



February 15, 2022

Summary of the January 9-10, 2022, Board Meeting

Total Cases Reviewed: The Board reviewed 53 cases.

New Investigative Cases: The Board reviewed 28 new investigative cases.

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 surgery in Huntington, West Virginia, entered into a Settlement Agreement with the Iowa Board on January 27, 2022. On September 30, 2021, the Iowa Board filed a Statement of Charges alleging that the physician entered into a Consent Agreement with the West Virginia Board of Medicine for engaging in improper prescribing without maintaining medical records on September 4, 2020. Specifically, the physician prescribed controlled substances to two individuals on a regular basis without maintaining proper medical records or documenting a treatment plan. The West Virginia Board reprimanded Physician and ordered him to complete additional training and education for prescribing controlled substances. The physician was subsequently disciplined in Maryland, Pennsylvania, Mississippi, and New Hampshire. The physician failed to report this action to the Iowa Board within thirty days of the final order. Under the terms of the January 27, 2022, Settlement Agreement, the Iowa Board issued the physician a Citation and Warning and ordered him to pay a \$5,000 civil penalty.

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 plastic and reconstructive surgery in Des Moines, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on January 27, 2022. The Board alleged that the physician has a neurological impairment that may interfere with his ability to safely

practice plastic and reconstructive surgery. The Board also alleged that the physician engaged in unprofessional conduct when he sent inappropriate text messages to an employee. The physician disputed the Board's allegations, but agreed to amicably resolve the matter. Under the terms of the January 27, 2022, 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 and complete a Board-approved professional boundaries course. The Board also placed a restriction on the physician's plastic and reconstructive surgery practice and placed him on probation until January 1, 2023 subject to Board monitoring.

Findings of Fact, Conclusions of Law, Decision and Order: After the Board has filed formal disciplinary charges against a licensee, and there has been a contested case hearing, the Board may issue a Findings of Fact, Conclusions of Law, Decision and Order. The Findings of Fact, Conclusions of Law, Decision and Order contains the Board's findings of fact, conclusions of law, decision and order.

The Board approved 1 Findings of Fact, Conclusions of Law, Decision and Order.

1. An Iowa-licensed physician who practices obstetrics and gynecology in Kansas City, Missouri, had a Findings of Fact, Conclusions of Law, Decision and Order issued by the Iowa Board on January 27, 2022. On December 20, 2019, the Board filed a Statement of Charges against The physician alleging that he failed to appropriately maintain and transfer patient medical records after he closed his Iowa medical practice in September 2018. The Board also alleged that the physician failed to respond to, or comply with, the Board's investigation in the matter. On October 23, 2020, the physician entered into a Settlement Agreement with the Board. Under the terms of the October 23, 2020, Settlement Agreement, the Board issued the physician a Citation and Warning and ordered him to pay \$7,500 civil penalty. The Board also ordered the physician to complete a Board-approved record-keeping course and submit a written corrective action plan detailing the steps he has taken to address the Board's medical record-keeping concerns. On August 19, 2021, the Board filed a new Statement of Charges alleging that the physician failed to comply with the terms of the October 23, 2020, Settlement Agreement. A contested case hearing was held before the Board on December 10, 2021. Under the terms of the January 27, 2022, Findings of Fact, Conclusions of Law, Decision and Order, the Board determined that the physician failed to comply with the terms of the October 23, 2020, Settlement Agreement and the Board suspended the physician's Iowa medical license until he fully complies with the terms of the October 23, 2020, Settlement Agreement.

Amended Order: If the Board approves an amendment to an existing order the Board may issue an Amended Order.

The Board approved 2 Amended Orders.

1. An Iowa-licensed physician who formerly practiced family medicine in Belmond, Iowa, had an Amended Order issued by the Board on January 27, 2022. On March 11, 2021, the Board filed a Statement of Charges against The physician alleging that on January 9, 2021, the physician entered into Stipulation and Order for Voluntary Surrender of his Minnesota medical license with the Minnesota Board of Medical Practice in violation of the laws and rules governing the practice of medicine in Iowa. The Order indicates that the Minnesota Board's investigation revealed concerns with the physician's patient care, documentation, and prescribing practices. A contested case hearing was held before the Board on July 23, 2021. On September 30, 2021, the Board issued a Findings of Fact, Conclusion of Law, Decision and Order. The Board concluded that the physician entered into Stipulation and Order for Voluntary Surrender of his Minnesota medical license with

the Minnesota Board of Medical Practice in violation of the laws and rules governing the practice of medicine in Iowa on January 9, 2021. The Board issued the physician a Citation and Warning and ordered him to pay a \$2,500 civil penalty. The Board also prohibited the physician from prescribing or administering controlled substances and placed the physician on probation for a period of three years. On January 27, 2022, the Board voted to allow the physician to prescribe or administer controlled substances for the treatment of acute pain under his Iowa medical license. All other provisions contained in the September 30, 2021, Findings of Fact, Conclusion of Law, Decision and Order remain in effect.

2. An Iowa-licensed physician who currently practices cardiovascular medicine in Ottumwa, Iowa, had a Second Amended Consent Agreement issued by the Board on January 27, 2022. On May 2, 2020, the physician submitted an application for a permanent Iowa medical license and the Board received information which indicates that on August 13, 2018, The physician was granted privileges and medical staff membership in the specialty of cardiovascular disease at Saint Mary's Regional Medical Center ("Saint Mary's") in Reno, Nevada. On February 8, 2019, Saint Mary's temporarily suspended The physician's privileges, and on February 20, 2019, placed restrictions on The physician's clinical privileges due to substandard or inadequate care. The restrictions required proctoring of the physician's next five (5) clinical cardiac electrophysiology cases. To date, for various reasons offered by the physician, she has yet to complete the required proctored cases. On November 10, 2020, the Board issued the physician a permanent Iowa medical license subject to a Consent Agreement. Under the terms of the Consent Agreement the license granted to The physician was restricted to the performance of five (5) proctored clinical cardiac electrophysiology cases. Prior to completing these cases, the physician was required to submit the proposed proctor(s) and facility/facilities where the cases are to occur for prior approval by the Board. The physician was required to provide the medical records relating to the cases, as well as proctor reports if any, to the Board for review, after which the Board would consider lifting this restriction or taking other action as appropriate. On March 2, 2021, at the request of the physician, the Board issued an Amended Consent Agreement. Under the terms of the Amended Consent Agreement the physician agreed that she shall not perform clinical cardiac electrophysiology procedures under her Iowa medical license. On January 27, 2022, the Board voted to issue a Second Amended Consent Agreement. Under the terms of the Second Amended Consent Agreement, the first five clinical cardiac electrophysiology cases performed by the physician must be proctored by a Board-approved proctor. Prior to completing these cases, the physician must provide the medical records relating to the cases to the Board for review. Following the completion of the five cases, the proctor shall submit a report to the Board, after which the Board will consider lifting this restriction or taking other action as appropriate.

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 1 Termination Order.

1. An Iowa-licensed physician who practices anesthesiology in the Des Moines area, had a Termination Order issued by the Board on January 27, 2022. On August 23, 2012, the Board filed a Statement of Charges against the physician alleging that he engaged in improper prescribing, improper pain management and unethical or unprofessional conduct, placing patients at risk of serious harm, when he failed to provide appropriate pain management to numerous patients in Des Moines, Iowa, between 2004 and 2012, in violation of the laws and rules governing the practice of medicine. On September 21, 2012, the physician

entered into a Stipulated Order with the Board. The physician agreed not to engage in any aspect of the practice of medicine until this matter is resolved. On October 28, 2016, the physician entered into a Settlement Agreement with the Board and the Board issued the physician a Citation and Warning and ordered him to pay a \$5,000 civil penalty. The Board also permanently prohibited the physician from prescribing, administering or dispensing controlled substances for the treatment of chronic pain. The Board lifted the suspension of the physician's Iowa medical license and required him to successfully complete a Board-approved remediation program to demonstrate his medical competency. The Board also ordered him to complete a Board-approved professional ethics program and medical record keeping course. The Board also placed the physician on probation for a period of five years subject to Board monitoring including a Board-approved practice plan, controlled substance prescribing audits and a Board-approved practice monitoring plan. On July 27, 2018, the Board issued an Amended Order and the physician agreed that he would only practice general anesthesia in a Board-approved practice setting and he would not engage in any other area of the practice of medicine under his Iowa medical license. The Board also began auditing the physician's medical practice to ensure that he fully complies with the terms of the Amended Order. On January 27, 2022, the Board determined that the physician successfully completed the terms of his Board order and voted to issue a Termination Order and the terms of The physician's Board order are terminated and his 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 professional boundaries with patients and pain management prescribing.
2. Concerns about a physician's use of a female chaperone during examinations of female patients.
3. Concerns about a physician's neurological workup for a patient.
4. Concerns that a physician used co-workers to obtain controlled substances.
5. Concerns that a physician discussed a patient's medical care in the presence of another patient.
6. Concerns about a physician's workup of a patient with bleeding in the brain.
7. Concerns that a physician made improper comments to a female patient and failed to appropriately communicate with a patient during a breast exam.

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

1. Granted 1 permanent Iowa medical license.
2. Requested an appearance with an applicant.
3. Offered an applicant an Iowa medical license subject to a Consent Agreement.
4. Issued 2 confidential letters due to concerns about the applicant.

A Press Release describing public disciplinary action taken by the Board was distributed and posted on the Board's website on February 4, 2022. 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.