

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

DANIEL J. BALDI, D.O., RESPONDENT

FILE Nos. 03-09-653 & 03-12-041

SETTLEMENT AGREEMENT

COMES NOW the Iowa Board of Medicine (Board), and Daniel J. Baldi, D.O., (Respondent), and on October 28, 2016, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into this Settlement Agreement to resolve a pending disciplinary matter.

1. Respondent was issued Iowa medical license no. 02785 on June 14, 1993.
2. Respondent's Iowa medical license is active and will next expire on July 1, 2018.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

STATEMENT OF THE MATTERS ASSERTED

4. **PRACTICE SETTING:** Respondent is an Iowa-licensed physician who formerly practiced anesthesia and pain medicine in Des Moines, Iowa.

5. **STATEMENT OF CHARGES:** On August 23, 2012, the Board filed formal disciplinary charges against Respondent alleging that he engaged in improper prescribing, improper pain management and unethical or unprofessional conduct, placing patients at risk of serious harm, when he failed to provide appropriate pain management to numerous patients in Des Moines, Iowa, between 2004 and 2012, in violation of the laws and rules governing the practice of medicine. Respondent filed an Answer denying the allegations. However, Respondent enters into this Settlement Agreement to resolve the contested charges without any admission of liability.

6. **STIPULATED ORDER:** On September 21, 2012, Respondent entered into a Stipulated Order with the Board. Respondent agreed not to engage in any aspect of the practice of medicine until this matter is resolved.

SETTLEMENT AGREEMENT

7. **CITATION AND WARNING:** Respondent is hereby **CITED** for engaging in improper pain management when he failed to provide appropriate pain management to numerous patients in Des Moines, Iowa, between 2004 and 2012, in violation of the laws and rules governing the practice of medicine in Iowa. Respondent is hereby **WARNED** that such practice in the future may result in further disciplinary action, including suspension or revocation of his Iowa medical license.

8. **CIVIL PENALTY:** Respondent agrees to pay a **\$5,000 civil penalty**. The civil penalty shall be made payable to the Treasurer of Iowa, mailed to the Executive Director of the Board and shall be deposited into the State General Fund.

9. **PROHIBITION - CHRONIC PAIN MANAGEMENT:** Respondent is permanently prohibited from prescribing, administering or dispensing controlled substances for the treatment of chronic pain. Pursuant to 653 IAC 13.2(1), "*Chronic pain*" means persistent or episodic pain of a duration or intensity that adversely affects the functioning or well-being of a patient when (1) no relief or cure for the cause of pain is possible; (2) no relief or cure for the cause of pain has been found; or (3) relief or cure for the cause of pain through other medical procedures would adversely affect the well-being of the patient.

10. **SUSPENSION:** On September 21, 2012, Respondent entered into a Stipulated Order with the Board and agreed not to engage in any aspect of the practice of medicine until this matter is resolved. Respondent has complied with the terms of the Stipulated Order. Respondent's Iowa medical license is hereby **REINSTATED**. However, prior to engaging in the practice of medicine, Respondent shall successfully complete the following terms and conditions and obtain prior written approval from the Board:

A. **Board-Approved Comprehensive Clinical Competency Evaluation or Residency/Retraining Program:** Respondent shall successfully complete:

- 1) A Board-approved comprehensive clinical competency evaluation at the Center for Personalized Education for Physicians (CPEP) in Denver, Colorado, 303-577-3232; or
- 2) A Board-approved residency/retraining program.

Respondent shall fully comply with all recommendations made by CPEP or the Board-approved residency/retraining program and he is responsible for all

costs associated with the evaluation or residency/retraining program.

B. **Professional Ethics Program:** Respondent shall successfully complete the Professional/Problem Based Ethics (PROBE) program offered by CPEP in Denver, Colorado, 303-577-3232. Respondent shall ensure that a report is sent directly to the Board following completion of the program. Respondent is responsible for all costs associated with the program.

C. **Medical Record Keeping Course:** Respondent shall successfully complete a Board-approved medical record keeping course. Respondent is responsible for all costs associated with the medical record keeping course.

11. **FIVE YEARS PROBATION:** Upon successful completion of the requirements established in subparagraphs 10(A)-(C) above and receipt of written approval from the Board, Respondent shall be placed on **probation for a period of five years** subject to the following terms and conditions:

A. **Board Monitoring Program:** Prior to returning to the practice of medicine, Respondent shall establish a Board monitoring program with Mary Knapp, Compliance Monitor, Iowa Board of Medicine, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686, 515-281-5525. Respondent shall fully comply with all requirements of the Board monitoring program.

B. **CPEP Recommendations:** Respondent shall fully comply with all recommendations made by CPEP.

C. **Board-Approved Practice Plan:** Prior to returning to the practice of

medicine, Respondent shall submit a written practice plan to the Board for approval. The written practice plan shall describe the nature of his proposed future medical practice. Respondent shall not change practice settings unless he receives prior written approval from the Board.

- D. **Prescribing Audits:** Respondent shall fully comply with Board-approved audits of his controlled substance prescribing during the period of this Order. Respondent shall submit the names of all patients he has prescribed controlled substances for each quarter. From that list, the Board shall select 10 patients quarterly. Respondent shall provide the Board copies of the medical records for each patient selected for review. The Board shall compare this information with information obtained from the Iowa Prescription Monitoring Program.

- E. **Practice Monitoring Plan:** Prior to returning to the practice of medicine, Respondent shall submit a written practice monitoring plan to the Board for approval. Respondent fully comply with the terms of the Board-approved practice monitoring plan including the following:

- 1) Respondent shall submit the name and CV of an Iowa-licensed, board-certified, anesthesiologist to serve as his practice monitor.
- 2) The Board shall provide the practice monitor a copy of this order, the written practice monitoring plan, all CPEP reports and all other relevant Board material in this matter.
- 3) The practice monitor shall provide a written statement indicating that

the practice monitor has read and understands all Board material provided by the Board and agrees to serve as the practice monitor under the terms of the practice monitoring plan. The practice monitor shall meet with Respondent regularly, review selected patients records, ensure that Respondent provides appropriate treatment to patients and engage in a quality improvement process that addresses any areas of need identified by CPEP.

- 4) The practice monitor shall contact the Board immediately if there is evidence that Respondent has provided substandard medical care or engaged in unprofessional conduct.
- 5) The practice monitor shall submit written quarterly reports to the Board not later than 1/20, 4/20, 7/20 and 10/20 of each year of this order.
- 6) The practice monitor may be asked to appear before the Board in-person, or by telephone or video conferencing. Such appearances are subject to the waiver provisions of 653 IAC 24.2(5)(e)(3).

F. **Worksite Monitoring Program:** Prior to returning to the practice of medicine, Respondent shall establish a Board-approved worksite monitoring program. Respondent fully comply with the terms of the Board-approved worksite monitoring program including the following:

- 1) Respondent shall submit the name of a physician who regularly observes and/or supervises Respondent in the practice of medicine.

- 2) The Board shall provide a copy of all Board orders relating to this matter to the worksite monitor.
- 3) The worksite monitor shall provide a written statement indicating that they have read and understand this Order and agrees to serve under the terms of this Order.
- 4) The worksite monitor shall agree to inform the Board immediately if there is evidence of professional incompetence or a violation of the terms of this Order.
- 5) The worksite monitor may be asked to appear before the Board in-person, or by telephone or video conferencing. Such appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(e)(3).
- 6) The worksite monitor shall submit quarterly reports to the Board not later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.

- H. **Quarterly Reports:** Respondent shall file sworn quarterly reports attesting to his compliance with all the terms of this Order no later than 1/10, 4/10, 7/10 and 10/10 of each year for the duration of the period of this Order.
- I. **Board Appearances:** Respondent shall appear before the Board annually or upon request of the Board during the period of this order. Respondent shall be given notice of the date, time and location of the appearances. The appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(e)(3).
- J. **Monitoring Fee:** Respondent shall make a payment of \$300 to the Board each

quarter for the duration of his probation to cover the Board's monitoring expenses. The monitoring fee shall be received by the Board with all quarterly reports required during his probation. The monitoring fee shall be sent to: Mary Knapp, Compliance Monitor, Iowa Board of Medicine, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686. The check shall be made payable to the Iowa Board of Medicine.

12. Respondent voluntarily submits this Order to the Board for consideration.

13. Respondent agrees that the State's counsel may present this Order to the Board for consideration.

14. By entering into this Order, Respondent understands that he has a right to legal counsel, voluntarily waives any rights to a contested case hearing on the allegations in the Statement of Charges, and waives any objections to the terms of this Order.

15. This Order constitutes the resolution of a contested case proceeding.

16. Periods in which Respondent does not practice medicine, practices medicine in another state or fails to comply with the terms established in this Order shall not apply to the duration of this Order unless Respondent obtains prior written approval from the Board.

17. In the event Respondent fails to comply with any of the terms of this Order, the Board may initiate action to suspend or revoke Respondent's license or to impose other license discipline as authorized in Iowa Code chapters 148 and 272 and 653 IAC 25.


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

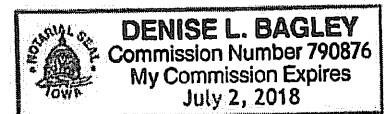
19. Respondent understands that the Board is required by Federal law to report this Order to the National Practitioner Data Bank.

20. This Order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.

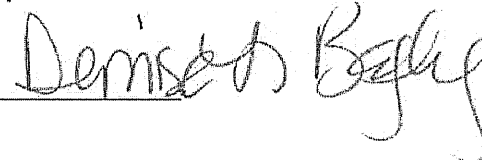
21. This Order is subject to approval of the Board. If the Board fails to approve this Order it shall be of no force or effect to either party.

22. The Board's approval of this Order shall constitute a **Final Order** of the Board.


Daniel J. Baldi, D.O., Respondent



Subscribed and sworn to before me on September 19th, 2016.

Notary Public, State of Iowa 

This Order is approved by the Board on October 28, 2016.



Diane Clark, M.D., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF

DANIEL J. BALDI, D.O., RESPONDENT

FILE Nos. 03-09-653 & 03-12-041

STIPULATED ORDER - AGREEMENT NOT TO PRACTICE MEDICINE

COMES NOW the Iowa Board of Medicine (Board) and Daniel J. Baldi, D.O. (Respondent) on September 21, 2012, and pursuant to Iowa Code sections 17A.10 and 272C.3(4), enter into this Stipulated Order.

1. Respondent was issued Iowa medical license no. 02785 on June 14, 1993.
2. Respondent's Iowa medical license is active and will next expire on July 1, 2014.
3. Respondent is an Iowa-licensed physician who formerly practiced anesthesiology and pain medicine in Des Moines, Iowa.
4. On August 23, 2012, the Board filed a Statement of Charges against Respondent alleging that he violated the laws and rules governing the practice of medicine in Iowa when he failed to provide appropriate pain care to numerous patients in Des Moines, Iowa, between 2004 and the present. A hearing is scheduled on October 11-12, 2012.
5. On September 5, 2012, Respondent was charged in Polk County, Iowa, with

eight counts of involuntary manslaughter, aggravated misdemeanors. Respondent entered pleas of not guilty to all charges.

6. Respondent seeks a continuance of the Board hearing until the pending criminal charges are resolved.

7. The Board hearing scheduled for October 11-12, 2012 is hereby continued, pending resolution of the criminal charges.

8. Respondent agrees that he shall not engage in any aspect of the practice of medicine until the Board matter is resolved.

9. This Stipulated Order and Agreement is not an admission of liability or wrongdoing by the Respondent in the matter before the Board and the criminal charges filed in Polk County.

10. This Stipulated Order is a public record.

11. Respondent voluntarily submits this Stipulated Order to the Board for consideration.

12. In the event Respondent violates or fails to comply with any of the terms of this Stipulated Order, the Board may initiate action to suspend or revoke Respondent's Iowa medical license or to impose other license discipline authorized in Iowa Code Chapters 147, 148 and 272 and 653 IAC 23.

13. This Order is subject to approval by the Board. If the Board fails to approve this Order, it shall be of no force or effect to either party.

Daniel J. Baldi
Daniel J. Baldi, D.O., Respondent

9/14/12
Date

Approved as to form on September 14, 2012.

Thomas Reavely
Thomas Reavely
Attorney for Respondent

Sally Reavely
Sally Reavely
Attorney for Respondent

This Stipulated Order is approved by the Board on September 21, 2012.

Colleen K. Stockdale MD MS

Colleen K. Stockdale, M.D., M.S., Chairwoman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

DANIEL J. BALDI, D.O., RESPONDENT

FILE Nos. 03-09-653 & 03-12-041

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medicine on August 23, 2012, and files this Statement of Charges pursuant to Iowa Code section 17A.12(2). Respondent was issued Iowa medical license number 02785 on June 14, 1993. Respondent's Iowa medical license is active and will next expire on September 1, 2012.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on October 11-12, 2012, before the Board. The hearing shall begin at 8:30 a.m. each day and shall be located in the conference room at the Board office at 400 SW 8th Street, Suite C, Des Moines, Iowa.

2. Answer. Within twenty (20) days of the date you are served this Statement of Charges you are required by 653 IAC 24.2(5)(d) to file an Answer. In that Answer, you should state whether you will require a continuance of the date and time of the hearing.

3. Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on pre-hearing matters, and be present to assist and advise the board at hearing.

4. Prehearing Conference. A prehearing conference will be held by telephone on September 5, 2012, at 9:30 a.m., before an Administrative Law Judge from the Iowa Department of Inspections and Appeals (ALJ). Please contact Kent M. Nebel, J.D., Legal Director, Iowa Board of Medicine, at 515-281-7088 with the telephone number at which you or your legal counsel can be reached. Board rules on prehearing conferences may be found at 653 Iowa Administrative Code 25.15.

5. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 653 IAC 25. At hearing, you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. If you need to request an alternative time or date for hearing, you must review the requirements in 653 IAC 25.16. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

6. Prosecution. The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address: Julie Bussanmas, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319.

7. Communications. You may not contact board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You should direct any questions to Kent M. Nebel, J.D., the Board's Legal Director at 515-281-7088 or to Assistant Attorney General Julie Bussanmas 515-281-5637.

B. LEGAL AUTHORITY AND JURISDICTION

8. Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 148, and 272C.

9. Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 148, and 272C and 653 IAC 25.

10. Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 653 IAC 25.20.

C. SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

11. **Professional Incompetency:** Respondent is charged with professional incompetency pursuant to Iowa Code sections 147.55(2), 148.6(2)(g) and (i), and 272C.10(2) and 653 IAC 23.1(2)(a),(b),(c), (d), (e), and (f), by demonstrating one or more of the following:

- a. Willful or repeated gross malpractice;
- b. Willful or gross negligence;
- c. A substantial lack of knowledge or ability to discharge professional obligations within the scope of the physician's or surgeon's practice;
- d. A substantial deviation from the standards of learning or skill ordinarily possessed and applied by other physicians or surgeons in the state of Iowa acting in the same or similar circumstances;
- e. A failure by a physician or surgeon to exercise in a substantial respect that degree of care which is ordinarily exercised by the average physician or surgeon in the state of Iowa acting in the same or similar circumstances; or
- f. A willful or repeated departure from, or the failure to conform to, the minimal standard of acceptable and prevailing practice of medicine and surgery in Iowa.

COUNT II

12. **Inappropriate Prescribing:** Respondent is charged pursuant to Iowa Code sections 148.6(2)(i) and 653 IAC 23.1(7) for willfully or repeatedly violating a lawful rule or regulation adopted by the Board when he indiscriminately or promiscuously prescribed, administered or dispensed drugs for other than a lawful purpose.

COUNT III

13. **Improper Pain Management:** Respondent is charged pursuant to Iowa Code sections 148.6(2)(i) and 653 IAC 13.2 for willfully or repeatedly violating a lawful rule or regulation adopted by the Board when he violated the standards of practice for appropriate pain management.

COUNT IV

14. **Unethical or Unprofessional Conduct:** Respondent is charged pursuant to Iowa Code sections 147.55(3) 148.2(g) and 272C.10(3) and 653 IAC 23.1(4) with engaging in unethical or unprofessional conduct. Engaging in unethical or unprofessional conduct includes, but is not limited to, the committing by a licensee of an act contrary to honesty, justice or good morals, whether the same is committed in the course of the licensee's practice or otherwise, and whether committed within this state or elsewhere; or a violation of the standards and principles of medical ethics or 653 IAC 13.7 or 13.20 as interpreted by the board.

STATEMENT OF THE MATTERS ASSERTED

15. Respondent practices anesthesiology and pain medicine in Des Moines, Iowa.

16. The Board alleges that Respondent violated the laws and rules governing the practice of medicine in Iowa when he failed to provide appropriate pain care to numerous patients in Des Moines, Iowa, between 2004 and the present including, but not limited to, the following:

A. Respondent indiscriminately and/or promiscuously prescribed, administered or dispensed controlled substances to numerous patients;

- B. Respondent prescribed large quantities of potentially lethal medications to numerous patients including, but not limited to, the following; Oxycodone; Hydromorphone; OxyContin; Hydrocodone; Pentazocine; Methadone; Zolpidem; Suboxone; Lunesta; Alprazolam; Lorazepam; and Diazepam.
- C. Respondent failed to perform and/or document appropriate physical examinations, including comprehensive medical histories, pain assessment, physical and psychological function, diagnostic studies, previous interventions, substance abuse histories and underlying and coexisting conditions;
- D. Respondent failed to assess and/or document appropriate assessment of patients' need for opioid therapy for chronic pain management;
- E. Respondent failed to assess and/or document appropriate assessment of patients' need for interventional pain management procedures;
- F. Respondent failed to perform and/or document appropriate interventional pain management procedures on patients;
- G. Respondent failed to review, perform and/or document appropriate imaging studies to establish and/or support a diagnosis for patients receiving opioid therapy for chronic pain management and/or interventional pain management procedures;
- H. Respondent failed to order and/or document appropriate psychological evaluation and follow-up care for patients;
- I. Respondent failed to establish and/or document appropriate treatment plans; including clear treatment objectives, diagnostic evaluations, treatments performed or other treatment modalities;

- J. Respondent failed to maintain and/or document appropriate pain management agreements that specify the rules for medication use and the consequences for misuse or diversion;
- K. Respondent failed to obtain and/or document appropriate informed consent, including discussion of the risks associated with the use of controlled substances;
- L. Respondent failed to perform and/or document appropriate monitoring, including consideration of the appropriateness of continued drug therapy, the use of other treatment modalities, urine drug testing and evidence of misuse or diversion;
- M. Respondent failed to appropriately document the changes in his opioid therapy for chronic pain management for patients;
- N. Respondent failed to address and/or document appropriate efforts to address patients who demonstrated evidence of misuse or diversion;
- O. Respondent failed to address and/or document appropriate efforts to address patients who had troubling urine drug testing results;
- P. Respondent failed to address and/or document appropriate efforts to address patients who violated their pain management agreements;
- Q. Respondent failed to provide and/or document appropriate care to patients who were terminated from opioid therapy for chronic pain management;
- R. Respondent failed to appropriately communicate and/or document his communication with other physicians and mid-level providers who provided care to patients;

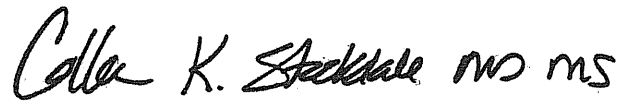
- S. Respondent failed to appropriately supervise and/or document his supervision of mid-level providers who provided opioid therapy for chronic pain management to patients;
- T. Respondent failed to maintain appropriate medical records;
- U. Respondent inappropriately ordered as office use, and dispensed, topical pain creams from his office to patients in violation of 657 IAC 8.19(1) and 8.19(3).
- V. Respondent inappropriately self-prescribed and/or self-dispensed topical pain creams;
- W. Respondent failed to appropriately refill an intrathecal infusion pain pump resulting in the patient receiving an excessive dose of medication and the patient died; and

E. SETTLEMENT

17. Settlement. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 653 IAC 25. If you are interested in pursuing settlement of this matter, please contact Kent M. Nebel, J.D., Legal Director at 515-281-7088.

F. PROBABLE CAUSE FINDING

18. On August 23, 2012, the Iowa Board of Medicine found probable cause to file this Statement of Charges.

A handwritten signature in black ink that reads "Colleen K. Stockdale MD MS". The signature is written in a cursive, flowing style.

Colleen K. Stockdale, M.D., M.S., Chairwoman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686