

June 14, 2018

## Summary of the June 7-8, 2018, Board Meeting

**This is a summary of the June 7-8, 2018, meeting of the Iowa Board of Medicine.**

**Cases Reviewed:** The Board reviewed 116 cases.

**New Investigative Cases:** The Board reviewed 72 new investigative cases.

**Combined Statement of Charges and Settlement Agreement:** If the Board determines that probable cause exists for formal disciplinary action against a licensee, the Board and the licensee may enter into a combined Statement of Charges and Settlement Agreement to resolve the matter. The combined Statement of Charges and Settlement Agreement contains the Board's allegations and the disciplinary sanctions.

The Board approved 2 Combined Statement of Charges and Settlement Agreements.

1. An Iowa-licensed physician who practices psychiatry in Fairfield, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on June 8, 2018. The Board alleged that the physician violated the laws and rules governing the practice of medicine in Iowa when he engaged in improper prescribing and pain management to multiple patients, prescribed controlled substances to a patient and a colleague without performing appropriate evaluations and without maintaining appropriate medical records and prescribed controlled substances to himself and members of his immediate family. Under the terms of the June 8, 2018, 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 also prohibited him from prescribing, administering or dispensing controlled substances for the treatment of chronic pain and placed him on probation for a period of three years subject to Board monitoring including prescribing audits.
2. An Iowa-licensed physician who practices emergency medicine in Bettendorf, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on June 8, 2018. The Board alleged that the physician violated appropriate professional boundaries and indiscriminately or promiscuously prescribing controlled substances in violation of the laws and rules governing the practice of medicine in Iowa, when he prescribed controlled substances to his domestic partner on multiple occasions between May 2012 and May 2013 in Davenport, Iowa. Under the terms of the June 8, 2018, 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 also

ordered the physician to successfully complete a Board-approved comprehensive professional boundaries evaluation within sixty days.

**Stipulated Order:** The Board may enter into a Stipulated Order with a Physician when the Board and the physician wish to voluntarily resolve a pending matter.

The Board approved 2 Stipulated Orders.

1. An Iowa-licensed physician who formerly practiced family medicine in Iowa Falls, Iowa, entered into a Stipulated Order – Voluntary Surrender with the Board on June 8, 2018. Recently, the Board learned that the physician suffers from a health condition which impairs his ability to practice medicine with reasonable skill and safety and the physician informed the Board that he has retired from the practice of medicine and wishes to surrender his Iowa medical license. Under the terms of the June 8, 2018, Stipulated Order –Voluntary Surrender, the physician surrendered his Iowa medical license.
2. An Iowa-licensed physician who formerly practiced family medicine in Boone, Iowa, entered into a Stipulated Order – Agreement Not to Practice Medicine with the Board on June 8, 2018. Recently, the Board learned that the physician may suffer from a health condition which impairs his ability to practice medicine with reasonable skill and safety. Under the terms of the June 8, 2018, Stipulated Order – Agreement Not to Practice Medicine, the physician agreed that she will not engage in any aspect of the practice of medicine under her Iowa medical license until this matter is resolved. The physician may seek to return to the practice of medicine under her Iowa medical license by demonstrating to the Board that she does not suffer from a health condition which impairs her ability to practice medicine with reasonable skill and safety.

**Termination Order:** The Board may issue a Termination Order when a physician successfully completes the requirements of a disciplinary order including the terms of probation.

The Board approved 1 Termination Order.

1. An Iowa-licensed physician who practices general surgery in Sioux City, Iowa, had the terms of an order terminated by the Board on June 8, 2018. On April 8, 2015, the physician entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board alleged that the physician failed to conform to the minimal standard of acceptable and prevailing practice of surgery in Iowa in his treatment of multiple patients in Sioux City, Iowa, between 2006 and 2009. Under the terms of the April 8, 2015, 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 and complete a Board-approved medical recordkeeping course. The physician also agreed to fully comply with a Board-approved practice monitoring plan. On June 8, 2018, the Board determined that the physician has fully complied with the terms of the order and voted to terminate the terms of the April 8, 2015, combined Statement of Charges and Settlement Agreement and the physician's Iowa medical license is returned to its full privileges, free and clear of all restrictions.

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

The Board voted to issue 5 confidential Letters of Warning or Education due to the following areas of concern:

1. Concerns that a physician inappropriately shared confidential patient medical information with a physician colleague for other than a legitimate medical purpose.
2. Concerns about a physician's preoperative communication with a patient who underwent gynecological surgery and the physician's medical record keeping.
3. Concerns about a physician's care and treatment of a high-risk pregnancy.
4. Concerns that a physician prescribed excessive opioids to a single patient for the treatment of chronic pain without documenting appropriate need for the drugs and without documenting appropriate monitoring.
5. Concerns that a physician prescribed excessive opioids and benzodiazepines to patients for the treatment of chronic pain without documenting appropriate need for the drugs and without documenting appropriate monitoring.

**Monitoring Committee:** The Monitoring Committee oversees licensees who are subject to a disciplinary order and require monitoring.

The Committee reviewed 12 physicians who are being monitored by the Board and held 5 appearances.

**Screening Committee:** The Screening Committee reviews cases that are lower priority to determine whether investigation is warranted.

The Committee reviewed 30 cases, closed 28 cases, and left 2 cases open for further investigation.

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

**Committee Work:** The Committee reviewed 2 license applications. One permanent license was granted and 1 application for permanent licensure was left open to obtain additional information or to allow the applicant to withdraw the application.

The Committee approved issuance of 4 Letters of Warning to address concerns that the applicants failed to provide truthful, accurate or complete information on the applications or to express concerns about an applicants past behaviors. The Committee affirmed 1 letter of warning for a licensee who requested reconsideration.

**In other action the Board:**

- Approved the agency's FY2019 expense budget of \$4,282,740, which is down from \$4,497,612 in FY2018. The budget is based on anticipated licensure fees to be collected in FY2019 and includes roll-over funds from FY2018. The Board does not anticipate a licensure fee increase in FY2019. The fee schedule will be formally reviewed at the Board meeting on September 14, 2018.
- Approved the agency's FY2019 regulatory plan for possible amendments to the Board's administrative rules. The plan includes rulemaking that will be needed to implement several new laws from the 2018 Iowa Legislature. Other potential amendments are the result of the Board's ongoing review of its administrative rules.
- Voted to initiate the rulemaking process for joint rules with the Iowa Board of Psychology to implement 2016 Iowa Acts, Senate File 2188, which authorizes prescriptive authority for qualified psychologists.
- Received a report from the Iowa Physician Health Program, which had 44 participants and 17 applicants in the review process on May 31, 2018.
- Received a report from the Iowa Attorney General's Office on three cases: 1) The Board's issuance of a confidential letter of warning on November 29, 2017, to Mark B. Irland, M.D., of Grinnell. This case will be heard by the Iowa Court of Appeals or the Iowa Supreme Court later this year. 2) A lawsuit filed by Richard M. Fleming, M.D., with the U.S. Supreme Court against the State of Iowa and the Board over a public disciplinary action taken in 2012 against Dr. Fleming. The U.S. Supreme denied Dr. Fleming's request to hear the case. 3) A lawsuit over 2018 Iowa Acts, Senate File 359, in which the Board is named as a defendant. The new law, which prohibits and requires certain actions relating to a fetus, will be stayed while the constitutionality of the law is reviewed in Iowa courts. The Board is responsible for writing rules to implement the new law.
- Recognized the public service of Diane Clark of Lake Mills, Hamed Tewfik, M.D., of Iowa City, and Allen Zagoren, D.O., of Clive. Ms. Clark served on the Board for six years and was the Board's first public member to be elected chair. Dr. Tewfik served on the Board for six years and was the chair for two years. Dr. Zagoren recently completed a nine-year term as an Alternate member of the Board. He previously served five years and three months as a Board member.

**The Iowa Board of Medicine on Friday, June 8, 2018, recognized three former Board members (from left): Allen Zagoren, D.O., of Clive, Diane Clark of Lake Mills, and Hamed Tewfik, M.D., of Iowa City.**



**A press release describing public disciplinary action taken by the Board was distributed and posted on the Board's Website on June 13, 2018. If you have any questions about this summary or the press release, please contact Kent M. Nebel, J.D., Legal Director, at (515) 281-7088 or [kent.nebel@iowa.gov](mailto:kent.nebel@iowa.gov).**