BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA

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IN THE MATTER OF THE COMPLAINT

AND STATEMENT OF CHARGES AGAINST

MICHAEL W.B.McCORMICK, M.D.

RESPONDENT

ORDER

PO-90-058

*********************************************************************************************

NOW ON 29 November, 1993 BE IT REMEMBERED:

1. That on April 6, 1990, an Order was issued by the Director of Public Health of the State of Iowa, placing the license to practice medicine and surgery, number 26445 issued to Michael W.B. McCormick, M.D. (hereafter the Respondent) on February 19, 1988, on probation under certain terms and conditions; and,

2. That on October 15, 1993, the Respondent filed an application with the Board seeking termination of the said medical board disciplinary Order issued in the above entitled action; and,

3. That the Board having directed that the probation placed upon the Respondent’s license to practice medicine and surgery should be terminated:
IT IS HEREBY ORDERED:

That the probation placed upon the Respondent's license to practice medicine and surgery is terminated, and the said license is hereby returned to its full privileges free and clear of all restrictions.

Charlotte A. Cleavenger, D.O.
Chairperson
IOWA STATE BOARD OF MEDICAL EXAMINERS
1209 East Court Avenue
Des Moines, Iowa 50319-0180
BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA

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IN THE MATTER OF THE COMPLAINT : ORDER
AND STATEMENT OF CHARGES AGAINST : Michael W.B. McCormick, M.D. : 02-90-058
RESPONDENT :

* * * * * * * * * * * * * * * * * * * * * * * * * * * * * * *

NOW on November 15, 1991, the above entitled matter having been filed with the Director of Public Health of the State of Iowa (hereafter the Director) for an amendment to an Order issued by the Director on April 6, 1990, (hereafter the Order) and the Director being fully advised in the premises FINDS:

I. That on October 18, 1991, Michael W.B. McCormick, M.D., (hereafter the Respondent), filed an application with the Iowa State Board of Medical Examiners, (hereafter the Board), seeking certain amendments to the Order.

II. That on November 7, 1991, the Board considered the Respondent's application and voted to authorize amendments to the Order as follows:

(A). That paragraph B subparagraph 3 be inserted to read: "3. The Respondent may possess a Banyan STAT kit which contains 2 syringes of Diazapam, a schedule IV drug."

III. THEREFORE IT IS HEREBY ORDERED: that the Order is hereby
amended by inserting paragraph B subparagraph 3, as outlined herein.

Christopher G. Atchison, Director
Iowa Department of Public Health
Lucas State Office Building
Des Moines, Iowa 50319
BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA

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IN THE MATTER OF THE COMPLAINT :
AND STATEMENT OF CHARGES AGAINST : ORDER
MICHAEL W.B. MCCORMICK, M.D. : 02-90 050
RESPONDENT :

* * * * * * * * * * * * * * * * * * * * * * * * * * * *

NOW on April 6, 1990, the above entitled matter having been filed with the Director of Public Health of the State of Iowa, and the Director of Public Health, having reviewed the file and being fully advised in the premises FINDS:

I. That the Respondent was issued a license to practice medicine and surgery, on February 19, 1988, as evidenced by certificate number 26445, which is recorded in the permanent records in the office of the Iowa State Board of Medical Examiners.

II. That a Complaint and Statement of Charges was filed against the Respondent, Michael W.B. McCormick, M.D., on February 15, 1990, and was scheduled to be heard before the Iowa State Board of Medical Examiners.

III. That the Iowa State Board of Medical Examiners has jurisdiction of the parties and the subject matter herein.

IV. That the Director of Public Health is authorized to enter an order herein under the provisions of Sections 148.6(1)
and 148.7(7) of the 1989 Code of Iowa and rule 653-12.50(31) of the Iowa Administrative Code.

V. That pursuant to the provisions of Section 17A.10 and 258A.3(4) of the 1989 Code of Iowa, the Respondent and the Iowa State Board of Medical Examiners have entered into an Informal Settlement providing that the undersigned should enter an Order imposing discipline against the Respondent's license to practice medicine and surgery in the state of Iowa.

Accordingly, IT IS HEREBY ORDERED that the Respondent's license is placed on probation until July 12, 1993, under the following terms and conditions:

A. Within thirty (30) days after the date of this Order, the Respondent shall pay a civil penalty of $1,000 by delivering a check made payable to the Treasurer of Iowa to the Executive Director of the Board. The check shall be deposited into the general fund.

B. The Respondent shall not possess, prescribe, administer, or dispense any controlled drugs except as follows:

1. Respondent may order the administration of controlled drugs for hospital patients. Controlled drugs so ordered shall be dispensed or administered by another qualified person.

2. The Respondent may possess controlled drugs as outlined in paragraph 4C. of the Informal Settlement, a copy of which is attached to this Order.

C. The Respondent shall not possess or use any controlled
or prescription drug in any form unless prescribed for him by a
duly licensed, treating physician. The Respondent shall inform
any treating physician of the terms of the Informal Settlement
and this Order prior to accepting any medication.

D. The Respondent shall submit to witnessed blood or urine
camples on demand by a designee of the Board. The samples shall
be used for alcohol and drug screening, all costs of which shall
be paid by the Respondent.

E. The Respondent shall submit quarterly reports under
penalty of perjury stating that there has been compliance with
all the conditions of the Informal Settlement and this Order.

F. The Respondent shall make appearances annually and/or
upon request before the Board or a committee of the Board. The
Respondent shall be given reasonable notice of the date, time and
place for the appearances.

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

VI. In the event the Respondent leaves Iowa to reside or to
practice outside the state, the Respondent shall notify the Board
in writing of the dates of departure and return. Periods of
residence or practice outside Iowa will not apply to the duration
of the Informal Settlement or this Order.

VII. In the event the Respondent violates or fails to
comply with any of the terms or provisions of the Informal Set-
tlement or this Order, the Board may initiate appropriate action
to revoke or suspend the Respondent's license or to impose other
licensee discipline as authorized in Iowa Code section 258A.3(2) and rule 653-12.2 of the Iowa Administrative Code.

VIII. Upon full compliance with the terms and conditions set forth in the Informal Settlement and this Order and upon expiration of the period of probation, Respondent's license shall be restored to its full privileges free and clear of the terms of the probation.

Mary L. Ellis, Director
Iowa Department of Public Health
Lucas State Office Building
Des Moines, Iowa 50319
BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA

IN THE MATTER OF THE

COMPLAINT AND STATEMENT

OF CHARGES AGAINST

MICHAEL W. B. MCCORMICK, M.D.,

RESPONDENT.

NO. 02-90-058

INFORMAL SETTLEMENT

COME NOW the Iowa Board of Medical Examiners [the Board] and Michael W. B. McCormick, M.D., [the Respondent] and, pursuant to Iowa Code §§ 17A.10 and 258A.3(4), enter into the following Informal Settlement of the contested case currently on file:

1. The Respondent was issued license no. 26445 to practice medicine and surgery in Iowa on February 19, 1988.

2. A Complaint and Statement of Charges was filed against the Respondent on February 15, 1990.

3. The Board has jurisdiction of the parties and the subject matter.

4. The Director of Public Health shall take appropriate action to place the Respondent's license on probation until July 12, 1993, under the following terms and conditions:

   A. Within thirty (30) days after the date of the Director's Order in this case, the Respondent shall pay a civil penalty of $1,000.00 by delivering a check made payable to the Treasurer of Iowa to the Executive Director of the Board. The check shall be deposited into the general fund.
B. The Respondent shall not possess, prescribe, administer, or dispense any controlled drugs except as follows:

1) The Respondent may order the administration of controlled drugs for hospital patients. Controlled drugs so ordered shall be dispensed or administered by another qualified person.

2) The Respondent may possess controlled drugs as outlined in paragraph 4C. of this Informal Settlement.

C. The Respondent shall not possess or use any controlled or prescription drug in any form unless prescribed for him by a duly licensed, treating physician. The Respondent shall inform any treating physician of the terms of this Informal Settlement prior to accepting any medication.

D. The Respondent shall submit to witnessed blood or urine samples on demand by a designee of the Board. The samples shall be used for alcohol and drug
screening all costs of which shall be paid by the Respondent.

E. The Respondent shall submit quarterly reports under penalty of perjury stating that there has been compliance with all the conditions of this Informal Settlement.

F. The Respondent shall make appearances annually and/or upon request before the Board or a committee of the Board. The Respondent shall be given reasonable notice of the date, time and place for the appearances.

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

5. In the event the Respondent leaves Iowa to reside or to practice outside the state, the Respondent shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside Iowa will not apply to the duration of the Informal Settlement.

6. In the event the Respondent violates or fails to comply with any of the terms of provisions of this Informal Settlement, the Board may initiate appropriate action to revoke or suspend the Respondent’s license or to impose other licensee discipline
as authorized in Iowa Code § 258A.3(2) and 653 Iowa Admin. Code § 12.2.

7. Upon full compliance with the terms and conditions set forth in this Informal Settlement and upon expiration of the period of probation, Respondent's license shall be restored to its full privileges free and clear of the terms of the probation.

8. Payment of the civil penalty in ¶ 4A constitutes the resolution of the contested case currently on file. All other terms and conditions set out in ¶ 4B-G are incorporated from the Consent Agreement executed February 18, 1988. Execution of this Informal Settlement does not constitute an admission of wrongdoing by the Respondent.

9. This Informal Settlement is subject to approval of the Board. If the Board fails to approve this Informal Settlement, it shall be of no force or effect to either party.

10. This Informal Settlement is voluntarily submitted by the Respondent to the Board for consideration.

\[Signature\]

MICHAEL W.B. MCCORMICK, M.D.

Subscribed and sworn to before me on this 29th day of MARCH, 1990.

\[Signature\]

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
This Informal Settlement is accepted by the Iowa Board of Medical Examiners on the 29th day of March, 1990.

JOHN ANDERSON, M.D., Chairman
Iowa Board of Medical Examiners

Subscribed and sworn to before me on this 29th day of March, 1990.

JOLEN C. MUCENCH
NOTARY PUBLIC IN AND FOR THE STATE OF IOWA
BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA

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IN THE MATTER OF THE COMPLAINT :

AND STATEMENT OF CHARGES AGAINST : COMPLAINT AND STATEMENT

MICHAEL W.B. MCCORMICK, M.D. : OF CHARGES

RESPONDENT : 02-90-058

* * * * * * * * * * * * * * * * * * * * * * * * * * *

COMES NOW William S. Vanderpool, Executive Director of the
Iowa State Board of Medical Examiners, on Feb 15, 1990,
and at the direction of the Board files this Complaint and State-
ment of Charges against Michael W.B. McCormick, M.D., a physician
licensed pursuant to Chapter 147 of the Code of Iowa and alleges:

1. That Mary L. Ellis is the duly appointed and qualified
Director of Public Health of the state of Iowa.

2. That John R. Anderson, M.D., Chairman; C.L. Peterson,
D.O., Vice Chairman; Edra Broich, Secretary; Charlotte Cleaveng-
er, D.O.; Donna Drees, M.D.; John W. Olds, M.D.; Ann O'Neill;
George G. Spellman, Sr., M.D.; and Robert B. Stickler, M.D.; are
the duly appointed and qualified officers and members of the Iowa
State Board of Medical Examiners.

3. That the Respondent is a resident of Clinton County,
Iowa, and on February 19, 1988 was issued a restricted license,
number 26445, to practice medicine and surgery in the state of
Iowa, as recorded in the permanent records in the office of the
Iowa State Board of Medical Examiners.
4. That the Respondent's license is current until March 1, 1990.

5. That on or about November 2, 1984, the Respondent was convicted in Oklahoma of a felony for illegally issuing prescriptions for controlled substances.

6. That on or about January 31, 1985, the Respondent was suspended for the period of incarceration by licensing authorities of Oklahoma and, thereafter, placed on probation for five years under terms and conditions which, inter alia, prohibited him from prescribing or dispensing schedule II drugs and required him to advise any treating physician of the terms of his probation.

7. That on or about August 12, 1986, the Respondent was placed on probation for five years by the licensing authorities of California under terms and conditions which, inter alia, prohibited him from possessing any schedule II drugs except in a hospital setting unless prescribed for him by another practitioner.

8. That on or about September 26, 1986, the Drug Enforcement Administration placed the Respondent's DEA registration on probation for five years under terms and conditions which, inter alia, prohibited him from possessing any schedule II drugs except in a hospital setting unless prescribed for him by another practitioner.

9. That on or about February 19, 1988, the Board and the Respondent entered into a Consent Agreement authorizing issuance to the Respondent of a license to practice medicine and surgery
in the state of Iowa, only as restricted under specific terms and conditions. The license restrictions are to remain in effect until January 12, 1993. One of the specific terms and conditions of the Consent Agreement is:

"The applicant shall not possess or use any controlled or prescription drug in any form unless prescribed for him by a duly licensed treating physician. The applicant shall inform any treating physician of the terms of this Consent Agreement prior to accepting any medication."

10. That on or about November 29, 1989, during a probation interview with an agent of the Board, the Respondent stated that he had not used any prescription or over-the-counter drugs except for Dilantin and Inderal, both of which had been prescribed for him by a duly licensed treating physician pursuant to the terms and conditions of the Consent Agreement referred to in paragraph 9 herein.

11. That during September, October and November of 1989, the Respondent used Voltaren, a prescription drug prescribed for him by a duly licensed treating physician. The Respondent had not however informed the said treating physician of the terms of the Consent Agreement referred to in paragraph 9 herein, prior to accepting the medication.

12. That during November 1989, the Respondent used Prozac, a prescription drug, without the said drug being prescribed for him by a duly licensed treating physician as required by the terms of the Consent Agreement referred to in paragraph 9 herein.

13. That based upon the Respondent's criminal and discipli-
nary history the Respondent's use of the drugs, Voltaren and Prozac, in violation of the terms of the Consent Agreement referred to in paragraph 9 herein, is excessive.

14. That the Iowa State Board of Medical Examiners is authorized to take disciplinary action against the Respondent pursuant to the provisions of sections 148.6(1), 148.6(1)(a), 148.6(1)(h) and 148.6(1)(i) of the Code of Iowa which state in whole or in part:

148.6(1) - "In addition to the provisions of section 147.58 to 147.71, the medical examiners after due notice and hearing may direct the director of public health to issue an order to revoke or suspend a license to practice medicine and surgery...or to discipline a person licensed to practice medicine and surgery...for any of the grounds set forth in section 147.55 or if after a hearing, the medical examiners determine that a physician licensed to practice medicine and surgery...is guilty of any of the following acts or offenses."

148.6(1)(a) - "Knowingly making misleading, deceptive, untrue or fraudulent representation in the practice of the physician's profession."

148.6(1)(h) - "Inability to practice medicine and surgery...with reasonable skill and safety by reason of...excessive use of drugs..."

148.6(1)(i) - "Willful or repeated violation of lawful rule or regulation promulgated by the board..."

15. That the Iowa State Board of Medical Examiners is authorized to take disciplinary action against the Respondent
pursuant to rules 653-12.4, 653-12.4(3), 653-12.4(3)(a), 653-12.4(4) and 653-12.4(28) of the Iowa Administrative Code which state in whole or in part:

653-12.4 - "Grounds for discipline. The board may impose any of the disciplinary sanctions set forth in rule 12.2, including civil penalties in an amount not to exceed $1000, when the board determines that the licensee is guilty of any of the following acts or offenses:"

653-12.4(3) - "Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of a profession..."

653-12.4(3)(a) - "Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of a profession includes...an intentional perversion of the truth, either orally or in writing, by a physician in the practice of medicine and surgery..."

653-12.4(4) - "...[T]he excessive use of...drugs...which may impair a physician's ability to practice...the profession with reasonable skill and safety."

653-12.4(28) - "Violating any of the grounds for the revocation or suspension of a license listed in Iowa Code sections...148.6."

16. That paragraphs 14 and 15 constitute grounds for the Iowa State Board of Medical Examiners to revoke, suspend or otherwise discipline the license to practice medicine and surgery issued to the Respondent, Michael W.B. McCormick, M.D., on February 19, 1988.

WHEREFORE the undersigned charges that the Respondent, Michael W.B. McCormick, M.D., is subject to disciplinary action
pursuant to the provisions of sections 148.6(1), 148.6(1)(a), 148.6(1)(h) and 653-12.6(1)(i) of the Code of Iowa and rules 653-12.4, 653-12.4(3), 653-12.4(3)(a), 653-12.4(4) and 653-12.4(28) of the Iowa Administrative Code and the undersigned prays that the Board enter an order fixing a time and place of hearing for the Complaint and Statement of Charges. The undersigned further prays that upon final hearing, the Board enter its findings of fact and decision to revoke, suspend or otherwise discipline the license to practice medicine and surgery issued to the Respondent, Michael W.B. McCormick, M.D., on February 19, 1988, and for such other relief as the Board deems just in the premises.

Iowa State Board of Medical Examiners

[Signature]

William S. Vanderpool
Executive Director
Executive Hills West
1209 East Court
Des Moines, Iowa 50319
(515) 281-5171
BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA

IN THE MATTER OF THE HEARING REQUESTED ) DECISION
BY MICHAEL W.B. MCCORMICK, M.D., ) AND
) ORDER
APPLICANT

To: Michael W.B. McCormick, M.D.

On October 12, 1987, Dr. Michael W.B. McCormick, M.D. (Applicant) of Camarillo, California made application for permanent medical licensure in the State of Iowa. On November 13, 1987 the Applicant was notified that the Iowa Board of Medical Examiners (Board) had voted to deny his application for licensure, Applicant requested a hearing before the Board in appeal of the initial ruling. An Order for Hearing set the hearing for December 17, 1987 at 11:00 a.m.

A hearing on the above application for medical licensure was held on December 17, 1987 at 11:30 a.m. in the lower level conference room, Iowa Medical Society, 1001 Grand Ave, West Des Moines, Iowa. Applicant was present and represented by his counsel Richard C. Baurle the full Board was present for the hearing, with the exception of Dorothy Gildea, M.D. The Board was represented by its counsel, Assistant Attorney General Julie Potteroff. Present also were members of the staff of the Board and a court reporter. The undersigned hearing officer presided and was directed to prepare the Board’s Decision and Order.

The Record

The record includes the above pleadings, the recorded testimony of the witnesses, and the following exhibits:

Board Exhibit 1. - Application for a license to Practice Medicine and Surgery on the Basis of Interstate Endorsement, etc. filed by Applicant.

Board Exhibit 2. - November 13, 1987 letter to Applicant Request for Hearing Order for Hearing


Board Exhibit 4. - November 30, 1987 memo to Dennis Carr from Frederick P. Nichols.

Board Exhibit 5. - Information, Indictment, Plea Agreement, and Judgment and Probation Order filed in United
Board Exhibit 6. - Accusation and Proposed Decision filed before the Division of Medical Quality Board of Medical Quality Assurance, Department of Consumer Affairs, State of California, No. D-3391.

Board Exhibit 7. - Certified copies Citation, Complaint and Final Order of the Oklahoma Board of Medical Examiners.


Applicant's Exhibit A
Part 1. - Letter of Michael McCormick, M.D.
Part 2. - Letter from U.S. Probation Officer
Part 4. - Decision of Administrative Law Judge of the Board of Medical Quality - California.
Part 5. - Letter of Michael D. Bakst, Ph.D.
Part 6. - Letter of Robert K. Garrison, M.D.
Part 7. - Letter of William B. Freedman, M.D.
Part 8. - Letter of Gary M. Minkiewicz, M.D.
Part 10. - Letter of Thomas N. Brugman, M.D.
Part 11. - Letter of Geoffrey Ayre-Smith, M.D.
Part 12. - Letter of Robert A. Rabkin, M.D.
Part 13. - Letter of Lesley L. Walls, M.D
Part 14. - Letter of Jay P. Ginther, M.D.
Part 15. - Letter of Margaret Draeger, M.D.
Part 16. - Letter of James W. Roeder, M.D.
Part 17. - Letter of Randall L. Spaude, M.D.
Part 18. - Letter of Jerry Kreiter, M.D.
Part 19. - Letter of Steven J. Hanas, M.D.
Part 20. - Letter of Philip J. Sayles
Part 21. - Memo from Dr. Roode (9/9/87)
Part 22. - Memo from Dr. Roode (9/10/87)
Part 23. - Letter from Michael D. Bakst, Ph.D (9/2/87)
Part 24. - Memo from Michael S. Datlow, M.D. (10/8/87)
Part 25. - Letter from Jeryl C. McKinney
Part 26. - Letter from Marjorie A. Makan
Part 27. - Letter from Jarrell W. Elam
Part 28. - Letter from Bernie Stone, M.D.E.
Part 29. - Letter from Donald and Irene Bright

Applicant Exhibit B - Letter from Boyd L. Baker
C - Letter from A.R. Bright
D - Letter from Iowa Physicians
Mutual Insurance Trust

Findings of Fact

1. Applicant currently resides at 2274 Marco Drive, Camarillo, California with his wife and three children. He is currently engaged in a private family practice in the Camarillo and Ventura areas of Southern California. He has a classic family medicine practice, but does not practice obstetrics. (Testimony of Applicant)

2. Applicant received his medical degree from the University of Oklahoma in Oklahoma City, Oklahoma on June 7, 1977. He served an internship at the University of Oklahoma Affiliated Hospitals in Tulsa, Oklahoma from 1977 to June, 1978. He served his residency in family practice at the same hospital from July, 1978 to July, 1980. Applicant was certified by the American Board of Family Practice on October 1, 1984. (Testimony of Applicant; Board Exhibit 1)

3. After practicing family medicine for one year in Sapulpa, Oklahoma, Applicant practiced emergency medicine at St. John and Hillcrest Medical Centers in Tulsa, Oklahoma for approximately 3 1/2 years. At the same time he maintained a part time office where he practiced family medicine. (Testimony of Applicant, Board Exhibit 1)

4. Applicant shared personnel and equipment in his part time practice with an internist. At Applicant's urging, they hired a British registered nurse/office manager who was in her 50's. Applicant had known this nurse since his residency. Applicant also had a personal friendship with the nurse, and she babysat for his son on occasion. (Testimony of Applicant)

5. In March, 1983 the nurse approached Applicant requesting a prescription for Dilaudid for her ex-husband, who she said had just had surgery for lymphoma. She claimed her ex-husband was in a lot of pain, and his physician was on vacation. Applicant gave the nurse the prescription for Dilaudid without seeing or examining the ex-husband. Applicant instructed the nurse to make up a chart for her ex-husband, and he expected to see the ex-husband for an examination at a later date. The ex-husband never came in for an examination. (Testimony of Applicant)

6. Approximately one month later, the nurse again approached applicant with a request for Dilaudid. Applicant told her it was not a good idea, and she told him that he had already done something illegal. She threatened to go to the police and to his ex-wife with this information if he refused to give her another prescription. His ex-wife is an attorney,
and Applicant feared she would use this information to keep him away from their son.
(Testimony of Applicant)

7. The hospital administrator heard about the blackmail and he, too approached Applicant for a prescription. In all, Applicant wrote five prescriptions to two different patients over a five month period. Applicant then decided that he could not continue and decided to shut down his private practice and go to work for a Prudential HMO. He informed the nurse and the administrator that there could be no more prescriptions, and they began demanding money. Applicant paid about $600.00 and then refused to make any further payments. An anonymous concerned citizen reported Applicant to the authorities.
(Testimony of Applicant)

8. On June 7, 1984 Applicant was indicted on five criminal counts in the United States District Court for the Northern District of Oklahoma. Applicant plead guilty to one felony count in violation of 21 USC §43(a)(4)(A): Omitting material information from a written prescription for a Schedule II controlled substance. On November 2, 1984 he was committed to the custody of the Attorney General for a period of three years, and on the condition that he be confined in a jail or treatment institution for a period of six months; the execution of the remainder of the sentence was suspended, and applicant was placed on probation for 30 months.
(Board Exhibit 5; Applicant's Exhibit A-2)

9. Applicant served the custody portion of his sentence at the Federal Correctional Institution, Fort Worth, Texas. He was released on April 2, 1985.
(Applicant's Exhibit A-2; Testimony of Applicant)

10. The State Board of Medical Examiners of the State of Oklahoma suspended applicant's medical license on January 31, 1985. The suspension remained in effect while applicant was incarcerated. Upon his release, applicant's medical license was reinstated and he was placed on probation for a period of five years on certain terms and conditions.
(Testimony of Applicant; Applicant's Exhibit A-4)

11. On June 24, 1985 Applicant moved to California where he had a license to practice medicine. Applicant had notified the California Board of Medical Quality Assurance of his intention to practice in the state and of his problems in Oklahoma. In April 1985 The California Board renewed his license without comment. On August 12, 1986 the California Board took disciplinary action against Applicant's license based upon his criminal conviction in Oklahoma. The Board revoked Applicant's license, but stayed the order of revocation for a period of five years, and placed Applicant's license on probation for five years subject to the following terms and conditions:
1. Respondent shall obey all federal, state, and local laws, and all rules governing the practice of medicine in California.

2. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board stating whether there has been compliance with all the conditions of probation.

3. Respondent shall comply with the Board's probation surveillance program.

4. Respondent shall appear in person for interviews with the Board's medical consultant upon request at various intervals and with reasonable notice.

5. In the event respondent should leave California to reside or to practice outside the State, respondent must notify the Board in writing of the dates of departure and return. Periods of residency or practice outside California will not apply to the reduction of his probationary period.

6. Respondent shall maintain a record of all controlled substances prescribed, dispensed or administered by respondent during probation, showing all the following: 1) the name and address of the patient, 2) the date, 3) the character and quantity of controlled substances involved, and 4) the pathology and purpose for which the controlled substance was furnished. Respondent shall keep these records in a separate file or ledger, in chronological order, and shall make them available for inspection and copying by the Board or its designee, upon request.

7. Respondent shall not prescribe, administer, dispense, order, or possess any Schedule II controlled substances as defined in the California Controlled Substances Act, except in a hospital setting; and except if such substance has been legally prescribed for him for a bona fide illness or condition by another practitioner.

8. If an accusation or petition to revoke probation is filed against respondent during probation the Board of Medical Quality Assurance shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final. (Testimony of Applicant; Applicant's Exhibit A-4)

12. On September 26, 1985, an Administrative Law Judge of the United States Department of Justice - Drug Enforcement Administration issued an Opinion and Recommended Ruling regarding Applicant. The opinion was issued following a
hearing requested by appellant when the DEA proposed to deny his application for a DEA Certificate of Registration due to his controlled substance-related felony conviction. Respondent was allowed to retain his DEA registration provided that, until September 11, 1991:

1. Respondent shall maintain a record of all controlled substances prescribed, dispensed or administered by him, showing all the following: 1) the name and address of the patient, 2) the date, 3) the character and quantity of controlled substances involved, and 4) the pathology and purpose for which the controlled substance was furnished. Respondent shall keep these records in a separate file or ledger, in chronological order, and shall make them available for inspection and copying by the Administrator of DEA or his designee, upon request.

2. Respondent shall not prescribe, administer, dispense, order, or possess any Schedule II controlled substances as defined in the Federal Controlled Substances Act (21 U.S.C. §§ 801, et seq.), except in a hospital setting; and except for such substances as may have been legally prescribed for him for a bona fide illness or condition by another practitioner.

(Board Exhibit A; Applicant Exhibit A-3)

13. Applicant and his wife, who is a native Iowan, wish to move to Iowa. Applicant has been tentatively offered a position with the Bluffs Medical Center in Clinton, Iowa, conditioned upon his receiving medical licensure in Iowa. Applicant would practice family medicine, including obstetrics, in DeWitt. Applicant would be required to take some additional training in obstetrics.

(Testimony of Phil Sayles; Applicant Exhibit A-20)

14. The Iowa Physicians Mutual Insurance Trust is prepared to pursue further discussion with applicant leading potentially to the granting of liability insurance protection, if applicant is granted medical licensure.

(Applicant's Exhibit D)

15. Applicant testified that after criminal proceedings had begun against him, his medical partner informed him that their nurse had threatened him if he tried to testify against her. Applicant's medical partner told applicant that he had been self medicating himself with Tylenol III for cluster headaches, and the nurse threatened to report him to the authorities. The Board is concerned that Applicant did not report his fellow physician's illegal activity to the California Board. Such an omission demonstrates applicant has not yet fully recognized the the importance of the statutes and regulations relating to the practice of medicine.

(Testimony of Applicant)
16. The Board recognizes that both Applicant's Oklahoma and California medical licenses are subject to restrictions. Applicant has been practicing in California for less than two years. While applicant has submitted numerous letters of recommendation and support, the Board is not satisfied that he has demonstrated the willingness and ability to practice competently and lawfully with an unrestricted medical license.
(Applicant's Exhibits A-2,A-5, through A-29, B,C; Board Exhibits 5,6,7,8)

Conclusions of Law

1. 470 Iowa Administrative Code 135.301(37) provides: 135.301(37) License denial. Any request to have a hearing before the board concerning the denial of a license shall be submitted by the applicant in writing to the board at the address in subrule 135.301(4), by certified mail, return receipt requested, within thirty days of a mailing of a notice of denial of license. This rule is intended to implement Iowa Code sections 17A.22,147.58,147.71,148.6 to 148.9, and 258A.5.

2. Iowa Code Section 147.3 provides:
147.3 Qualifications. An applicant for a license to practice a profession under this title is not ineligible because of age, citizenship, sex, race, religion, marital status or national origin, although the application form may require citizenship information. A board may consider the past felony record of an applicant only if the felony conviction relates directly to the practice of medicine, podiatry, osteopathy, osteopathic medicine and surgery, chiropractic, nursing, psychology, optometry, speech pathology, audiology, pharmacy, physical therapy, occupational therapy, cosmetology, barbering, mortuary science, social work or dietetics for which the applicant requests to be licensed. Character references may be required, but shall not be obtained from licensed members of the profession.

3. Applicant's felony conviction for omitting material information from a written prescription for a Schedule II controlled substance, in violation of 21 U.S.C. 843(a)(4)(A) relates directly to the practice of medicine.

4. Iowa Code Section 147.4 provides:
147.4 Grounds for refusing. The department may refuse to grant a license to practice a profession to any person otherwise qualified upon any of the grounds for which a license may be revoked by the district court.

5. Applicant's felony conviction and the subsequent disciplinary action taken by the Oklahoma and California Boards constitute
grounds upon which a license may be revoked pursuant to Iowa Code Sections 148.6(1)(b); 148.6(1)(c); and 148.6(1)(d).

It is hereby ORDERED that the application of Michael W.B. McCormick, M.D., for an unrestricted license to practice medicine and surgery in the State of Iowa, is DENIED. This order does not foreclose Michael W.D. McCormick, M.D., from applying for a restricted license to practice medicine and surgery in Iowa.

Dated this 21st day of January, 1988.

[Signature]

Dr. Hormoz Rassekh, M.D.
Chairman
Iowa Board of Medical Examiners

[Signature]

Margaret LaMarche
Hearing Officer
Iowa Department of Inspections and Appeals

ML/nlh