

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

JOSEPH C. DARROW, Jr., M.D., RESPONDENT

FILE No. 02-2014-468

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

COMES NOW the Iowa Board of Medicine (Board), and Joseph C. Darrow, Jr., M.D., (Respondent), on December 15, 2017, 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. **Iowa Medical License:** Respondent was issued Iowa medical license MD-41395 on October 25, 2013. Respondent's Iowa medical license is active and will next expire on April 1, 2019.

2. **Jurisdiction:** The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

COUNT I

3. **Sexual Misconduct:** Respondent is charged pursuant to Iowa Code section 148.6(2)(i) and 653 IAC 23.1(10) and 13.7(4) with engaging in sexual misconduct in violation of the laws and rules governing the practice of medicine in Iowa

STATEMENT OF THE MATTERS ASSERTED

4. **Practice Setting:** Respondent is an Iowa-licensed physician who formerly practiced orthopedic surgery in Fort Madison, Iowa, and currently practices in Kirksville, Missouri.

5. **Sexual Misconduct:** The Board alleges that Respondent engaged in sexual misconduct in violation of the laws and rules governing the practice of medicine in Iowa when he engaged in a sexual relationship with a female patient concurrent with, or immediately following, the physician-patient relationship, in Fort Madison, Iowa, in 2014. Respondent subsequently married the female patient.

6. **Comprehensive Sexual Misconduct Evaluation:** At the direction of the Board, Respondent completed a comprehensive sexual misconduct evaluation at the Professional Renewal Center from August 18-21, 2017. After careful review of the evaluation report, the Board concluded that Respondent may continue to practice medicine subject to terms of this order.

SETTLEMENT AGREEMENT

7. **CITATION AND WARNING:** Respondent is hereby **CITED** for engaging in sexual misconduct in violation of the laws and rules governing the practice of medicine in Iowa. Respondent is hereby **WARNED** that engaging in such conduct in the future may result in further disciplinary action against his Iowa medical license.

8. **CIVIL PENALTY:** Respondent shall pay a **\$5,000 civil penalty** within twenty (20) days of the date of this order. The civil penalty shall be made payable to the Treasurer of Iowa, and mailed to the executive director of the Board. The civil penalty shall be deposited in the State General Fund.

9. **NEUROLOGICAL TESTING:** Respondent shall complete neurological testing under the direction of a Board-approved neurologist as recommended by the Professional Renewal Center within **30 days** of this order. Respondent shall ensure that a report is forwarded to the Board directly from the neurologist. Respondent is responsible for all costs associated with the neurological testing.

10. **PROFESSIONAL BOUNDARIES PROGRAM:** Respondent shall successfully complete a Board-approved treatment program for professional boundaries.

A. Respondent shall obtain Board approval of the treatment program prior to beginning treatment.

B. Respondent shall contact Kent M. Nebel, J.D., Director of Legal Affairs, at 515-281-7088 or kent.nebel@iowa.gov to confirm that treatment has been scheduled.

C. Respondent shall begin treatment within **30 days** of the date of this Order.

- D. Respondent shall complete treatment within **90 days** of the date of this Order.
- E. Respondent shall ensure that a treatment report is forwarded to the Board directly from the program.
- F. Respondent shall fully comply with any recommendations made by the treatment program.
- G. Respondent is responsible for all costs associated with the treatment.

11. **WORKSITE MONITOR:** Respondent shall establish a worksite monitor with the Board under the following terms and conditions:

- A. Respondent shall submit for Board approval the name and CV of a physician who regularly observes and/or supervises Respondent in the practice of medicine.
- B. The Board shall provide a copy of all Board orders relating to this matter to the worksite monitor.
- C. 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.
- D. The worksite monitor shall agree to inform the Board immediately if there is evidence of sexual misconduct, unprofessional conduct or a violation of the terms of this Order.

- E. 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).
- F. Respondent shall ensure that the worksite monitor submits quarterly reports to the Board not later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order.
- 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. This Order constitutes the resolution of a contested case proceeding.
- 15. Respondent shall submit documentation to the Board demonstrating that he has shared a copy of this Order with all medical licensing boards where Respondent holds a license whether active or not, within thirty (30) days of the date of this order.
- 16. Respondent shall submit documentation to the Board demonstrating that he has shared a copy of this Order with all hospitals and clinics where Respondent practices medicine within thirty (30) days of the date of this order.
- 17. Respondent understands that by entering into this Order, he has a right to legal counsel in this matter, 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.

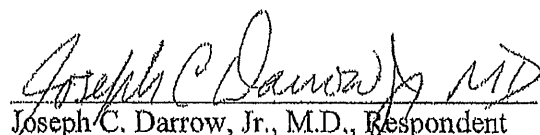
18. Respondent understands that by entering into this combined Statement of Charges and Settlement Agreement, Respondent cannot obtain a copy of the investigative file. Pursuant to Iowa Code section 272C.6(4), a copy of the investigative file may only be provided to a licensee after a Statement of Charges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

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.

25. 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.

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


Joseph C. Darrow, Jr., M.D., Respondent

Subscribed and sworn to before me on _____, 2017.

Notary Public, State of _____.

This Order is approved by the Board on December 15, 2017.

A handwritten signature in black ink, appearing to read "K. Ulveling" with a stylized flourish at the end.

Kyle G. Ulveling, M.D., Chair
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686