



Summary of the December 19-20, 2019, Board Meeting

Total Cases Reviewed: The Board reviewed 78 cases.

New Investigative Cases: The Board reviewed 49 new investigations.

Statement of Charges: If the Board determines that probable cause exists for formal disciplinary action against a licensee, the Board file a Statement of Charges. The Statement of Charges contains the Board's allegations.

The Board approved 4 Statements of Charges.

1. An Iowa-licensed physician who formerly practiced obstetrics and gynecology in Marshalltown, Iowa, and currently practices in Kansas City, Missouri, had a Statement of Charges filed against him by the Board on December 20, 2019. The Board alleged that the physician failed to respond to, or comply with, a Board investigation initiated pursuant to Iowa Code section 272C.3 and Iowa Administrative Code rule 653—24.2. The Board alleged that the physician opted to maintain his patients' medical records upon the closure of his practice in Marshalltown, Iowa in September 2018. The Board received information which indicates that several of the physician's former patients have been unable to obtain their medical records from him. The Board thereafter initiated an investigation. The Board alleges that the physician failed to appropriately respond to, or comply with, numerous attempts by the Board's investigator to contact him, numerous inquiries from the Board's investigator, and a subpoena issued by the Board. A hearing is scheduled on March 5, 2020.
2. An Iowa-licensed physician who currently practices family medicine and emergency medicine in Carroll, Iowa, had a Statement of Charges filed against her by the Board on December 20, 2019. On May 29, 2019, the Board issued a Confidential Clinical Competency Evaluation Order pursuant to Iowa Code section 272C.9(1) requiring the physician to successfully complete a comprehensive clinical competency evaluation within ninety (90) days. The Board alleges that the physician has failed to complete the Board-ordered evaluation in violation of the laws and rules governing the practice of medicine in Iowa. A hearing is scheduled on March 5, 2020.

3. An Iowa-licensed physician who formerly practiced radiology in Massachusetts, had a Statement of Charges filed against him by the Board on December 20, 2019. The Board alleged that the physician was disciplined by the licensing authority of another state and that he engaged in unethical or unprofessional conduct in violation of the laws and rules governing the practice of medicine in Iowa. The physician was disciplined by the Massachusetts Board of Medicine for: His conviction in Canada for illegally importing firearms into Quebec, Canada; fraudulently procuring the renewal of his Massachusetts certificate of registration; committing an offense against the laws of Massachusetts; and lacking good moral character and engaging in conduct which undermines the public confidence in the integrity of the medical profession. The Massachusetts Board suspended the physician's license to practice medicine. As of July 8, 2019, thirteen other states have suspended or revoked the physician's license to practice medicine in those states. A hearing is scheduled on March 5, 2020.
4. An Iowa-licensed physician who formerly practiced family medicine in Sibley, Iowa, had a Statement of Charges filed against her by the Board on December 20, 2019. The Board alleged that while practicing medicine in Sibley, Iowa, The physician failed to maintain appropriate medical records; that many of her medical records are incomplete; that she failed to complete her medical records in a timely manner and that she failed to maintain her medical records in an organized and secure manner. A hearing is scheduled on March 5, 2020.

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 medicine in Overland Park, Kansas, and via telemedicine in multiple states entered into a combined Statement of Charges and Settlement Agreement with the Board on December 20, 2019. The Board alleged that the physician failed to conform to the minimal standard of acceptable and prevailing practice of medicine when he prescribed medications to a patient via telemedicine using electronic means, without establishing an appropriate physician-patient relationship sufficient to establish an informed diagnosis and provide appropriate medical care. The Board alleged that the physician failed to perform an adequate interview of the patient to collect the relevant medical history and/or perform a physical examination sufficient for the diagnosis and treatment of the patient in Iowa. Under the terms of the December 20, 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 for violating the laws and rules governing the practice of medicine in Iowa.

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. The Settlement Agreement contains the Board's disciplinary sanctions.

The Board approved 1 Settlement Agreement.

1. An Iowa-licensed physician who formerly practiced orthopedic surgery in Marshalltown and Vinton, Iowa, entered into a Settlement Agreement with the Board on December 20, 2019. On March 18, 2018, the Board filed a Statement of Charges alleging that the physician violated the laws and rules governing the practice of medicine in Iowa when she failed to provide appropriate orthopedic surgical care to multiple patients in Marshalltown and Vinton, Iowa, between 2008 and 2015. The physician filed an Answer to the Statement of Charges denying the allegations. The physician retired from the practice of medicine and surgery in 2018 and her Iowa medical license went inactive due to nonrenewal on April 1, 2019. Under the terms of the December 20, 2019, Settlement Agreement, the physician agrees that she will not seek renewal or reinstatement of her Iowa medical license.

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 professional incompetence.

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

1. Concerns about a physician's professional competency.

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 6 confidential Letters of Warning/Education due to the following concerns:

1. Concerns that a physician failed to perform an appropriate workup on a patient.
2. Concerns that a physician violated the standards of practice for appropriate prescribing, including pain management and polypharmacy.
3. Concerns that a physician was charged with domestic assault of their spouse.
4. Concerns that a physician failed to inform a patient about an abnormal x-ray result.
5. Concerns that a physician allowed the sale of CBD products at her medical office.
6. Concerns that a physician treated Board staff in an unprofessional manner during the licensure process.

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

The committee reviewed 7 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 16 cases, closed 14 cases, and left 2 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 3 applicants for permanent Iowa medical licensure. The Board voted to grant 1 permanent medical license. The Board voted to grant 1 permanent medical license subject to a public Consent Agreement. The Board voted to issue 1 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 amend the definition of “autism” in the list of debilitating medical conditions for the use of medical cannabidiol. The Board voted to propose the following definition: “Autism with intractable irritability and aggression refractory to the prevailing acceptable standard treatments”.
2. Voted to continue to monitor the safety of “vaping” for the use of medical cannabidiol due to the recent outbreak of lung injuries associated with the use of E-cigarettes and vaping.
3. Voted to approve the Board’s new strategic plan.

A Press Release describing public disciplinary action taken by the Board was distributed and posted on the Board’s website on December 24, 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