

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

GREGORY P. NEYMAN, M.D., RESPONDENT

FILE No. 02-2017-150

SETTLEMENT AGREEMENT

COMES NOW the Iowa Board of Medicine (Board), and Gregory P. Neyman, M.D., (Respondent), and on February 15, 2018, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into this Settlement Agreement to resolve this matter.

1. **Iowa Medical License:** Respondent was issued Iowa medical license no. MD-35699 on June 30, 2004. Respondent's Iowa medical license went inactive due to nonrenewal on December 1, 2017.

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

3. **Practice Setting:** Respondent is an Iowa-license physician who formerly practiced general medicine and emergency medicine in Marengo, Iowa.

4. **First Disciplinary Action:** On April 4, 2013, Respondent entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board charged Respondent with engaging in a pattern of unprofessional conduct, dishonesty and/or disruptive behavior in Iowa between 2005 and 2013. The Board issued Respondent a Citation and Warning and ordered him to pay a \$5,000 civil penalty. The Board also ordered Respondent to complete a Board-approved professional ethics program and placed him on probation for a period of five (5) years subject to counseling and Board monitoring.

5. **Second Disciplinary Action:** On February 6, 2015, Respondent entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board charged Respondent with engaging in sexual misconduct in violation of the laws and rules governing the practice of medicine when he engaged in a consensual sexual relationship with a female patient in Marengo, Iowa, in 2011. Under the terms of the February 6, 2015, combined Statement of Charges and Settlement Agreement, the Board issued Respondent a Citation and Warning and ordered him to pay a \$7,500 civil penalty. The Board also ordered Respondent to have a Board-approved female healthcare provider chaperone continually present when treating female patients and placed him on indefinite probation subject to sexual misconduct evaluation, treatment and counseling; professional ethics training; polygraph examinations; and Board monitoring.

6. **Statement of Charges:** On December 15, 2017, the Board filed a Statement of Charges alleging Respondent engaged in sexual misconduct when he sent sexually explicit Facebook and text messages to a female patient in Marengo, Iowa, in February 2017.

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 when he sent sexually explicit Facebook and text messages to a female patient in Marengo, Iowa, in February 2017. Respondent is hereby **WARNED** that such conduct will not be tolerated by the Board.

8. **VOLUNTARY SURRENDER:** Respondent **voluntarily surrenders** his Iowa medical license to resolve this matter.

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

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

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


12. 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.

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

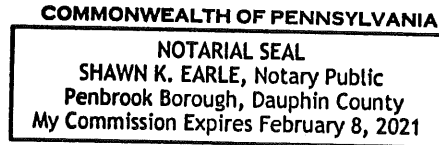
14. This Order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.

15. 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.

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



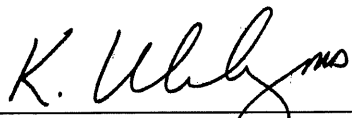
Gregory P. Neyman, M.D., Respondent



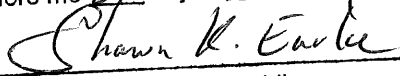
Subscribed and sworn to before me on February 2nd, 2018.

Notary Public, State of Pennsylvania.

This Order is approved by the Board on February 15, 2018.



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

State of: Pennsylvania
County of: Dauphin
The forgoing document was acknowledged
before me 2nd day of February, 2018


Shawn K Earle, Notary Public
My Commission Expires February 8, 2021

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

GREGORY P. NEYMAN, M.D., RESPONDENT

FILE No. 02-2017-150

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medicine (Board) on December 15, 2017, and files this Statement of Charges pursuant to Iowa Code Section 17A.12(2). Respondent was issued Iowa medical license no. MD-35699 on June 30, 2004. Respondent's Iowa medical license went inactive due to nonrenewal on December 1, 2017.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on February 23, 2018, before the Iowa Board of Medicine. The hearing shall begin at 8:30 a.m. and shall be located in the conference room at the Iowa Board of Medicine office at 400 SW 8th Street, Suite C, Des Moines, Iowa.

2. Answer. Within twenty (20) days of the date you are served this Notice of Hearing you are required by 653 IAC 25.10 to file an Answer. In that Answer, you should also state whether you will require a continuance of the date and time of the hearing.

3. Prehearing Conference. A prehearing conference will be held by telephone on January 5, 2018, 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 IAC 25.15.

4. 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.

5. 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.

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

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 may contact Kent M. Nebel, J.D., Legal Director, at 515-281-7088 or to Assistant Attorney General Julie Bussanmas at 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 (2005) and 653 IAC 25.25.

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. **Sexual Misconduct:** Respondent is charged pursuant to Iowa Code section 148.6(2)(i) and 653 IAC 23.1(10), 23.1(5) and 13.7(4)(a)-(d) with engaging in sexual misconduct in violation of the laws and rules governing the practice of medicine in Iowa. It is unprofessional and unethical conduct, and is grounds for disciplinary action, for a physician to engage in conduct which violates the following prohibitions:

- a.* In the course of providing medical care, a physician shall not engage in contact, touching, or comments of a sexual nature with a patient, or with the patient's parent or guardian if the patient is a minor.
- b.* A physician shall not engage in any sexual conduct with a patient when that conduct occurs concurrent with the physician-patient relationship, regardless of whether the patient consents to that conduct.
- c.* A physician shall not engage in any sexual conduct with a former patient unless the physician-patient relationship was completely terminated before the sexual conduct occurred. In considering whether that relationship was completely terminated, the board will consider the duration of the physician-patient relationship, the nature of the medical services provided, the lapse of time since the physician-patient relationship ended, the degree of dependence in the physician-patient relationship, and the extent to which the physician

used or exploited the trust, knowledge, emotions, or influence derived from the physician-patient relationship.

- d.* A psychiatrist, or a physician who provides mental health counseling to a patient, shall never engage in any sexual conduct with a current or former patient, or with that patient's parent or guardian if the patient was a minor, regardless of whether the patient consents to that conduct.

STATEMENT OF THE MATTERS ASSERTED

12. **Practice Setting:** Respondent is an Iowa-license physician who formerly practiced general medicine and emergency medicine in Marengo, Iowa.

13. **First Disciplinary Action:** On April 4, 2013, Respondent entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board charged Respondent with engaging in a pattern of unprofessional conduct, dishonesty and/or disruptive behavior in Iowa between 2005 and 2013. The Board issued Respondent a Citation and Warning and ordered him to pay a \$5,000 civil penalty. The Board also ordered Respondent to complete a Board-approved professional ethics program and placed him on probation for a period of five (5) years subject to counseling and Board monitoring.

14. **Second Disciplinary Action:** On February 6, 2015, Respondent entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board charged Respondent with engaging in sexual misconduct in violation of the laws and rules governing the practice of medicine when he engaged in a consensual sexual relationship with a female patient in Marengo, Iowa, in 2011. Under the terms of the February 6, 2015,

combined Statement of Charges and Settlement Agreement, the Board issued Respondent a Citation and Warning and ordered him to pay a \$7,500 civil penalty. The Board also ordered Respondent to have a Board-approved female healthcare provider chaperone continually present when treating female patients and placed him on indefinite probation subject to sexual misconduct evaluation, treatment and counseling; professional ethics training; polygraph examinations; and Board monitoring.

15. **Sexual Misconduct:** Recently, the Board received information which indicates Respondent engaged in further sexual misconduct in violation of the laws and rules governing the practice of medicine in Iowa when he sent sexually explicit Facebook messages and text messages to a female patient in Marengo, Iowa, in February 2017.

E. SETTLEMENT

15. Settlement. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 653 IAC 25.17. 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

16. On December 15, 2017, the Iowa Board of Medicine found probable cause to file this Statement of Charges.



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