



Fields of Opportunities

STATE OF IOWA

KIM REYNOLDS, GOVERNOR  
ADAM GREGG, LT. GOVERNOR

IOWA BOARD OF MEDICINE  
KENT NEBEL, INTERIM EXECUTIVE DIRECTOR  
kent.nebel@iowa.gov

## Summary of the April 11-12, 2019, Board Meeting

**Total Cases Reviewed:** The Board reviewed 160 cases.

**New Investigative Cases:** The Board reviewed 57 new investigative cases.

**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 5 Combined Statement of Charges and Settlement Agreements.

1. An Iowa-licensed physician who formerly practiced psychiatry in Thornton, Colorado, and currently practices in Fort Lauderdale, Florida, entered into a combined Statement of Charges and Settlement Agreement with the Iowa Board on April 12, 2019. On November 18, 2016, the Colorado Medical Board (Colorado Board) suspended the physician's Colorado medical license. The Colorado Board alleged the physician was out of the country and physically absent from his office for extended periods of time during the period of October 2, 2015, and January 12, 2016. The Colorado Board alleged the physician failed to adequately monitor patients who were prescribed certain controlled substances; failed to appropriately transfer or terminate certain patients who were otherwise unable to obtain care from The physician's office while he was out of the country; inappropriately conducted appointments remotely through telehealth technologies; and prescribed inappropriate combinations of benzodiazepines, stimulants and Suboxone to certain patients. On April 26, 2018, the Colorado Board entered a Stipulation and Final Agency Order. The Colorado Board prohibited the physician from engaging in the use of telehealth technologies to practice medicine and from prescribing, possessing, maintaining, administering or dispensing any controlled substance. The Colorado Board ordered the physician to complete a competence assessment and a prescribing course. The Colorado Board placed the physician on probation for a period of five years and ordered him to have a practice monitor and participate in monitoring through the Colorado Physician Health Program. Under the terms of the April 12, 2019, combined Statement of Charges and Settlement Agreement, the Iowa Board charged the physician with being disciplined by another licensing board in violation of the laws and rules governing the practice of medicine in Iowa. The Iowa Board issued the physician a Citation and Warning and ordered him to pay a \$2,500 civil penalty. The Iowa Board prohibited the physician from engaging in telehealth and from prescribing, possessing, maintaining, administering or dispensing any controlled substance. The Iowa Board also ordered the physician to complete Board-approved neuropsychological testing. Finally, the Iowa Board placed the physician on probation for a period of five years subject to Board monitoring.

2. An Iowa-licensed physician who practices orthopedic surgery in West Burlington, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on April 12, 2019. The Board alleged that the physician performed a surgical procedure at the wrong anatomical site in violation of the laws and rules governing the practice of medicine in Iowa. The physician mistakenly performed surgery on a patient's left thumb when the patient was scheduled to undergo surgery on the left long finger, in West Burlington, Iowa, on May 22, 2015. The physician informed the patient of the error and the patient subsequently underwent the correct procedure. The physician submitted a written description of the corrective action he has taken to avoid such errors in the future. Under the terms of the April 12, 2019, combined Statement of Charges and Settlement Agreement, the Board issued the physician a Citation and Warning and ordered him to pay a \$2,500 civil penalty.
3. An Iowa-licensed physician who formerly practiced as a hospitalist in DeWitt, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on April 12, 2019. At the direction of the Board, the physician completed a comprehensive clinical competency evaluation at the Center for Personalized Education for Physicians (CPEP) on April 13, 2018. CPEP concluded that the physician demonstrated areas of educational need and recommended that he participate in a structured, individualized education intervention. Under the terms of the April 12, 2019, combined Statement of Charges and Settlement Agreement, the Board alleged the physician failed to exercise in a substantial respect that degree of care that is ordinarily exercised by the average physician in the state of Iowa acting in the same or similar circumstances. The Board issued the physician a Citation and Warning and ordered him to pay a \$2,500 civil penalty. The Board placed the physician on probation for a period of five years subject to Board monitoring.
4. An Iowa-licensed physician who practices cardiovascular surgery in Waterloo, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on April 12, 2019. The Board alleged that the physician failed to provide appropriate medical care to five patients in Waterloo, Iowa, between 2009 and 2014. Under the terms of the April 12, 2019, 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 ordered the physician to successfully complete a comprehensive clinical competency evaluation at the Center for Personalized Education for Physicians (CPEP) within ninety (90) days and fully comply with all recommendations made by CPEP including a structured, individualized education plan. The Board also ordered the physician to complete a Board-approved record keeping course. The Board also placed the physician on probation for a period of three years subject to Board monitoring.
5. An Iowa-licensed physician who formerly practiced emergency medicine in Rawlins, Wyoming, and currently practices family medicine in Fairfield, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Iowa Board on April 12, 2019. On December 20, 2017, the physician entered into a Consent Decree with the Wyoming Board of Medicine (Wyoming Board). The Wyoming Board alleged that the physician prescribed excessive amounts of pain medications, including Fentanyl patches, to a patient who was not opioid tolerant and the patient subsequently died from accidental

multiple drug intoxication in Rawlins, Wyoming. The Wyoming Board issued the physician a Public Reprimand and ordered him to pay a \$500 civil fine and \$1,500 in costs. The Wyoming Board also ordered the physician to complete a controlled substance prescribing course, a medical ethics course and a medical records course. The Wyoming Board also ordered the physician to read *Responsible Opioid Prescribing, A Physician's Guide* by Scott M. Fishman, M.D., and author an article related to the use of Fentanyl Transdermal Patches. Under the terms of the April 12, 2019, combined Statement of Charges and Settlement Agreement, the Iowa Board issued the physician a Citation and Warning and the physician agreed to fully comply with the terms of the December 20, 2017, Consent Decree he entered into with the Wyoming Board.

**Amended Order:** If the Board determines that a disciplinary order should be amended the Board may issue an Amended Order.

The Board approved 1 Amended Order.

1. An Iowa-licensed physician who formerly practiced medicine in Knoxville, Iowa, and Mt. Pleasant, Iowa, had an Amended Order issued by the Board on April 12, 2019. 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 permitting the physician to prescribe, administer or dispense controlled substances while practicing medicine within the Iowa Department of Corrections. Under the terms of the April 12, 2019, Amended Order, the terms and conditions established in the Amended Order dated September 15, 2017, were terminated. However, the physician is prohibited from practicing any aspect of the practice of obstetrics in the future. Further, the physician shall seek approval of the Board prior to returning to the practice of medicine at a new practice location and the Board shall audit Respondent's controlled substance prescribing practices to ensure proper prescribing in the future.

**Termination Order:** If the Board determines that a physician has fully complied with a disciplinary order the Board may issue a Termination Order.

The Board approved 1 Termination Order.

1. An Iowa-licensed physician who practices general medicine in Coralville, Iowa, had a Termination Order issued by the Board on April 12, 2019. On September 2, 2004, the Board indefinitely suspended the physician's Iowa medical license due to alcohol abuse. The physician fully complied with the substance abuse treatment and monitoring requirements established by the Board and he has maintained his sobriety since the suspension of his Iowa medical license. The physician completed a comprehensive competency evaluation and he has agreed to complete a Board-approved supervised remediation program. On August 6, 2008, the Board issued a Reinstatement Order, and the physician was allowed to practice medicine in a Board-approved group practice setting. The physician was also placed on indefinite probation subject to certain terms and conditions, including substance abuse monitoring. Under the terms of the April 12, 2019, Termination Order, the terms and conditions placed on the physician's Iowa medical license were terminated and his Iowa medical license was returned to its full privileges, free and clear of all restrictions.

**Confidential Evaluation Order:** The Board may issue a confidential evaluation order requiring a licensee to complete a Board-approved evaluation if the Board determines that a licensee may suffer from substance abuse; a mental health condition; a physical condition; or has engaged in sexual misconduct or unprofessional conduct or has demonstrated evidence of professional incompetence.

The Board issued 1 Confidential Evaluation Order due to the following concerns:

1. Concerns that a physician performed inappropriate physical exams on four patients.

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

1. Concerns that a physician was charged with Domestic Assault following a physical altercation with his wife.
2. Concerns that a physician used medical marijuana in Iowa that was approved in another state where its use is legal.
3. Concerns that a physician prescribed high doses of psychotropic medications to patients without maintain adequate medical records.
4. Concerns that a physician prescribed controlled substances to patients without performing appropriate addiction assessments.
5. Concerns that a physician prescribed large quantities of benzodiazepines and stimulants to patients without addressing the risks associated with polypharmacy.
6. Concerns that a surgeon performed gallbladder surgery on a patient and the patient experienced serious complications.
7. Concerns that a physician failed to order a cardiac consultation for a patient who presented with clear signs of a heart attack.
8. Concerns that a physician improperly placed a central line in a patient.
9. Concerns that a physician failed to properly address an improper central line placement.
10. Concerns that a physician failed to recognize and properly treat a patient who presented with preeclampsia.

11. Concerns that a physician changed a patient's psychotropic medications without examining the patient.
12. Concerns that a physician prescribed a controlled substance (Tramadol) to his wife.
13. Concerns that a surgeon prescribed a Fentanyl Patch to a patient for postoperative pain control without appropriate monitoring.
14. Concerns that a physician prescribed opioids, including a Fentanyl Patch, to a patient without appropriate monitoring.

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

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

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

The committee reviewed 42 cases, closed 38, and left 4 open for further investigation.

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

The committee reviewed 4 applications for permanent Iowa medical licensure. The committee recommended that 3 licenses be granted and allowed one applicant to withdraw his application. The committee recommended the issuance of 10 Letter of Warnings to applicants who failed to provide truthful, accurate or complete information on their applications or allowed a third party to complete the application.

**In other action the Board:**

1. Voted to notice rules which add "corticobasal degeneration" to the list of debilitating medical conditions for the use of medical cannabidiol.
2. Voted to amend the rules which establish minimum requirements for the licensure of genetic counselors (ARC 4339C).
3. Reviewed a report from the Iowa Physician Health Program, which had 37 active participants and 7 applicants in the review process as of April 2019.
4. Received a report from the Iowa Attorney General's Office regarding 1 pending legal matter involving the judicial review of the Board's issuance of a confidential Letter of Warning to Mark B. Irland, M.D.

**A Press Release describing public disciplinary action taken by the Board was distributed and posted on the Board's website on April 19, 2019. If you have any questions about this summary or the Press Release, please contact Kent M. Nebel, J.D., Executive Director, at (515) 281-7088 or [kent.nebel@iowa.gov](mailto:kent.nebel@iowa.gov)**