



PUBLIC NOTICE OF HEARING

Thursday, January 8, 2015, and Friday, January 9, 2015
The Hearing will begin at 8:30 a.m. on Thursday

Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa

HEARING PANEL MEMBERS: Michael Thompson, D.O., Acting Chair;
Allison Schoenfelder, M.D.; Julie Carmody, M.D.; Analisa Haberman, D.O.;
Paul Thurlow; Allen Zagoren, D.O.

1. In the matter of the Statement of Charges against **Firas A. Rabi, M.D.**,
Respondent, File No. 02-2010-337 ¹

¹This hearing may be closed at the discretion of the licensee pursuant to Iowa Code Section 272C.6(1)

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

FIRAS A. RABI, M.D., RESPONDENT

FILE Nos. 02-10-337

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medicine (Board) on March 6, 2014, and files this Statement of Charges pursuant to Iowa Code Section 17A.12(2). Respondent was issued Iowa medical license no. 36338 on September 12, 2005. Respondent's Iowa medical license went inactive due to nonrenewal on July 1, 2012.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on May 15, 2014, before the Iowa Board of Medicine. The hearing shall begin at 8:30 a.m. and shall be located in the conference room at the Iowa Board of Medicine office at 400 SW 8th Street, Suite C, Des Moines, Iowa.

2. Answer. Within twenty (20) days of the date you are served this Notice of Hearing you are required by 653 IAC 25.10 to file an Answer. In that Answer, you should also state whether you will require a continuance of the date and time of the hearing.

3. Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on prehearing matters, and be present to assist and advise the board at hearing.

4. Prehearing Conference. A prehearing conference will be held by telephone on March 28, 2014, at 8:00 a.m., before an Administrative Law Judge from the Iowa Department of Inspections and Appeals (ALJ). Please contact Kent M. Nebel, J.D., Legal Director, Iowa Board of Medicine, at 515-281-7088 with the telephone number at which you or your legal counsel can be reached. Board rules on prehearing conferences may be found at 653 IAC 25.15.

5. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 653 IAC 25. At hearing, you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. If you need to request an alternative time or date for hearing, you must review the requirements in 653 IAC 25.16. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

6. Prosecution. The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address: Julie Bussanmas, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319.

7. Communications. You may not contact board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You may contact Kent M. Nebel, J.D., Legal Director, at 515-281-7088 or to Assistant Attorney General Julie Bussanmas at 515-281-5637.

B. LEGAL AUTHORITY AND JURISDICTION

8. Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 17A, 147, 148, and 272C.

9. Legal Authority: If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code Chapters 17A, 147, 148, and 272C (2005) and 653 IAC 25.25.

10. Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code Section 17A.12(3) and 653 IAC 25.20.

C. SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

11. **Sexual Harassment:** Respondent is charged pursuant to Iowa Code section 148.6(2)(i) and 653 IAC 13.7(6) and 23.1(10) with engaging in sexual harassment. Sexual harassment is defined as verbal or physical conduct of a sexual nature which interferes with another health care worker's performance or creates an intimidating, hostile or offensive work environment.

COUNT II

12. **Unethical or Unprofessional Conduct:** Respondent is charged pursuant to Iowa Code sections 147.55(3) and 272C.10(3) and 653 IAC 23.1(4) with engaging in unethical or unprofessional conduct. Engaging in unethical or unprofessional conduct includes, but is not limited to, the committing by a licensee of an act contrary to honesty, justice or good morals, whether the same is committed in the course of the licensee's practice or otherwise and whether committed within this state or elsewhere; or a violation of the standards and principles of medical ethics.

COUNT III

13. **Practice Harmful or Detrimental to the Public:** Respondent is charged pursuant to Iowa Code sections 147.55(3) and 272C.10(3) and 653 IAC 23.1(3) with engaging in practice harmful or detrimental to the public. Practice harmful or detrimental to the public includes, but is not limited to, the failure of a physician to possess or exercise that degree of skill, learning and care expected of a reasonable, prudent physician acting in the

same or similar circumstances.

STATEMENT OF THE MATTERS ASSERTED

14. Respondent is an Iowa-licensed physician who formerly practiced pediatric medicine in Iowa City, Iowa, and currently practices in Indianapolis, Indiana.

15. **Sexual Harassment, Unethical or Unprofessional Conduct and/or Practice Harmful or Detrimental to the Public:** The Board alleges that Respondent engaged in sexual harassment, unethical or unprofessional conduct and/or practice harmful or detrimental to the public in violation of the laws and rules governing the practice of medicine in Iowa including, but not limited to, the following:

- A. Respondent made improper complimentary remarks about the personal appearance of multiple female co-workers in the workplace in an effort to solicit sexual relations with female co-workers.
- B. Respondent made improper sexual comments to multiple female co-workers, both in-person and electronically, in an effort to solicit sexual relations with female co-workers.
- C. Respondent made improper and unwanted sexual advances toward multiple female co-workers in the workplace.
- D. Respondent attempted to isolate female co-workers in secluded locations in the workplace in an effort to engage in sexual relations with female co-workers.
- E. Respondent placed alcohol and/or another substance in a female co-worker's non-alcoholic drink without her knowledge or consent.

- F. Respondent engaged in sexual relations with female co-workers after the female co-workers had consumed alcohol to intoxication.
- G. Respondent engaged in unwanted and/or nonconsensual sexual relations with a female co-worker.
- H. Respondent engaged in sexual relations with two female co-workers during the same period of time that he provided medical care, including prescribing medications, to the female co-workers.
- I. Respondent took advantage of the female co-worker's subordinate position and vulnerability in an effort to engage in inappropriate sexual relations with female co-workers.
- J. Respondent's improper sexual conduct with multiple female co-workers interfered with their ability to perform their duties in the workplace and/or created an intimidating, hostile or offensive work environment.
- K. On June 21, 2010, Respondent was placed on administrative leave and his appointment was not renewed by his employer on October 1, 2010, terminating his employment, due to concerns that he engaged in a pattern of sexual harassment in the workplace.
- L. Respondent wrote prescriptions for a female co-worker on two occasions (December 2006 and March 2007) without establishing an appropriate physician-patient relationship and without maintaining appropriate medical records.

- M. Respondent wrote prescriptions for a female co-worker on one occasion (2009) without establishing an appropriate physician-patient relationship and without maintaining appropriate medical records.
- N. Respondent wrote multiple prescriptions for himself and members of his immediate family between 2006 and 2009 without establishing an appropriate physician-patient relationship and without maintaining appropriate medical records.

E. SETTLEMENT

16. Settlement. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 653 IAC 25.17. If you are interested in pursuing settlement of this matter, please contact Kent M. Nebel, J.D., Legal Director at 515-281-7088.

F. PROBABLE CAUSE FINDING

17. On March 6, 2014, the Iowa Board of Medicine found probable cause to file this Statement of Charges.



Gregory B. Hoversten, D.O., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686