

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

TED A. BONEBRAKE, M.D., RESPONDENT

FILE No. 02-04-462

SETTLEMENT AGREEMENT AND FINAL ORDER

COMES NOW the Iowa Board of Medical Examiners (the Board), and Ted A. Bonebrake, M.D., (Respondent), on February 10, 2005, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), and enter into this Settlement Agreement and Final Order to resolve the contested case currently on file.

1. Respondent was issued license number 32655 to practice medicine and surgery in Iowa on October 20, 1998.
2. Respondent's Iowa medical license is active and will next expire on January 1, 2006.
3. The Board has jurisdiction over the parties and subject matter.
4. **CITATION AND WARNING:** Respondent is hereby **CITED** for consuming alcohol in violation of his Board Order. Respondent is hereby **WARNED** that future violations may result in further disciplinary action, including revocation of your Iowa medical license.

5. **CIVIL PENALTY:** Upon the Board's approval of this Settlement Agreement and Final Order, Respondent shall be assessed a civil penalty in the amount of \$1,000. The civil penalty shall be paid prior to the Board's approval of this Order by delivery of a check or money order, payable to the Treasurer of Iowa, to the executive director of the Board. The civil penalty shall be deposited into the State General Fund.

6. **SUBSTANCE ABUSE TREATMENT:** Respondent voluntarily discontinued the practice of medicine on September 20th 2004, to undergo a substance abuse evaluation at a Board-approved program. Respondent successfully completed substance abuse treatment at the Board-approved program on November 16, 2004. At the conclusion of the substance abuse treatment the program concluded that Respondent is safe to return to the practice of medicine subject to certain terms and conditions.

7. **INDEFINITE PROBATION:** Respondent's Iowa medical license shall be placed on **indefinite probation**, subject to the following terms and conditions:

- A. **Monitoring Program:** Respondent shall fully comply with all requirements established in his Board monitoring program.
- B. **Alcohol Prohibition:** Respondent shall not consume alcohol.
- C. **Controlled or Prescription Drug Consumption:** Respondent shall not use any controlled or prescription drug in any form unless the controlled or prescription drug has been prescribed for Respondent's use by another qualified treating health care provider. Respondent shall provide the Board written notice within 72 hours of the use of any controlled or prescription drug. Respondent shall inform all treating health care providers of his history

of substance abuse prior to receiving any prescription drug.

- D. **Drug Screening Program:** Respondent shall continue to submit to the Board's drug screening program. Respondent shall provide random blood or urine specimens when required. Respondent shall ensure that all urine samples are appropriately witnessed as required by the drug screening program. Respondent agrees to comply with all requirements of the drug-screening program. Respondent shall also provide random blood or urine specimens on demand by an agent of the Board. The specimens shall be used for drug and alcohol screening, all costs of which shall be paid by Respondent.
- E. **Alcoholics Anonymous Meetings:** Respondent shall attend at least twelve Alcoholics Anonymous (AA) or a similar substance abuse meetings monthly, and not less than two each week. Respondent shall obtain documentation of attendance and include copies of this documentation with his quarterly reports. Respondent shall have at least weekly contact with his AA sponsor.
- F. **Substance Abuse Treatment:** Respondent shall continue Board-approved substance abuse treatment.
 - (1) The substance abuse counselor shall continue to submit written quarterly reports to the Board concerning Respondent's progress. The reports shall be filed with the Board not later than 1/20, 4/20, 7/20 and 10/20 of each year of Respondent's probation.
 - (2) Respondent shall continue with counseling until discharged by the Board-approved physician or counselor and until Respondent's

discharge from counseling is approved by the Board.

- (3) Respondent shall meet with his Board-approved counselor as frequently as recommended by the physician or counselor and approved by the Board. All costs shall be the responsibility of Respondent.

- G. **Aftercare Meetings:** Respondent shall attend Board-approved substance abuse group aftercare meetings as determined by the aftercare counselor and the Board. The aftercare counselor shall submit written quarterly reports concerning Respondent's progress. The reports shall be filed not later than 1/20, 4/20, 7/20 and 10/20 of each year of Respondent's probation
- H. **Worksite Monitor:** Respondent continue to have a physician who regularly observes and/or supervises him at all practice locations to serve as his worksite monitor. The Board shall provide a copy of all Board orders relating to this matter with the worksite monitor. The worksite monitor shall provide a written statement indicating that they agree to act as the worksite monitor under the terms of this agreement. The worksite monitor shall agree to inform the Board immediately if there is evidence of inappropriate behavior, professional misconduct, a violation of the terms of this Settlement Agreement or any violation of the laws and rules governing the practice of medicine. The monitor shall agree to submit quarterly reports to the Board concerning Respondent's progress. The reports shall be filed with the Board not later than 1/20, 4/20, 7/20 and 10/20 of each year of Respondent's probation.
- I. **Quarterly Reports:** Respondent shall file sworn quarterly reports with the

Board attesting to his compliance with all of the terms and conditions of this Settlement Agreement. The reports shall be filed not later than 1/10, 4/10, 7/10 and 10/10 of each year of the Respondent's probation.

- J. **Board Appearances:** Respondent shall make appearances before the Board or a Board committee annually or upon request. Respondent shall be given reasonable notice of the date, time and location for the appearances. Said appearances shall be subject to the waiver provisions of 653 IAC 12.6(6)(d).
- K. **Monitoring Fee:** Respondent shall make a payment of \$100 to the Board each quarter for the duration of this Order to cover the Board's monitoring expenses in this matter. The Monitoring Fee shall be received by the Board no later than the 15th of the month three months after the date of this order and every quarter thereafter. The Monitoring Fee shall be sent to: Coordinator of Monitoring Programs, Iowa Board of Medical Examiners, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686. The check shall be made payable to the Iowa Board of Medical Examiners. The Monitoring Fee shall be considered repayment receipts as defined in Iowa Code section 8.2.

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

9. 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 Settlement Agreement and Final Order.

10. In the event Respondent violates or fails to comply with any of the terms or conditions of this Settlement Agreement and Final Order, the Board may initiate action to suspend or revoke the 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.

11. Upon full compliance with the terms of this Settlement Agreement and Final 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.


12. This Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

13. By entering into this 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.

14. This Settlement Agreement and Final Order, is voluntarily submitted by Respondent to the Board for consideration.

15. This Settlement Agreement and Final Order, is subject to approval of 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.

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


Ted A. Bonebrake, M.D., Respondent

Subscribed and sworn to before me on 26 Jan, ~~2004~~, 2005

Notary Public, State of Iowa



Michael M. Sellers

MICHAEL M. SELLERS

This combined Statement of Charges, Settlement Agreement and Final Order is approved by

the Board on February 10, 2004/5

[Signature]

Bruce L. Hughes, M.D., Chairperson
Iowa Board of Medical Examiners
400 S.W. 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

TED A. BONEBRAKE, M.D., RESPONDENT

FILE No. 02-04-462

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medical Examiners (the Board), on September 2, 2004, and files this Statement of Charges against Ted A. Bonebrake, M.D., (Respondent), a physician licensed pursuant to Iowa Code Chapter 147 (2003) and alleges:

1. Respondent was issued license number 32655 to practice medicine and surgery in Iowa on October 20, 1998.
2. Respondent's Iowa medical license is current and will next expire on January 1, 2006.
3. The Board has jurisdiction over the parties and subject matter.

COUNT I

4. Respondent is charged under Iowa Code section 148.6(2)(i) (2003) and 653 IAC 12.4(16) with violating a lawful order of the Board.

COUNT II

5. Respondent is charged under Iowa Code section 148.6(2)(h) (2003) and 653 IAC sections 12.4(4) with habitual intoxication or addiction to the use of drugs or alcohol.

CIRCUMSTANCES

6. On September 19, 2003, the Board filed formal disciplinary charges against Respondent's Iowa medical license. Respondent was charged with violating the terms of his Iowa Physician Health Program (IPHP) monitoring agreement when he failed to fully comply with the IPHP's drug screening program, failed to attend required aftercare meetings and tested positive for marijuana and alcohol on more than one occasion.

7. On October 22, 2003, Respondent entered into a Settlement Agreement with the Board to resolve the pending disciplinary charges. Respondent agreed to successfully complete residential substance abuse evaluation and treatment at a Board-approved program and to fully comply with all recommendations made by the program. Respondent's Iowa medical license was also placed on probation for a period of five (5) years subject to certain terms and conditions due to substance abuse. Paragraph 6(b) of the October 22, 2003, Order required that Respondent not consume alcohol for the duration of the period of probation.

8. The Board recently received information indicating Respondent consumed alcohol in violation of the terms and conditions of the October 22, 2003, Board Order.

On this the 2nd day of September, 2004, the Iowa Board of Medical Examiners finds probable cause to file this Statement of Charges.



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