serving as a medical director and/or supervising individuals who perform medical aesthetic services at any medical spa in the future. Dr. Colby was also issued a public reprimand and ordered to pay a \$5,000 fine.

[Richard M. Fleming, M.D.](#), a 53-year-old Iowa-licensed cardiologist from Reno, Nevada, had formal disciplinary charges filed against him by the Board. 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 allege that Dr. Fleming submitted false or fraudulent claims for services to Medicare, Medicaid and Blue Cross Blue Shield of Nebraska and committed wire and mail fraud when he knowingly and willfully 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 (1) count of health care fraud and one (1) count of mail fraud.

Under the terms of the plea agreement, Dr. Fleming was placed on probation for a period of five (5) years, placed under home confinement under electronic monitoring 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 also permanently excluded from participation in Medicare, Medicaid and all other Federal health care programs. On February 4, 2010, the Iowa Board charged Dr. Fleming with being convicted of a felony related to the practice of medicine and engaging in a pattern of unethical or unprofessional conduct in the practice of medicine. A hearing has been scheduled on April 29, 2010.

Stephen B. Gruba, M.D., a 57-year-old physician who practices family medicine in Corning, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board. On July 28, 2005, Dr. Gruba entered into a combined Statement of Charges, Settlement Agreement and Final Order with the Board. The Board charged Dr. Gruba with inappropriately prescribing controlled substances to at least four patients and issued Dr. Gruba a public reprimand for prescribing controlled substances to patients in violation of the laws and rules governing the treatment of chronic pain in Iowa. On February 4, 2010, Dr. Gruba entered into another combined Statement of Charges and Settlement Agreement with the Board. The Board again charged Dr. Gruba with violating the standard of practice for the appropriate treatment of chronic pain when he prescribed controlled substances to patients who exhibited drug seeking behavior without appropriate: patient evaluations; treatment plans; informed consent; periodic review; consultations or referrals; documentation; physician-patient agreements; or considering termination of care. Under the terms of the February 4, 2010, Settlement Agreement, Dr. Gruba is prohibited from prescribing, administering or dispensing controlled substances for the treatment of patients with chronic, nonmalignant pain. The Board also issued Dr. Gruba a public reprimand and ordered him to pay a \$5,000 fine.

Jerry A. Hancock, M.D., a 49-year-old physician who practices obstetrics and gynecology in Des Moines, Iowa, had formal disciplinary charges filed against him by the Board. In 1999, the Board received information which indicated that Dr. Hancock acted in a verbally abusive and unprofessional manner toward at least three patients. The Board ordered Dr. Hancock to complete a physical, neuropsychological and substance abuse evaluation. Upon review of the evaluation report, the Board had concerns about Dr. Hancock's anger management problems in the work place and his alcohol use and recommended that he complete counseling and abstain from the use of alcohol. The Board subsequently received information which indicated that Dr. Hancock continued to engage in verbally abusive and unprofessional conduct toward patients and others. The Board ordered Dr. Hancock to complete another physical, neuropsychological and substance abuse evaluation. Upon review of the evaluation report, the Board determined that Dr. Hancock had anger management problems that impacted his medical practice. On April 8, 2005, Dr. Hancock entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board charged Dr. Hancock with engaging in unprofessional conduct and disruptive behavior in the practice of medicine. The Board issued Dr. Hancock a public reprimand and referred him to the Iowa Physician Health Program (IPHP) for counseling and monitoring. The Board subsequently received information which indicated that Dr. Hancock was removed from a rock concert in Des Moines, Iowa, in July 2008, because he appeared intoxicated and he became angry and threatening toward other concert-goers. On July 8, 2009, the Board ordered Dr. Hancock to complete another physical, neuropsychological and substance abuse evaluation. On February 4, 2010, the Board charged Dr. Hancock for engaging in a pattern of alcohol abuse and unprofessional conduct. A hearing has been scheduled on March 25, 2010.

Jerry G. Schaaf, M.D., a 68-year-old physician who practiced family and internal medicine in Shenandoah, Iowa, had disciplinary action dismissed by the Board. On April 27, 2006, the Board charged Schaaf for engaging in a sexual relationship in July 1973 with a patient who was a minor child at the time. On November 28-29, 2007, the case came for hearing before a Panel of the Board. On January 28, 2008, the Panel issued a Proposed Decision. The Panel placed Dr. Schaaf on probation for a period of five years subject to counseling and Board monitoring. The Panel ordered Dr. Schaaf to pay a \$10,000 fine and have a chaperone present in the room at all times when he examines or treats minors. On February 25, 2008, Dr. Schaaf appealed the Proposed Decision of the Panel to the full Board. Dr. Schaaf and the State filed written briefs and arguments. On May 14, 2008, upon careful review of the entire record and arguments of both parties, the Board voted to adopt the Proposed Decision of the Panel. On June 26, 2008, Dr. Schaaf filed a Formal Request for Rehearing with the Board arguing that the Board should review two assessment reports pertaining to Dr. Schaaf that were submitted after the Board's Final Order. On June 30, 2008, the State filed a Joinder in the Request for Rehearing arguing that one of the assessment reports contained new information which indicated that Dr. Schaaf was not safe to continue in the practice of medicine at the time because he provided medical care to two individuals with whom he was involved in long-term romantic relationships at the time he provided care. A rehearing was held on July 9, 2008. Following the hearing, the Board concluded that the new information demonstrated an additional occurrence in which Dr. Schaaf lacked appropriate professional judgment when mixing the physician-patient relationship with romantic relationships. The Board ordered Dr. Schaaf to complete a Board-approved sexual boundaries program and fully comply with the recommendations made by the program. Dr. Schaaf filed a Petition for Judicial Review in the Iowa District Court for Polk County and the administrative appeal came before the District Court for hearing on March 23, 2009. Dr. Schaaf argued that the complaint against him should have been dismissed based on the defense of laches, because he was prejudiced by the passage of time between the alleged conduct and the Board's disciplinary action. On May 4, 2009, the District Court affirmed the Board's Final Order. The District Court concluded that Dr. Schaaf did not prove by clear, convincing, and satisfactory evidence that he was prejudiced by the Board's delay in prosecution of the disciplinary matter. Dr. Schaaf appealed the District Court's Ruling on Judicial Review that affirmed the disciplinary action of the Iowa Board of Medicine. Recently, the Iowa Court of Appeals reversed the District Court's Ruling on Judicial Review and remanded the matter for dismissal. The Court of Appeals concluded that the Board's delay in prosecution of the disciplinary action against Dr. Schaaf was unreasonable and that the delay prejudiced Dr. Schaaf's defense in the matter. On February 4, 2010, the Board voted to dismiss the Board's disciplinary action against Dr. Schaaf and his Iowa medical license is returned to its full privileges, free and clear of all restrictions.

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.