BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

****

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

THOMAS F. BABCOCK, D.O., RESPONDENT

No. 03-02-600

****

ORDER ON RESPONDENT'S REQUEST FOR RECONSIDERATION

****

IT IS HEREBY ORDERED on this 19th day of September, 2003, by the Iowa Board of Medical Examiners (the Board) that Respondent's request for reconsideration of the June 24, 2003, Statement of Charges, Settlement Agreement and Final Order in the above-entitled matter be **DENIED**.

1. On or about May 19, 2003, the Board determined that probable cause existed to file formal disciplinary charges against Respondent for engaging in sexual misconduct in the practice of medicine.

2. On or about May 19, 2003, the Board offered Respondent an opportunity to enter into a combined Statement of Charges, Settlement Agreement and Final Order to resolve the pending disciplinary matter in lieu of filing charges and setting a hearing date.

3. On or about June 6, 2003, the Respondent signed the combined Statement of Charges, Settlement Agreement and Final Order under the witness of a Notary Public and submitted the Order to the Board for consideration.

4. On June 24, 2003, the Board voted to accept the combined Statement of Charges, Settlement Agreement and Final Order submitted by Respondent. Paragraph 16 of the combined Statement of Charges, Settlement Agreement and Final Order specifically states, "By entering into this combined Statement of Charges, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges and waives any objections to the terms of this Settlement Agreement." Further, Paragraph 17 specifically states, "This combined Statement of Charges, Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for consideration."

5. On or about July 27, 2003, Respondent submitted a written request that the Board terminate or amend the terms and conditions established in the June 24, 2003, combined Statement of Charges, Settlement Agreement and Final Order.

6. On September 19, 2003, after careful consideration, the Board voted to **DENY** Respondent's request concluding that:

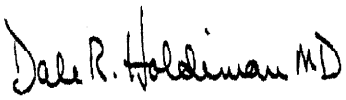
a) Respondent voluntarily submitted the June 24, 2003, combined Statement of Charges, Settlement Agreement and Final Order for Board consideration;

b) Respondent voluntarily waived any rights to a contested case hearing on the allegations contained in the Statement of Charges; and

c) Respondent waived any objections to the terms of the Settlement Agreement.

THEREFORE IT IS HEREBY ORDERED that Respondent's request for reconsideration of the June 24, 2003, combined Statement of Charges, Settlement Agreement and Final Order in the above-entitled matter is hereby **DENIED**.

Dated this 19th day of September, 2003.



Dale Holdiman, M.D., Chairperson
Iowa Board of Medical Examiners
400 SW 8th Street, Suite C
Des Moines, IA 50309-4686

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

****

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

THOMAS F. BABCOCK, D.O., RESPONDENT

No. 03-02-600

****

STATEMENT OF CHARGES,

SETTLEMENT AGREEMENT AND FINAL ORDER
(Combined)

****

COMES NOW the Iowa Board of Medical Examiners (the Board), and Thomas F. Babcock, D.O., (Respondent), on June 6, 2003, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), file this combined Statement of Charges, Settlement Agreement and Final Order.

STATEMENT OF CHARGES

1. Respondent was issued license number 02357 to practice osteopathic medicine and surgery in Iowa on June 30, 1989.

2. Respondent's Iowa medical license is valid and will next expire on December 1, 2003.

3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.

COUNT I

4. Respondent is charged under Iowa Code section 147.55(3) (2003) and 653 IAC section 12.4(3) with engaging in unethical or unprofessional conduct.

CIRCUMSTANCES

5. Respondent engaged in inappropriate sexual misconduct in the practice of medicine on more than one occasion.

6. In February 2003, Respondent completed a comprehensive professional sexual misconduct evaluation under the direction of Gene G. Abel, M.D. at the Behavioral Medicine Institute of Atlanta (BMI). On May 9, 2003, Respondent completed residential treatment at BMI.

SETTLEMENT AGREEMENT

7. Respondent is hereby **CITED** for engaging in sexual misconduct in the practice of medicine. Respondent is hereby **WARNED** that engaging in sexual misconduct in the future may result in further disciplinary action, including suspension or revocation of his Iowa medical license.

8. Upon the Board's approval of this Settlement Agreement and Final Order, Respondent shall be assessed a civil penalty in the amount of $5,000. The civil penalty shall be paid within 30 days of the date of this Order and shall be made payable to the Treasurer of Iowa, and mailed to the executive director of the Board. The civil penalty shall be deposited into the State General Fund.

9. Respondent is **permanently prohibited** from treating female patients without having a healthcare professional chaperone continually present. The healthcare

professional chaperone shall be continually present when the Respondent is providing healthcare services, including but not limited to, patient evaluation, treatment and post-evaluation treatment directions. The chaperone shall document his/her continued presence in each patient's chart. Respondent shall provide the Board with the names of all persons providing chaperone services for him at all facilities where Respondent practices medicine under his Iowa medical license within 48 hours of their joining the staff. The Board will provide all chaperones with a copy of all Board Orders and the Board's Summary of the Restrictions on the Respondent's license [See Attachment A]. All chaperones shall provide a written statement to the Board indicating that they have read the Board Orders and Summary of Restrictions and agree to inform the Board immediately if there is any evidence of inappropriate sexual behavior or professional misconduct.

10. Upon the Board's approval of this combined Statement of Charges, Settlement Agreement and Final Order, Respondent's Iowa medical license shall be placed on **probation for a period of five (5) years** under the following terms and conditions:

a) Prior to the Board's approval of this Order, Respondent shall contact Deb Anglin, Coordinator, Monitoring Programs, Iowa Board of Medical Examiners, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686, Ph. #515-281-6491, to establish a monitoring program.

b) Respondent shall fully comply with all future recommendations provided to Respondent by BMI as part of his continuing sexual misconduct treatment.

c) Respondent shall utilize the Principles of Medical Ethics, Staff Surveillance Forms and Patient Satisfaction Surveys in his practice.

(1) Principles of Medical Ethics: Respondent shall ensure that a copy of this form is posted prominently in his examination room(s) and a copy is provided to each patent seen by Respondent.

(2) Staff Surveillance Forms: Respondent shall ensure that all staff who work closely with Respondent, complete the Staff Surveillance Form and submit it in a sealed envelope to the administrative director to be forwarded directly to Respondent's therapist at the end of each month.

(3) Respondent shall ensure that for a one-week period each quarter, all patients seen by the Respondent are provided and asked to complete a Patient Satisfaction Survey. The form is to be distributed to and collected from patients by staff, not Respondent, and submitted to the office administrator who will mail the forms to his Board-approved therapist by the fifth day of the following month. The Board-approved therapist shall share any concerns raised as the result of the Patient Satisfaction Surveys with Respondent; Deb Anglin; the worksite monitor; and the administrative director and nursing director as discussed below.

d) The Respondent shall submit to polygraph examinations every six months as recommended by BMI. The content of the examination questions shall be approved by BMI. The results shall be reported by the Board-approved polygragher to the Board, BMI and Respondent's Board-approved therapist.

e) Respondent shall submit for Board approval the name and curricoulum vitae of a Board-approved therapist to provide continuing counseling for Respondent and to monitor Respondent's progress.

(1) As a condition of approval, the Board-approved therapist shall agree to submit written quarterly reports to the Board concerning Respondent's progress. The reports shall be filed with the Board not later than January 20, April 20, July 20 and October 20 of each year of Respondent's probation.

(2) Respondent shall continue with counseling until discharged by the Board-approved therapist and until Respondent's discharge from counseling is approved by the Board.

(3) Respondent shall meet with his Board-approved therapist at a frequency recommended by the Board-approved therapist and approved by the Board.

f) Prior to the Board's approval of this Order, Respondent shall submit to the Board for approval, the name of a physician who regularly observes and/or supervises Respondent in a practice setting to serve as Respondent's worksite monitor. The worksite monitor shall provide the Board a written

statement indicating he/she has read all Board Orders in this matter. The worksite monitor shall inform the Board immediately if there is any evidence of inappropriate sexual behavior, professional misconduct or a violation of the terms of this Settlement Agreement and Final Order. The worksite monitor shall agree to submit written quarterly reports to the Board concerning Respondent's compliance with this Order. The reports shall be filed with the Board not later than January 20, April 20, July 20 and October 20 of each year of Respondent's probation.

g) Respondent shall provide the Board with the name, address and telephone number of the administrative director and the director of nursing at all current and future hospitals, clinics and other healthcare facilities where Respondent practices medicine under his Iowa medical license. The Board will provide the administrative director and the nursing director with all Board Orders relating to the Respondent' discipline. The Board will also provide a one-page document summarizing the restrictions placed on the Respondent's medical license. [See Attachment A]. The administrative director and nursing director shall provide a written statement indicating that they have read the Board Orders and agree to inform the Board immediately if there is any evidence of inappropriate sexual behavior or professional misconduct.

h) Respondent shall ensure that all physicians, nursing supervisors, nurses and

chaperone nurses with whom he works at any medical facility provide the Board a written statement indicating that they have read and understand all Board Orders and the Summary of Restrictions in this matter. Each such staff person must indicate that they will inform the Board immediately if there is any evidence of inappropriate sexual behavior, professional misconduct or a violation of the terms of this Settlement Agreement and Final Order.

I) Respondent shall file sworn quarterly reports with the Board attesting to his compliance with all the terms and conditions of this Settlement Agreement, including attendance at meetings with his therapist. The reports shall be filed not later than 1/10, 4/10, 7/10 and 10/10 of each year of probation.

j) Respondent shall make appearances before the Board or a Board committee annually or upon request. Respondent shall be given written notice of the date, time and location for the appearances. Such appearances shall be subject to the waiver provisions of 653 IAC 12.6(6)(d).

11. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

12. In the event Respondent violates or fails to comply with any of the terms or conditions of this Statement of Charges, Settlement Agreement and Final Order, the Board may initiate action to suspend or revoke Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code Chapters 148 and 272 and 653 IAC 12.2.

13. In the event Respondent leaves Iowa to reside or practice outside the state, Respondent shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside the state of Iowa will not apply to the duration of the combined Statement of Charges, Settlement Agreement and Final Order.

14. Upon full compliance with the terms of this Order, and upon expiration of the period of probation, Respondent's Iowa medical license shall be restored to its full privileges free and clear of the terms of probation.

15. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

16. By entering into this combined Statement of Charges, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges and waives any objections to the terms of this Settlement Agreement.

17. This combined Statement of Charges, Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for consideration.

18. This combined Statement of Charges, Settlement Agreement and Final Order is subject to approval by the Board. If the Board fails to approve this Settlement Agreement and Final Order, it shall be of no force or effect to either party.

19. The Board's approval of this Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.

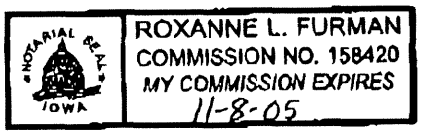
Thomas Babcock DO

Thomas Babcock, ~~M.D.~~ DO, Respondent

Subscribed and sworn to before me on June 6, 2003.

Notary Public, State of Iowa

Roxanne L. Furman



This Settlement Agreement and Final Order is approved by the Board on

June 24, 2003.

Dale R. Holdiman MD

Dale R. Holdiman, M.D., Chair
Iowa Board of Medical Examiners
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

ATTACHMENT A

SUMMARY OF RESTRICTIONS

1. Dr. Babcock is **permanently prohibited** from treating any female patient unless a Board-approved healthcare professional chaperone is present. The chaperone must be continually present when Dr. Babcock is interacting in a healthcare setting with any patient, the patient's family members, or any other patient representative. The **chaperone must document** his/her continued presence in each patient's chart.

2. Dr. Babcock's Iowa medical license is on **probation for a period of five (5) years**, subject to certain terms and conditions. You should be familiar with the following conditions of his probation:

a) Dr. Babcock is required to use three survey forms in his practice: Principles of Medical Ethics, Staff Surveillance Forms and Patient Satisfaction Surveys. The **Principles of Medical Practice** must be handed out to every patient and clearly displayed above Dr. Babcock's desk and in each exam room where he examines patients. All staff members, with whom Dr. Babcock works closely in the practice of medicine, must complete the **Staff Surveillance Forms** once a month. For a one-week period each month, all of Dr. Babcock's patients must complete a **Patient Satisfaction Survey**. Staff (not Dr. Babcock) must distribute the forms to patients and collect the completed forms and submit them in a sealed envelope to the office manager or administrator who must promptly mail the completed forms to Dr. Babcock's Board-approved therapist.

b) The administrative director, director of nursing, all persons serving as chaperones, and all administration and nursing staff who work closely with Dr. Babcock at all hospitals, clinics, or other health care facilities in Iowa where Dr. Babcock practices medicine must be given copies of all Board Orders in this matter and this Summary of Restrictions. They must verify to the Board, in writing, that they have read the Board Orders and agree to inform the Board immediately if there is any evidence of inappropriate sexual behavior, professional misconduct, a violation of the terms of the Board's Final Order, or a violation of any of the laws and rules governing the practice of medicine in Iowa by Dr. Babcock.

c) Dr. Babcock is also required to have a Board-approved worksite monitor who is a physician. The worksite monitor must be provided a copy of all Board Orders and this Summary of Restrictions and is subject to the same reporting requirements described in the above paragraph.