

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

DOUGLAS H. GAITHER, M.D., RESPONDENT

FILE No. 02-2015-382

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

COMES NOW the Iowa Board of Medicine (Board) and Douglas H. Gaither, M.D., (Respondent), on June 8, 2018, 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-38712 on November 29, 2009. Respondent's Iowa medical license is active and will next expire on January 1, 2020.
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-licensed physician who practices emergency medicine in Bettendorf, Iowa.

COUNT I

4. **Violation of Professional Boundaries and Indiscriminately or Promiscuously Prescribing Controlled Substances:** Respondent is charged pursuant to Iowa Code sections 147.55(2), 147.55(3) and 272C.10(3) and 653 IAC 23.1(4) and 23.1(7)(b) with violating appropriate professional boundaries and indiscriminately or promiscuously prescribing controlled substances in Iowa.

STATEMENT OF MATTERS ASSERTED

5. **Violation of Professional Boundaries and Indiscriminately or Promiscuously Prescribing Controlled Substances:** The Board alleges Respondent violated appropriate professional boundaries and indiscriminately or promiscuously prescribing controlled substances in violation of the laws and rules governing the practice of medicine in Iowa, when he prescribed controlled substances to his domestic partner on multiple occasions between May 2012 and May 2013 in Davenport, Iowa.

SETTLEMENT AGREEMENT

6. **CITATION AND WARNING:** Respondent is hereby **CITED** for violating appropriate professional boundaries and indiscriminately or promiscuously prescribing controlled substances in violation of the laws and rules governing the practice of medicine in Iowa, when he prescribed controlled substances to his domestic partner on multiple occasions between May 2012 and May 2013 in Davenport, Iowa. Respondent is hereby **WARNED** that engaging in such conduct in the future may result in further disciplinary action against his Iowa medical license.

7. **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 paid by delivery of a check or money order, to the executive director of the Board, payable to the Treasurer of Iowa. The civil penalty shall be deposited into the State General Fund.

8. **PROFESSIONAL BOUNDARIES EVALUATION:** Respondent shall successfully complete a comprehensive professional boundaries evaluation at the Professional Renewal Center, 1421 Research Park Drive, #3B, Lawrence, Kansas, 66049, (877-978-4772) within **sixty (60) days** of the date of this Order. Respondent shall contact Kent M. Nebel, J.D., Legal Director, at 515-281-7088 or kent.nebel@iowa.gov to confirm that the evaluation has been scheduled. Respondent shall ensure that an evaluation report is forwarded to the Board directly from the evaluation program. Respondent shall fully comply with the recommendations of the evaluation program following the evaluation.

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 shall demonstrate to the Board that he has shared a copy of this order with all medical licensing boards where he holds a medical license, whether active or not, within thirty (30) days of the date of this order.

13. Respondent shall demonstrate to the Board that he has shared a copy of this order with all hospitals and clinics where he practices medicine within thirty (30) days of the date of this order.

14. 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.

15. Respondent understands that by entering into this Order, he 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.

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

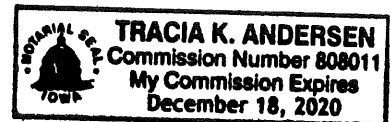
17. This order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.

18. 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.

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



Douglas H. Gaither, M.D., Respondent



Subscribed and sworn to before me on May 4, 2018.

Notary Public, State of Iowa.

This Order is approved by the Board on June 8, 2018.



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