



September 23, 2020

Summary of the August 27-28, 2020, Board Meeting

Total Cases Reviewed: The Board reviewed 114 cases.

New Investigative Cases: The Board reviewed 71 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 practices family medicine in Des Moines, Iowa, had a Statement of Charges filed against him by the Board on August 28, 2020. The Board alleged that the physician failed to adequately direct and supervise a physician assistant (PA) and failed to comply with the minimum standards of supervision of physician assistant in violation of the laws and rules governing the practice of medicine in Iowa. A hearing in this matter shall be scheduled in the future.

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 Agreement.

1. An Iowa-licensed physician who practices internal medicine in Davenport, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on August 28, 2020. The Board alleged that the physician prescribed controlled substances to her live-in romantic partner between 2015 and 2017, for a non-acute and non-emergent condition, in violation of the laws and rules governing the practice of medicine in Iowa. Under the terms of the August 28, 2020, combined Statement of Charges and Settlement Agreement, the Board issued the physician a Citation and Warning and ordered her to pay a \$2,500 civil penalty and complete a Board-approved professional ethics program.
2. An Iowa-licensed physician who practices family medicine in Chicago, Illinois, entered into a combined Statement of Charges and Settlement Agreement with the Board on August 28, 2020. The Board alleged that the physician violated the

standards of practice for telemedicine in Iowa when he: failed to establish a valid physician-patient relationship with patients receiving telemedicine services in Iowa; failed to perform interviews of his patients sufficient for the diagnosis and treatment of patients in Iowa prior to providing medical treatment, including issuing prescriptions; and prescribed medications to patients in Iowa based solely on an internet questionnaire. The physician denied the Board's allegations of wrongdoing and denies any breach of the Iowa Code or the Board's administrative rules. The Board and the physician expressly state that the Settlement Agreement is in compromise of the disputed claims and that the allegations have been and are, expressly denied by the physician. Under the terms of the August 28, 2020, 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 the physician has agreed to take corrective action to address the deficiencies in his telemedicine practice identified by the Board.

3. An Iowa-licensed physician who practices internal medicine in West Des Moines, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on August 28, 2020. The Board alleged that the physician prescribed controlled substances to his romantic partner and staff in his medical offices without establishing physician-patient relationships or properly charting and documenting his care of the staff in violation of the laws and rules governing the practice of medicine in Iowa. The physician self-reported this misconduct to the Board in early 2020. Under the terms of the August 28, 2020, combined Statement of Charges and Settlement Agreement, the Board issued the physician a Citation and Warning and ordered him to complete a Board-approved professional ethics program and a mental health medication management course.

Stipulated Order – Voluntary Surrender: The Board and the licensee may enter into a Stipulated Order – Voluntary Surrender if the Board determines that the licensee suffers from a health condition which impairs his ability to practice medicine.

The Board approved 1 Stipulated Order – Voluntary Surrender.

1. Iowa-licensed physician who practices obstetrics and gynecology in Cedar Falls, Iowa, entered into a Stipulated Order – Voluntary Surrender with the Board on August 28, 2020. The Board received information which indicates the physician suffers from a health condition which impairs his ability to practice medicine and he informed the Board that he is retiring from the practice of medicine and wishes to surrender his Iowa medical license. Under the terms of the August 28, 2020, Stipulated Order – Voluntary Surrender, the physician voluntarily surrendered his Iowa medical license.

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. Iowa-licensed physician who practices family medicine in Des Moines, Iowa, had the terms of his disciplinary Order terminated by the Board on August 28, 2020. On July 29, 2016, the physician entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board alleged that the physician violated the laws and rules governing the practice of medicine in Iowa when he failed to provide appropriate pain management to multiple patients in Des Moines, Iowa, between 2010 and 2015. The Board issued the physician a Citation and Warning and ordered him to pay a \$5,000 civil penalty and complete a Board-approved 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 years subject to Board monitoring. On June 25, 2020, the physician submitted a request to terminate the terms of his disciplinary Order. On August 28, 2020, the Board determined that the physician has fully complied with the terms of the July 29, 2016, combined Statement of Charges and Settlement Agreement and voted to terminate the Order and the physician's 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 3 Confidential Evaluation Orders due to the following concerns:

1. Concerns that a physician has engaged in disruptive behavior.
2. Concerns that a physician may suffer from a health condition which impairs the physician's ability to practice medicine with reasonable skill and safety.
3. Concerns that a physician may suffer from a health condition which impairs the physician's ability to practice medicine with reasonable skill and safety.

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

1. Concerns that a physician engaged in a minor violation of professional boundaries.
2. Concerns that a physician engaged in disruptive behavior.
3. Concerns about a physician's prescribing practices.
4. Concerns about a physician's prescribing practices.
5. Concerns that a physician failed to take and/or record accurate vital signs.
6. Concerns that a physician misread an MRI.
7. Concerns that a physician failed to diagnose an infection in a timely.
8. Concerns that did not take an adequate patient history.
9. Concerns that a physician was disciplined in another state for violating the standards for appropriate telemedicine.

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 11 applications for Iowa medical licensure. The committee recommended the following actions:

1. Granted 3 permanent medical licenses.
2. Offered 2 applicants an Iowa medical license subject to a public Consent Agreement.
3. Allowed 1 applicant to withdraw their application.
4. Issued 3 confidential letter due to concerns about the applicant.
5. Left 2 cases open to obtain further information.

A Press Release describing public disciplinary action taken by the Board was distributed and posted on the Board's website on September 8, 2020. 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.