

**BEFORE THE IOWA BOARD OF MEDICINE**

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**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST**

**MARK E. BUCHANAN, M.D., RESPONDENT**

**FILE No. 02-11-168**

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**STATEMENT OF CHARGES AND SETTLEMENT AGREEMENT  
(Combined)**

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**COMES NOW** the Iowa Board of Medicine (Board), and Mark E. Buchanan, M.D., (Respondent), on August 18, 2011, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) enter into this combined Statement of Charges and Settlement Agreement.

**STATEMENT OF CHARGES**

1. Respondent was issued Iowa medical license no. 35041 on March 17, 2003.
2. Respondent's Iowa medical license is active and will next expire on January 1, 2013.
3. The Board has jurisdiction over the parties and subject matter.

**COUNT I**

4. Respondent is charged pursuant to Iowa Code section 148.6(2)(d) with being disciplined by the medical licensing authority of another state.

## **STATEMENT OF THE MATTERS ASSERTED**

5. Respondent is an Iowa-licensed physician who formerly practiced orthopedic surgery in West Des Moines, Iowa. Respondent currently practices orthopedic surgery in Bowling Green, Kentucky.

6. In 2008, Respondent successfully completed substance abuse treatment and was monitored by the Iowa Physician Health Program.

7. On May 7, 2009, Respondent entered into a combined Statement of Charges and Settlement Agreement with the Board to resolve a pending disciplinary matter. The Board charged Respondent with violating the laws and rules governing the practice of medicine in Iowa when he failed to attend several scheduled elective surgical procedures and failed to make appropriate coverage arrangements for patients at a West Des Moines clinic in 2008.

8. In June 2009, Respondent was granted a Kentucky medical license, conditional upon maintaining a contractual relationship with the Kentucky Physicians Health Foundation for substance abuse counseling and monitoring.

9. On or about July 12, 2010, Respondent relapsed when he obtained and used Ethyl Chloride, an abusable drug.

10. On February 24, 2011, Respondent was disciplined by the Kentucky Board of Medical Regulation. Respondent entered into an Agreed Order with the Kentucky Board and restrictions were placed on his Kentucky medical license for an indefinite period of time including substance abuse and mental health counseling and monitoring.

11. Respondent is currently subject to counseling and monitoring by the Kentucky Board of Medical Regulation, the Kentucky Physicians Health Foundation and the Iowa Physician Health Program.

### **SETTLEMENT AGREEMENT**

12. **CITATION AND WARNING:** Respondent is hereby **CITED** for being disciplined by the Kentucky Board of Medical Licensure in violation of the laws and rules governing the practice of medicine in Iowa. Respondent is hereby **WARNED** that violating the laws and rules governing the practice of medicine in Iowa in the future may result in further disciplinary action, including suspension or revocation of his Iowa medical license.

13. **CIVIL PENALTY:** Respondent shall pay a **\$5,000 civil penalty**. The civil penalty shall be paid within twenty (20) 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.

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

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

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

17. In the event Respondent violates or fails to comply with any of the terms or conditions of this 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 25.

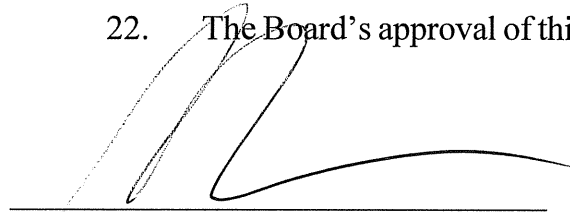
18. Periods of residence or practice outside the state of Iowa shall not apply to the duration of this Order unless Respondent obtains prior written approval from the Board. Periods in which Respondent does not practice medicine or fails to comply with the terms established in this Order shall not apply to the duration of this Order unless Respondent obtains prior written approval from the Board.

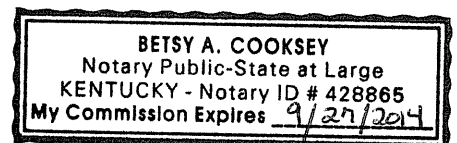
19. Respondent understands that by entering into this combined Statement of Charges and Settlement Agreement, Respondent cannot obtain a copy of the investigative file. Pursuant to Iowa Code section 272C.6(4), a copy of the investigative file may only be provided to a licensee after a Statement of Charges is filed but before the final resolution of those charges.

20. By entering into this 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.

21. This 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.

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

  
Mark E. Buchanan, M.D., Respondent



Subscribed and sworn to before me on July 28, 2011.

Notary Public, State of Kentucky.



This Order is approved by the Board on August 18, 2011.

A handwritten signature in black ink, appearing to read "Amir A. Shirazi". The signature is fluid and cursive, with a horizontal line drawn underneath it.

Siroos S. Shirazi, M.D., Chairman  
Iowa Board of Medicine  
400 SW 8<sup>th</sup> Street, Suite C  
Des Moines, Iowa 50309-4686