September 20, 2017

FOR IMMEDIATE RELEASE

Summary of September 14-15, 2017, Board Meeting

This is a summary of the September 14-15, 2017, meeting of the Iowa Board of Medicine.

Cases Reviewed: The Board reviewed 112 cases.

New Investigative Cases: The Board reviewed 70 new investigative cases.

Statement of Charges: Upon a determination by the Board that probable cause exists to take formal disciplinary action against a licensee, the Board may file a Statement of Charges which contains the allegations of the Board.

The Board approved 1 Statement of Charges.

1. An Iowa-licensed physician who formerly practiced medicine in Southfield, Michigan, had a Statement of Charges filed against her by the Board on September 15, 2017. The Board charged the physician with being disciplined by the Michigan Board of Medicine (Michigan Board) in violation of the laws and rules governing the practice of medicine in Iowa. On or about June 17, 2016, the Michigan Board issued an Order of Summary Suspension, suspending the physician’s Michigan medical license. The Michigan Board alleged negligence or failure to exercise due care; conduct, practice, or condition which impairs, or may impair, the ability to safely and skillfully practice medicine; incompetence; felony conviction; and failure to report a criminal conviction, in violation of the laws and rules governing the practice of medicine in Michigan. On June 26, 2014, the physician made an unauthorized entry, in an automobile, through the security gate at WJBK Fox 2 News in Southfield, Michigan. The physician indicated that she wanted to make a statement about the scandal at the Veterans Administration. When law enforcement arrived, the physician fled at a high rate of speed, driving erratically and ignoring traffic signals. The physician was subsequently apprehended and placed under arrest. On September 15, 2014, the physician pled guilty to Fleeing/Eluding Fourth Degree in Oakland County Circuit Court. The physician was subsequently sentenced to three days in jail and ordered to pay court fines, costs and restitution. The physician failed to report her felony conviction to the Michigan Board. The Michigan Board also determined that the physician prescribed excessive amounts of highly abused controlled substances while practicing medicine at a pain clinic in Southfield, Michigan, from September 2014 to February 20, 2015. A hearing is scheduled on January 19, 2018.
**Settlement Agreement:** After the Board has determined that probable cause exists to take formal disciplinary action and formal disciplinary charges have been filed, the Board and the licensee may enter into a Settlement Agreement to resolve the pending disciplinary charges rather than hold a formal disciplinary hearing.

The Board approved 1 Settlement Agreement.

1. An Iowa-licensed physician who practices family medicine in Washington, Iowa, entered into a Settlement Agreement with the Board on September 15, 2017. On February 12, 2009, the physician entered into a combined Statement of Charges and Settlement Agreement. The Board charged the physician with failing to provide appropriate chronic pain treatment to multiple patients and failing to maintain appropriate professional boundaries with patients. The physician voluntarily completed additional continuing medical education for appropriate chronic pain treatment and appropriate professional boundaries. The physician also agreed to be monitored by the Iowa Physician Health Program. The Board issued the physician a Citation and Warning and placed her on probation for a period of five years. On October 24, 2014, the Board charged the physician with failing to provide appropriate obstetrical care to multiple patients in Washington, Iowa, between 2005 and 2010. On August 8, 2014, the physician entered into a Settlement Agreement with the Board. The Board issued the physician a Citation and Warning and ordered her to pay a $5,000 civil penalty. The Board also permanently prohibited the physician from practicing obstetrics and placed her on probation for a period of five years. On May 15, 2015, the Board charged the physician with failing to provide appropriate obstetrical care to multiple patients in Washington, Iowa, between 2005 and 2010. On August 8, 2014, the physician entered into a Settlement Agreement with the Board. The Board issued the physician a Citation and Warning and ordered her to pay a $5,000 civil penalty. The Board also permanently prohibited the physician from practicing obstetrics and placed her on probation for a period of five years. On October 16, 2015, the physician entered into a Settlement Agreement with the Board. The Board issued the physician a Citation and Warning and ordered her to pay a $5,000 civil penalty. The physician also agreed to fully comply with the terms of the August 8, 2014, Settlement Agreement including meeting with her Board-approved educational preceptor for at least one hour each week to review cases, discuss decisions, review specific areas of need and engage in a quality improvement process and file sworn quarterly reports attesting to her compliance with all of the terms of her probation. On June 2, 2017, the Board filed a new Statement of Charges against the physician alleging that she violated the terms of the October 16, 2015, Settlement Agreement, when she failed to comply with the educational preceptor requirement. Under the terms of the September 15, 2017, Settlement Agreement, the Board issued the physician a Citation and Warning and ordered her to pay a $10,000 civil penalty. The Board also suspended the physician’s Iowa medical license for 30 days beginning October 2, 2017. The Board also extended the period of the physician’s probation until August 8, 2020. Additionally, in the event the physician substantially violates the terms of her probation in the future, willfully and without justification, the physician agrees to immediately stop practicing medicine for a period of 30 days. If the physician does not immediately stop practicing medicine, the Board will initiate action to revoke her Iowa medical license.

**Combined Statement of Charges and Settlement Agreement:** If the Board determines that probable cause exists for formal disciplinary action against a licensee, the Board and the licensee may enter into a combined Statement of Charges and Settlement Agreement to resolve the matter. The combined Statement of Charges and Settlement Agreement contains the Board’s allegations and the disciplinary sanctions.

The Board approved 1 Combined Statement of Charges and Settlement Agreement.

1. An Iowa-licensed physician who practices general medicine in West Des Moines, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on September 15, 2017. The Board alleged that the physician engaged in unethical or
unprofessional conduct in violation of the laws and rules governing the practice of medicine in Iowa when he performed inappropriate osteopathic manipulative treatments on female patients and female medical students, asked inappropriate personal questions of female medical students, and made inappropriate comments in the presence of medical students, patients, and staff, at his medical practice in West Des Moines, Iowa, in 2014 and 2015. Under the terms of the September 15, 2017, combined Statement of Charges and Settlement Agreement, the Board issued the physician a Citation and Warning and he voluntarily surrendered his Iowa medical license.

**Stipulated Order:** The Board may enter into a Stipulated Order with a Physician when the Board and the physician wish to voluntarily resolve a pending matter.

The Board approved 1 Stipulated Order.

1. An Iowa-licensed physician who formerly practiced dermatology in multiple locations in Iowa and more recently in San Diego, California, entered into a Stipulated Order with the Board on September 15, 2017. Recently, the Board received information which indicates the physician suffers from a health condition which impairs his ability to practice medicine with reasonable skill and safety. The physician informed the Board that he has retired from the practice of medicine and wishes to surrender his Iowa medical license. Under the terms of the September 15, 2017, Stipulated Order, the physician voluntarily surrendered his Iowa medical license.

**Termination Order:** The Board may issue a Termination Order when a physician successfully completes the requirements of a disciplinary order including the term of probation.

The Board approved 1 Termination Order.

1. An Iowa-licensed physician who practices family medicine in St. Ansgar, Iowa, had the terms of an order terminated by the Board on September 15, 2017. On March 6, 2014, the physician entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board charged the physician with violating the laws and rules governing the practice of medicine in Iowa when he failed to provide appropriate pain management to multiple patients in St. Ansgar between 2006 and 2013. Under the terms of the March 6, 2014, combined Statement of Charges and Settlement Agreement, the Board issued the physician a Citation and Warning and ordered him to pay a $5,000 civil penalty. The Board also prohibited the physician from prescribing, administering or dispensing controlled substances for the treatment of chronic pain and ordered him to complete a Board-approved professional ethics program and medical recordkeeping course. The Board also placed the physician on probation for a period of five years subject to Board monitoring, including prescribing audits. Recently, the Board noted that the physician he has fully complied with the terms of the order. The Board noted that the physician paid the $5,000 civil penalty and successfully completed a Board-approved professional ethics program and medical recordkeeping course. The Board also noted that the physician fully complied with the terms of his probation, including prescribing audits. On September 15, 2017, the Board voted to terminate the terms of the March 6, 2014, combined Statement of Charges and Settlement Agreement and the physician’ Iowa medical license is returned to its full privileges, free and clear of all restrictions.

**Amended Order:** The Board may issue an Amended Order to modify an existing disciplinary order.

The Board approved 1 Amended Order.
1. An Iowa-licensed physician who formerly practiced medicine in Knoxville, Iowa, and currently practices in Mt. Pleasant, Iowa, had the terms of his order amended by the Board on September 15, 2017. On April 28, 2008, the Board placed the physician on indefinite probation subject to certain terms and conditions. On September 15, 2017, the Board issued an Amended Order and the physician may now prescribe, administer or dispense controlled substances while practicing medicine within the Iowa Department of Corrections.

**Referral to the Iowa Physician Health Program (IPHP):** If the Board determines that a physician may suffer from a physical, mental or substance abuse impairment, the Board may refer the physician to the IPHP for evaluation, monitoring and assistance.

The Board referred 1 physician to the IPHP due to the following concerns:

1. Concerns that a physician may suffer from a health condition which impairs her ability to practice medicine with reasonable skill and safety.

**Board Appearance:** The Board may ask a licensee to appear before the Board to discuss concerns when the Board determines that a face-to-face meeting will assist the Board during the investigative process.

The Board held 4 appearances due to the following concerns:

1. Concerns about a physician’s management of a high-risk pregnancy.
2. Concerns that a physician may suffer from a health condition which impairs her ability to practice medicine with reasonable skill and safety.
3. Concerns about a physician’s surgical care, experience and expertise.
4. Concerns about a physician’s prescribing practices, pain management, coordination of care and medical record keeping.

**Confidential Letters of Warning or Education:** When the Board determines that probable cause does not exist to take formal disciplinary action against a licensee the Board may send a confidential, non-disciplinary letter to the licensee expressing concerns and requesting that the licensee take corrective action, including further education.

The Board voted to issue 10 confidential Letters of Warning or Education due to the following areas of concern:

1. Concerns about a physician’s management of a high-risk pregnancy.
2. Concerns that a physician discharged a postoperative patient prematurely without performing an appropriate examination and testing.
3. Concerns that a physician failed to timely diagnose a bowel obstruction postoperatively.
4. Concern that a physician’s hospital privileges were terminated due to quality of care concerns.
5. Concerns that a physician failed to complete the continuing medical education necessary for renewal of her Iowa medical license.
6. Concerns that a physician prescribed pain medications and antidepressants to patients for extended periods of time without checking the Iowa Prescription Monitoring Program.
7. Concern that a physician’s hospital privileges were terminated due to quality of care concerns.
8. Concerns that a physician failed to communicate the results of a biopsy to a patient in a timely manner resulting in the delayed diagnosis and treatment of recurring kidney cancer.
9. Concerns that a physician was convicted of felony Visa fraud after he practiced medicine in another state without a proper Visa.
10. Concerns that a physician provided an independent medical evaluation that was beyond his expertise in a custody dispute and signed the evaluation report without verifying the information contained in the report.

Monitoring Committee: The Monitoring Committee monitors licensees who are subject to a Board disciplinary order and require monitoring.

The Monitoring Committee reviewed 11 physicians who are being monitored by the Board.

Screening Committee: The Screening Committee reviews complaints and mandatory reports that are lower priority to determine whether investigation is warranted.

The Screening Committee reviewed 19 cases, closed 17, and left 2 open for investigation.

Licensure Committee: The committee reviews initial applications, renewals, and reinstatements, and licensure policies and issues. Most applications are approved by Board staff without committee review. However, some concerns about an applicant must be reviewed by the committee to determine whether a license should be granted, renewed or reinstated.

Committee Work:

- The committee reviewed 2 licensure applications. The committee recommended the Board reinstate 1 permanent license and recommended granting 1 temporary license. The Board approved the recommendations.

- The committee approved 3 Letters of Warning that were issued due to concerns that the applicants failed to provide truthful, accurate or complete information on the applications.

- The committee continued to review the eligibility requirements for a special license, which allows a medical practice by a highly specialized physician who is appointed as an academic staff member of an Iowa college of medicine when the physician does not meet qualifications for permanent licensure. A physician with a special license cannot practice outside of the academic setting.

In other action the Board:

- Determined to delay until January 1, 2018, the enforcement of a new rule that requires physicians who supervise physician assistants to have a written agreement that defines the nature and extent of the supervision provided. The agreement is a part of ARC 3264C, a rulemaking that was initiated by the Board on April 24, 2017, and will become effective on September 20, 2017. The Board voted to delay enforcement of the rule to allow more time for licensees to put an agreement in place. The Board also provided a sample agreement and supporting information, and established a schedule of online training sessions.

- Initiated rulemaking to implement 2017 Iowa Acts, House File 577, which relates to the diagnosis and treatment of patients with Lyme disease and other tick-borne diseases. The Board is proposing to amend Iowa Administrative Code 653-Chapter 13.

- Initiated rulemaking to implement 2017 Iowa Acts, Senate File 404, which relates to the use of experimental treatments for patients with terminal illnesses. The Board is proposing to amend Iowa Administrative Code 653-Chapter 13.
• Conducted a review of the Board’s schedule of fees for licensure and compliance activities and for copies of public records and accepted the staff’s recommendations to maintain the current schedule through the end of FY 2018 (June 30, 2018).

• Determined that Mohammed Iqbal, M.D., of Waterloo is not eligible for expedited licensure through the Interstate Medical Licensure Compact. Dr. Iqbal does not meet the examination requirements expressed in Iowa Code 147B.1(2)(k).

• Received a report on the Iowa Physician Health Program, which had 45 participants and 11 potential participants under review on September 1, 2017.

• Received a report from the Iowa Attorney General’s Office on 1 disciplinary case from February 2015 under judicial review and 1 lawsuit filed against the State of Iowa and the Board over a disciplinary action taken in 2012.

A press release describing public disciplinary action taken by the Board was distributed and posted on the Board’s Website on September 20, 2017. If you have questions about this summary or the Board’s press release, please contact Kent M. Nebel, J.D., Legal Director, at (515) 281-7088 or kent.nebel@iowa.gov.