

August 6, 2018

Summary of the July 26-27, 2018, Board Meeting

This is a summary of the July 26-27, 2018, meeting of the Iowa Board of Medicine.

Cases Reviewed: The Board reviewed 103 cases.

New Investigative Cases: The Board reviewed 56 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 currently practices family medicine in Winterset, Iowa, had formal disciplinary charges filed against him by the Board on July 27, 2018. The Board alleged that the physician violated the laws and rules governing the practice of medicine in Iowa when he failed to provide appropriate medical care to multiple patients in Winterset, Iowa, between 2013 and 2017. The Board alleged that the physician failed to perform appropriate histories and physical examinations; failed to order appropriate diagnostic testing; failed to adequately address and/or document his treatment of patients; prescribed excessive antibiotics for upper respiratory illness; failed to provide appropriate diagnosis and treatment of diabetes mellitus and urinary tract infections and failed to maintain appropriate documentation. A hearing is scheduled on October 11-12, 2018.

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 3 Combined Statement of Charges and Settlement Agreements.

1. An Iowa-licensed anesthesiologist who formerly practiced pain medicine in Ypsilanti, Michigan, entered into a combined Statement of Charges and Settlement Agreement with the Board on July 27, 2018. On March 21, 2017, the physician was convicted of five (5) felony counts of unlawfully prescribing controlled substances outside the scope of usual professional medical practice and for no legitimate medical purpose to patients without medical necessity for the drugs in the United States District Court, Eastern District of Michigan. The criminal charges alleged that the physician unlawfully prescribed Schedule

II-V controlled substances to patients without medical necessity in Ypsilanti, Michigan, between September 2011 and March 2015. The physician was sentenced to thirty (30) months in prison. Under the terms of the July 27, 2018, combined Statement of Charges and Settlement Agreement, the physician surrendered his Iowa medical license.

2. An Iowa-licensed physician who formerly practiced internal medicine in Lincoln, Nebraska, and currently practices in Council Bluffs, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on July 27, 2018. On February 23, 2018, the physician entered into an Order on Agreed Settlement with the Nebraska Department of Health and Human Services (Nebraska Board). The Nebraska Board alleged that the physician violated the laws and rules governing the practice of medicine in Nebraska when she inappropriately prescribed narcotic medications to a colleague without performing appropriate examinations and without maintaining appropriate medical records. The information indicates the colleague was obtaining narcotic medications from other healthcare providers and was abusing narcotic medications. Under the terms of the February 23, 2018, Order on Agreed Settlement, the Nebraska Board issued the physician a public censure and ordered her to pay a \$5,000 civil penalty. The Nebraska Board also ordered the physician to complete continuing medical education in the areas of opioid prescribing, professional ethics and medical record keeping. The physician has successfully completed the terms of the February 23, 2018, Order on Agreed Settlement. Under the terms of the July 27, 2018, combined Statement of Charges and Settlement Agreement, the Board issued the physician a Citation and Warning. Additionally, the physician has reviewed the Board's Standards of Practice – Appropriate Pain Management (653 Iowa Administrative Code 13.2) and has submitted a paper to the Board demonstrating that the physician fully understands the standards of practice for appropriate pain management in Iowa. The physician agrees to fully comply with the standards of practice for appropriate pain management in Iowa in the future.
3. An Iowa-licensed anesthesiologist who formerly practiced obstetrics and gynecology in Round Rock, Texas, entered into a combined Statement of Charges and Settlement Agreement with the Board on July 27, 2018. On December 8, 2017, the physician entered into an Agreed Order with the Texas Medical Board (Texas Board). The Texas Board alleged that the physician failed to exercise proper diligence in his treatment of a female patient who ultimately died of preeclampsia and engaged in unprofessional conduct by behaving in a disruptive manner towards hospital personnel, patients and other medical personnel in a manner that interfered or could reasonably be expected to adversely impact the quality of care rendered to patients, resulting in the revocation of his hospital privileges. Under the terms of the December 8, 2017, Agreed Order, the Texas Board ordered the physician to take and pass the Medical Jurisprudence Examination given by the Texas Board. The Texas Board also ordered the physician to complete continuing medical education in the areas of anger management, risk management and pregnancy complications. Under the terms of the July 27, 2018, 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 and complete a comprehensive disruptive behavior evaluation. The Board also placed the physician on probation for a period of five years subject to a Board-approved group practice setting, counseling, a worksite monitor and Board monitoring.

Amended Order: The Board may enter into a Amended Order with a Physician when the Board and the physician wish to amend a pending order.

The Board approved 1 Amended Order.

1. An Iowa-licensed anesthesiologist who formerly practiced pain management in Des Moines, Iowa, had an Amended Order issued by the Board on July 27, 2018. On August 23, 2012, 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 numerous patients in Des Moines, Iowa, between 2004 and 2012. On September 21, 2012, the physician entered into a Stipulated Order with the Board and agreed not to engage in any aspect of the practice of medicine until this matter has been resolved. On October 28, 2016, the physician entered into a Settlement Agreement with the Board. The Board issued the physician a Citation and Warning and ordered him to pay a \$5,000 civil penalty. The Board also permanently prohibited him from prescribing, administering or dispensing controlled substances for the treatment of chronic pain. The Board lifted the suspension of his Iowa medical license and ordered him to complete a Board-approved remediation program, a professional ethics program and a medical record keeping course. The Board also placed the physician on probation for a period of five years subject to Board monitoring including a Board-approved practice plan, controlled substance prescribing audits and a Board-approved practice monitoring plan. Under the terms of the July 27, 2018, Amended Order, the Board determined that the physician has fully complied with the terms of the October 28, 2016, Settlement Agreement and has demonstrated that he is competent to practice general anesthesia with reasonable skill and safety. The physician agreed that he shall only practice general anesthesia in a Board-approved practice setting and shall not engage in any other area of the practice of medicine under his Iowa medical license. The Board shall audit the physician's medical practice in the future to ensure that he fully complies with the terms of this Amended Order.

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 7 confidential Letters of Warning or Education due to the following areas of concern:

1. Concerns about a physician's treatment of a patient who experienced an allergic reaction following administration of contrast for a CT scan.
2. Concerns about a physician who prescribed Phentermine for weight loss to patients who did not meet FDA guidelines, took the Phentermine back from some patients in exchange for Botox treatments in the physician's home and the physician's pain management prescribing practices.

3. Concerns that a physician performed robotic assisted surgery on a patient who was not a good candidate for robotic surgery and the physician's postoperative care after the patient suffered a bowel perforation and sepsis.
4. Concerns about a physician's use of Sotalol for a patient with heart failure.
5. Concerns that a physician attempted to utilize a false address on an application for a Letter of Qualification for licensure via the Interstate Medical Licensure Compact.
6. Concerns that a physician failed to complete the continuing medical education for chronic pain management and end-of-life care required for renewal of the physician's Iowa medical license.
7. Concerns about a physician's treatment of a patient who experienced an allergic reaction following administration of contrast for an MRI.

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

The Committee reviewed 9 physicians who are being monitored by the Board and held 3 appearances.

Screening Committee: The Screening Committee reviews cases that are lower priority to determine whether investigation is warranted.

The Committee reviewed 19 cases, closed 17 cases, and left 2 cases open for further 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 4 license applications and granted 2 permanent licenses and 1 special license. One permanent license application had a corresponding petition for waiver which required review and a vote by the full board.

The Committee recommended the Board grant a request for waiver of Iowa Administrative Code 653-9.7(1)e(6) which requires successful completion of a continuous, progressive three-year resident training program if the applicant passes United States Medical Licensing Examination in more than three attempts. The Board approved the Committee's recommendation.

The Committee approved issuance of 14 Letters of Warning to address concerns that the applicants failed to provide truthful, accurate or complete information on the applications or to express concerns about an applicants past behaviors.

In other action the Board:

- Voted to notice rules which would amend the requirements for physicians who supervise physician assistants at a “remote medical site”.
- Received a report from the Iowa Physician Health Program, which had 40 participants and 12 applicants in the review process on June 30, 2018.
- Received a report from the Iowa Attorney General’s Office on two cases: 1) The Board’s issuance of a confidential letter of warning on November 29, 2017, to Mark B. Irland, M.D., of Grinnell. This case will be heard by the Iowa Court of Appeals or the Iowa Supreme Court later this year. 2) The Supreme Court of Iowa Decision in Planned Parenthood of the Heartland and Jill Meadows, Appellants, vs. Kimberly K. Reynolds ex rel. State of Iowa and Iowa Board of Medicine, Appelles.

A press release describing public disciplinary action taken by the Board was distributed and posted on the Board’s Website on August 1, 2018. If you have any questions about this summary or the press release, please contact Kent M. Nebel, J.D., Legal Director, at (515) 281-7088 or kent.nebel@iowa.gov.