

## Summary of the September 19-20, 2019, Board Meeting

**Total Cases Reviewed:** The Board reviewed 109 cases.

**New Investigative Cases:** The Board reviewed 70 new investigations.

**Ruling on Licensee's Petition:** If a licensee submits a petition to the Board for consideration, the Board may issue a ruling on the petition.

The Board issued 1 Ruling on a Licensee's Petition to Rescind a Disciplinary Order.

1. An Iowa-licensed physician who formerly practiced neurology in Iowa City, Iowa, had a Motion and Application or Petition or Demand to Rescind and Terminate Settlement Agreement in its Entirety denied by the Board on September 20, 2019. The physician entered into a combined Statement of Charges and Settlement Agreement with the Board on October 28, 2016. The Board alleged that the physician engaged in unprofessional conduct and violated appropriate professional boundaries. The Board issued the physician a Citation and Warning, ordered him to pay a \$5,000 civil penalty, and placed him on probation for a period of five (5) years, subject to Board monitoring. On August 2, 2019, the Board issued a Termination Order, terminating the terms of the October 28, 2016, combined Statement of Charges and Settlement Agreement and the physician's Iowa medical license was returned to its full privileges, free and clear of all restrictions. On or about August 20, 2019, the physician submitted a Motion and Application or Petition or Demand to Rescind and Terminate Settlement Agreement in its Entirety. The State subsequently submitted a Resistance to the Application to Rescind the Settlement Agreement. On September 20, 2019, after careful consideration, the Board voted to deny the physician's Motion and Application or Petition or Demand to Rescind and Terminate Settlement Agreement in its Entirety. The Board determined that the physician freely entered into the October 28, 2016, combined Statement of Charges and Settlement Agreement, while represented by counsel. The Board determined that the physician waived his right to a contested case hearing before the Board and any objection to the terms of the settlement agreement. The Board determined that the settlement agreement is a permanent part of the Board's disciplinary file and is a public record.

**Amended Orders:** 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 pain management in Des Moines and West Des Moines, Iowa, and currently practices addiction medicine in Des Moines, Iowa, had an Amended Order issued by the Board on September 20, 2019. The physician entered into a combined Statement of Charges and Settlement Agreement with the Board on February 15, 2018. The Board alleged that the physician failed to provide appropriate pain management to multiple patients in Des Moines and West Des Moines, Iowa, between 2011 and 2016. The Board issued the physician a Citation and Warning and ordered him to pay a \$5,000 civil penalty. The physician also agreed not to prescribe, administer or dispense controlled substances for the treatment of chronic pain under his Iowa medical license. The Board also ordered the physician to complete a Board-approved medical record keeping course and placed him on probation for a period of three (3) years subject to Board monitoring, including prescribing audits. Under the terms of the September 20, 2019, Amended Order, the Board removed the provision prohibiting the physician from prescribing, administering, or dispensing controlled substances for the treatment of chronic pain. The physician remains on probation subject to Board monitoring, including prescribing audits.

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

The Board approved 3 Termination Orders.

1. An Iowa-licensed physician who formerly practiced medicine in Knoxville, Mt. Pleasant, and Coralville, Iowa, had the terms of his disciplinary order terminated by the Board on September 20, 2019. On April 28, 2008, the Board placed the physician on indefinite probation subject to Board monitoring due to substance abuse. On June 11, 2010, the Board prohibited the physician from practicing obstetrics due to concerns about his treatment of a pregnant patient. 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. On April 12, 2019, the Board issued an Amended Order, terminating the terms of the physician's probation. Under the terms of the September 20, 2019, Termination Order, the Board terminated all of the terms and conditions placed on the physician's Iowa medical license and his license was returned to its full privileges, free and clear of all restrictions.
2. An Iowa-licensed physician who formerly practiced family medicine in Cedar Rapids, Iowa, had the terms of his disciplinary order terminated by the Board on September 20, 2019. The physician entered into a combined Statement of Charges and Settlement Agreement with the Board on February 6, 2015. The Board alleged that the physician failed to provide appropriate pain management to multiple patients in Cedar Rapids, Iowa, between 2008 and 2013. The Board issued the physician a Citation and Warning and ordered him to pay a \$5,000 civil penalty and complete a Board-approved professional ethics program and medical

record-keeping course. The Board also prohibited the physician from prescribing, administering or dispensing controlled substances for the treatment of chronic pain and placed him on probation for a period of five (5) years subject to Board monitoring, including prescription auditing. Under the terms of the September 20, 2019, Termination Order, the Board terminated all of the terms and conditions placed on the physician's Iowa medical license and his license was returned to its full privileges, free and clear of all restrictions.

3. An Iowa-licensed physician who formerly practiced general surgery in Denison, Carroll, Manning, Ida Grove and Sac City, Iowa, had the terms of his disciplinary order terminated by the Board on September 20, 2019. The physician entered into a combined Statement of Charges and Settlement Agreement with the Board on February 5, 2016. The Board alleged that the physician failed to provide appropriate surgical care to nine patients between 2008 and 2013. The Board issued the physician a Citation and Warning and ordered him to pay a \$5,000 civil penalty. The Board also placed the physician on probation for a period of five (5) years subject to Board monitoring including a structured, individualized education plan and a practice-monitoring plan. Under the terms of the September 20, 2019, Termination Order, the Board terminated all of the terms and conditions placed on the physician's Iowa medical license and his 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 voted to issue 4 Confidential Evaluation Orders due to the following concerns:

1. Concerns about a physician's professional competency.
2. Concerns that a physician engaged in sexual misconduct and/or sexual harassment in the practice of medicine.
3. Concerns about a physician's professional competency.
4. Concerns that a physician engaged in sexual misconduct and/or unprofessional conduct.

**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 concerns:

1. Concerns that a physician entered into a public remediation order with another jurisdiction.
2. Concerns about a physician's delayed diagnosis and treatment of occluded arteries.
3. Concerns that a physician failed to provide adequate care and monitoring of an infant's development.
4. Concerns that a physician misread a patient's abdominal x-ray.
5. Concerns that a physician performed an inappropriate physical exam on a female patient.
6. Concerns that a physician entered into a public remediation order with another jurisdiction.
7. Concerns that an applicant failed to disclose that she was placed on academic probation during medical school on her application for a permanent Iowa medical license.

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

The committee reviewed 10 physicians who are being monitored by the Board.

**Screening Committee:** The Screening Committee reviews cases to determine whether an investigation is warranted.

The committee reviewed 27 cases, closed 23 cases, and left 4 cases open for further investigation.

**Licensure Committee:** The Licensure Committee reviews initial applications, renewals, reinstatements and licensure policies. Most applications are approved by staff without committee review.

The committee reviewed 4 applications for permanent Iowa medical licensure and voted to issue one Letter of Warning to an applicant who failed to provide truthful, accurate or complete information on their application.

**In other action the Board:**

1. Voted to **adopt** rules which amend the standards of practice for appropriate pain management (ARC 4382C).

2. Voted to **adopt** rules which establish the requirements for licensure of genetic counselors (ARC 4477C).
3. Voted to **deny** a petition to add “chronic pain” to the list of debilitating conditions for the use of medical cannabidiol.

**A Press Release describing public disciplinary action taken by the Board was distributed and posted on the Board’s website on September 26, 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)**