



December 23, 2020

Summary of the December 10-11, 2020, Board Meeting

Total Cases Reviewed: The Board reviewed 88 cases.

New Investigative Cases: The Board reviewed 59 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 general surgery in the Quad Cities had a Statement of Charges filed against him by the Board on December 10, 2020. The Board alleged that the physician engaged in professional incompetency in violation of the laws and rules governing the practice of medicine in Iowa. A contested case hearing shall be scheduled in the future.

Settlement Agreement: After the Board has filed formal disciplinary charges against a licensee, the Board and the licensee may enter into a Settlement Agreement to resolve the pending disciplinary charges. The Settlement Agreement contains the disciplinary sanctions.

The Board approved 1 Settlement Agreement.

1. An Iowa-licensed physician who practices internal medicine in San Francisco, California, entered into a Settlement Agreement with the Board on December 10, 2020. On April 3, 2013, the physician was ticketed for speeding in excess of 95 mph near Chico, California. The physician allegedly told the California Highway Patrol officer that he was on his way to a medical emergency when, in fact, he was just late for work. The physician subsequently submitted a letter to District Attorney's Office for consideration of dismissing the speeding ticket and the physician's letter allegedly contained fabricated information regarding the reported medical emergency on the day he was ticketed for speeding. On May 9, 2017, the physician was found guilty of one Count of Offering False Evidence and one Count of Preparing False Documentary Evidence, both felony convictions. On September 28, 2017, the physician was sentenced to 36 months formal probation with terms and conditions. The physician has appealed the criminal convictions. On February

6, 2020, the Iowa Board filed a Statement of Charges against the physician alleging that he engaged in unprofessional conduct and was convicted of a felony in violation of the laws and rules governing the practice of medicine in Iowa. The physician subsequently had his California medical license revoked based on the same set of circumstances. Under the terms of the December 10, 2020, Settlement Agreement, the Iowa Board suspended the physician's Iowa medical license for a minimum of one year after which he may seek reinstatement. The Iowa Board also 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.

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 voted to issue 2 Termination Orders.

1. An Iowa-licensed physician who practiced pulmonary and internal medicine in Dubuque, Iowa, successfully completed the terms of his Board order. On October 23, 2020, the physician entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board alleged that the physician prescribed a controlled substance on one occasion to his wife for a non-acute, non-emergency condition without establishing a physician-patient relationship and maintaining proper documentation in violation of the laws and rules governing the practice of medicine in Iowa. The physician maintains he believed his wife was suffering from a medical emergency for which he prescribed the controlled substance. Under the terms of the October 23, 2020, combined Statement of Charges and Settlement Agreement, the Board issued the physician a Citation and Warning and ordered him to pay a \$1,000 civil penalty and complete a Board-approved controlled substance prescribing course. On December 10, 2020, the Board determined that the physician has successfully completed the terms of the October 23, 2020, combined Statement of Charges and Settlement Agreement and the Board issued a Termination Order. Therefore, the physician's Iowa medical license is returned to its full privileges, free and clear of all restrictions.
2. An Iowa-licensed physician who formerly practiced family medicine in Morrison, Illinois, and Clinton, Iowa, and currently practices in Rock Falls, Illinois, had the terms of her disciplinary Order terminated by the Iowa Board on December 10, 2020. On October 28, 2013, Dr. Smith entered into a Consent Order with the Illinois Department of Financial and Professional Regulation (Illinois Board). The Illinois Board alleged that the physician surrendered her DEA Registration for cause based on her prescribing of controlled substances to several patients in her practice in Morrison, Illinois. The Illinois Board placed the physician on indefinite probation for a minimum of one (1) year subject to Board monitoring, including a practice monitor, and ordered her to pay a \$5,000 fine. The Illinois Board also ordered her to complete 10 Category I continuing medical education credits for the proper prescribing of controlled substances and 10 credits for addiction disorders. On July 10, 2015, the physician entered into a combined Statement of Charges and Settlement Agreement with the Iowa Board. Under the terms of the July 10, 2015, combined Statement of Charges and Settlement Agreement, the Iowa Board charged the physician with being disciplined by the Illinois Board. The Iowa Board issued Dr. Smith a Citation and Warning and ordered her to pay a \$1,000 civil penalty. The Iowa Board also prohibited her from prescribing, administering or dispensing narcotics for the treatment of chronic pain under her Iowa medical license and ordered her to successfully complete a Board-approved professional ethics program. The Iowa Board also placed the physician on probation for a period of three (3) years subject to monitoring, including audits of her controlled substance

prescribing. On July 10, 2018, the Iowa Board terminated the terms of the physician's probation. On December 10, 2020, the Iowa Board terminated the prohibition for prescribing, administering or dispensing narcotics for the treatment of chronic pain under her Iowa medical license and the physician's Iowa medical license is returned to its full privileges, free and clear of all restrictions.

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 spinal surgery for a patient.
2. Concerns about a physician's supervision of staff at a medical spa.
3. Concerns about a physician's workup of a patient in the emergency room.
4. Concerns that a physician was disciplined by another state medical board for the physician's telemedicine services.
5. Concerns about a physician's termination of a patient.
6. Concerns about a physician's workup of a patient.
7. Concerns about a physician's postoperative care to a patient.

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

1. Granted 1 permanent medical license.
2. Issued 1 confidential letter due to concerns about the applicant.
3. Left 1 case 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 December 16, 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.