



August 7, 2012
FOR IMMEDIATE RELEASE

Summary of July 26-27, 2012, Board Meeting

The following is a summary of July 26-27, 2012, meeting of the Iowa Board of Medicine.

Cases Reviewed: The Board reviewed 98 cases.

New Investigative Cases: The Board reviewed 42 new investigative cases.

Statement of Charges: Upon a determination by the Board that probable cause exists to take formal disciplinary action, the Board may file a Statement of Charges which contains the allegations of the Board.

The Board approved 3 Statements of Charges.

1. The Board charged an Iowa-licensed physician from Council Bluffs, Iowa with engaging in a pattern of disruptive behavior in violation of the laws and rules governing the practice of medicine in Iowa. The Board alleges that the physician became angry and yelled at patients, colleagues and nursing staff in a threatening or intimidating manner on numerous occasions between 2002 and the present. A hearing is scheduled on October 12, 2012.
2. The Board charged an Iowa-licensed physician who formerly practiced in Clinton, Iowa with violating the terms of a Board order when he: failed to pay the \$5,000 civil penalty in a timely manner; failed to complete a Board-approved professional boundaries program; failed to file sworn quarterly reports with the Board; failed to make appearances before the Board or a Board committee; failed to make payment of his \$100 quarterly monitoring fees; and failed to pay the \$75 disciplinary hearing fee. A hearing is scheduled on November 1, 2012.
3. The Board charged an Iowa-licensed physician from Iowa City, Iowa, with violating the terms of a Board order when she consumed alcohol and when she failed to pay the \$5,000 civil penalty in a timely manner. A hearing is scheduled on November 1, 2012.

Combined Statement of Charges and Settlement Agreements: Upon a determination by the Board that probable cause exists to take formal disciplinary action, the Board and the licensee may enter into a combined Statement of Charges and Settlement Agreement to resolve the matter. A combined Statement of Charges and Settlement Agreement contain the allegations of the Board and the sanctions.

The Board did not approve any Combined Statement of Charges and Settlement Agreements.

Settlement Agreements: 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 rather than hold a formal disciplinary hearing.

The Board approved 1 Settlement Agreement.

1. The Board alleged that an Iowa-licensed physician from Grinnell, Iowa, prescribed excessive controlled substances to numerous patients, including patients with known drug abuse histories, for other than a lawful purpose, without establishing an appropriate physician-patient relationship, including appropriate examinations, monitoring and medical records. Under the terms of the Settlement Agreement, the physician voluntarily surrendered his Iowa medical license, received a public reprimand and agreed to pay a \$10,000 fine.

Confidential Evaluation Orders: If the Board receives evidence that a physician may suffer from physical, neurological, mental condition or substance abuse, the Board may issue a confidential evaluation order requiring the physician to complete an appropriate evaluation at a Board-approved program. Additionally, if the Board receives evidence that a physician lacks the appropriate knowledge or ability to practice medicine with reasonable skill or safety or that a physician has failed to provide appropriate care to patients, the Board may issue a confidential order requiring the physician to complete a competency evaluation at a Board-approved competency assessment program.

The Board voted to issue 1 confidential Evaluation Orders due to the following areas of concern:

1. The Board received information which indicates that an Iowa-licensed physician engaged in a sexual relationship with a patient and violated appropriate professional boundaries and voted to order the physician to complete a comprehensive sexual misconduct and professional boundaries evaluation.

Confidential Letters of Warning or Education: When the Board determines that probable cause does not exist to take formal disciplinary action the Board may send a confidential, non-disciplinary letter to a licensee expressing concerns and requesting that a licensee take corrective action, including further medical education.

The Board voted to issue 7 confidential Letters of Warning or Education due to the following areas of concern:

1. Concerns about delayed diagnosis and treatment of breast cancer.
2. Concerns about a physician's supervision of staff that perform medical aesthetic services at a medical spa.

3. Concerns about a physician who failed to provide appropriate notice to patients when he closed his medical office.
4. Concerns about a physician who acted in an unprofessional manner during a dispute with an individual outside of the practice of medicine.
5. Concerns about a physician prescribing practices during a short period of time.
6. Concerns about a physician who was convicted of driving under the influence of alcohol in another state.
7. Concerns about a physician who failed to pay a Board-ordered fine in a timely manner.

Board Appearances: The Board may ask a licensee to appear before the Board to discuss concerns when the Board determines that a face-to-face meeting will assist the Board during the investigative process.

Three physicians appeared before the Board due to the following areas of concern:

1. Concerns about a physician who may suffer from a health condition which may impair his ability to practice medicine with reasonable skill and safety.
2. Concerns that a physician may have engaged in a sexual relationship with a patient and violated appropriate professional boundaries.
3. Concerns about a physician's obstetrical care and prescribing practices.

Monitoring Committee: The Monitoring Committee monitors licensees who have been disciplined by the Board and require monitoring. The Monitoring Committee reviewed 9 cases.

Screening Committee: The Screening Committee reviews cases that are lower priority and have not been investigated by the Board to determine whether investigation is warranted. The Screening Committee reviewed 26 new cases.

Licensure Committee: The Licensure Committee is a committee reviews initial license applications, renewals and reinstatements other licensure policies and issues. Most license applications are approved by Board staff without Licensure Committee review. However, some applications raise concerns about an applicant and the Licensure Committee must review the matter to determine whether a license should be granted, renewed or reinstated.

The Licensure Committee reviewed 9 licensure applications or requests to consider licensure options. Five permanent licenses were granted, one temporary license was granted, one permanent license was reinstated, one applicant was asked to withdraw their application, and one application was left open.

Other Board action:

- The Board received and reviewed the fiscal year 2013 regulatory plan, which lists potential rule-making topics the Board may consider over the next 11 months. The plan is available on the Board's website, www.medicalboard.iowa.gov
- Received updates from the Iowa Attorney General's Office on the status of eight Board cases under review in state courts.
- Received a statistical report on Iowa Physician Health Program. On July 1, 2012, there were 82 participants in the program. There were 23 new participants in the program since January 1, 2012, and 22 had been discharged during the same period.

A press release describing public disciplinary action taken by the Board was distributed and posted on the Board's Website on August 1, 2012. If you have questions about this summary or Board's disciplinary action press release, please contact Kent Nebel, Legal Director, at (515) 281-7088 or kent.nebel@iowa.gov.