



Fields of Opportunities

STATE OF IOWA

TERRY BRANSTAD, GOVERNOR  
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IOWA BOARD OF MEDICINE  
MARK BOWDEN, EXECUTIVE DIRECTOR

September 3, 2015

## Summary of August 27-28, 2015, Board Meeting

**The following is a summary of the August 27-28, 2015, meeting of the Iowa Board of Medicine.**

**Cases Reviewed:** The Board reviewed 139 cases.

**New Investigative Cases:** The Board reviewed 49 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 currently practices medicine in Omaha, Nebraska, had formal disciplinary charges filed against him by the Iowa Board on August 28, 2015. On August 30, 1991, the Nebraska Division of Public Health (Nebraska Board) disciplined the physician for substance abuse. The Nebraska Board alleged that the physician wrote controlled substance prescriptions to himself to sustain an addiction and not for treatment. The Nebraska Board placed the physician on probation for a period of two years, ordered him to undergo a substance abuse evaluation, abstain from using controlled substances or prescribing medication for himself, and undergo random drug testing. On November 19, 2014, the Nebraska Board disciplined the physician for substance abuse. The Nebraska Board alleged that between 2012 and April 2014, the physician diverted numerous controlled substances from patients for his own use. The physician underwent inpatient substance abuse treatment and was diagnosed with a substance abuse disorder. The Nebraska Board placed the physician on probation for a period of five years, prohibited him from prescribing, administering, dispensing or possessing any controlled substances at any time, and ordered him to abstain from the use of alcohol or controlled substances, and undergo substance abuse treatment and random drug testing. Under the terms of the August 28, 2015, Statement of Charges, the Iowa Board charged the physician for being disciplined by the Nebraska Board in violation of the laws and rules governing the practice of medicine in Iowa. A hearing is scheduled on December 4, 2015.

**Combined Statement of Charges and Settlement Agreements:** 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 Agreements contain the Board's allegations and the disciplinary sanctions.

The Board approved 2 combined Statements of Charges and Settlement Agreements.

1. An Iowa-licensed physician who practices internal medicine in Washington, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on August 28, 2015. The Board charged the physician with prescribing hydrocodone, a controlled substance, to his elderly mother between January 2012 and April 2014 in violation of the laws and rules governing the practice of medicine in Iowa. The physician denied knowledge of the rule which prohibits physicians from prescribing controlled substances to members of their immediate family except for an acute condition or on an emergency basis when the physician conducts an examination, establishes a medical record, and maintains proper documentation. The Board issued the physician a Citation and Warning and ordered him to pay a \$1,000 civil penalty.
2. An Iowa-licensed physician who practices family medicine in Blue Earth, Minnesota, entered into a combined Statement of Charges and Settlement Agreement with the Iowa Board on August 28, 2015. On November 8, 2014, the physician entered into a Stipulation and Order with the Minnesota Board of Medical Practice (Minnesota Board). The Minnesota Board received a complaint that alleged that the physician failed to properly care for a female patient during labor and delivery. The complaint alleged that the physician failed to properly induce labor and failed to obtain an appropriate consultation for intervention in the case. The physician received a Reprimand and agreed to complete additional education for medical records management; management of labor and delivery in high-risk pregnancy; interpretation of fetal heart rate tracings and ultrasound; and submit a paper describing what he learned from the education. The physician also agreed to meet on a monthly basis with a Minnesota Board-approved supervising obstetrician to review his patient care during pregnancy, management of labor and delivery and interpretation of fetal heart tracings. Under the terms of the August 28, 2015, combined Statement of Charges and Settlement Agreement, the Iowa Board issued the physician a Citation and Warning and he agreed to fully comply with the terms and conditions established by the Minnesota Board.

**Reinstatement Orders:** If the Board suspends an Iowa medical license and the physician successfully completes requirements established by the Board and demonstrates that they are able to practice medicine with reasonable skill and safety, the Board may issue a Reinstatement Order reinstating the physician's Iowa medical license

The Board approved 1 Reinstatement Order.

1. An Iowa-licensed physician who formerly practiced psychiatry in Davenport, Iowa, and currently practices in Glen Allen, Virginia, had his medical license reinstated by the Iowa Board on August 28, 2015. On November 20, 2002, the physician was arrested for driving under the influence of alcohol (DUI). On March 12, 2003, the physician self-reported to the Iowa Physician Health Program (IPHP) for alcohol abuse. On April 22, 2003, the physician entered into an Initial Agreement with the IPHP and agreed to fully comply with the requirements established by the IPHP. On October 31, 2003, the IPHP referred the physician to the Board after he failed to comply with the terms established by the IPHP. On December 10, 2003, the Board ordered the physician to complete a substance abuse evaluation and he failed to complete the evaluation. On August 19, 2004, the physician was disciplined by the West Virginia Board of Medicine (West

Virginia Board) for engaging in a sexual and/or romantic relationship with a former psychiatric patient. The physician voluntarily surrendered his West Virginia medical license to resolve the matter.

On October 7, 2004, the physician entered into a combined Statement of Charges, Settlement Agreement and Final Order with the Iowa Board. The Iowa Board charged the physician with violating the terms established by the IPHP, failing to comply with the Evaluation Order issued by the Iowa Board and being disciplined by the West Virginia Board for engaging in a sexual and/or romantic relationship with a former psychiatric patient. The Iowa Board issued the physician a Citation and Warning and ordered him to pay a \$10,000 civil penalty. The Iowa Board also suspended his Iowa medical license and ordered him to complete a substance abuse evaluation, a sexual misconduct evaluation and demonstrate that he is safe to practice medicine. Recently, the physician submitted an Application for Reinstatement of his Iowa medical license. The physician demonstrated that he completed a substance abuse evaluation in November 2005 and extensive alcohol treatment and that he has been sober for nearly ten years. The physician also demonstrated that he completed a sexual misconduct evaluation in August 2005 and a three-day professional boundaries program in April 2006. The physician also demonstrated that he has successfully practiced psychiatry under the supervision of the Virginia Board of Medicine for the past nine years and currently has an unrestricted Virginia medical license. Finally, the physician demonstrated that he is safe to practice medicine with reasonable skill and safety. Under the terms of the August 28, 2015, Reinstatement Order issued by the Iowa Board, The physician agreed to pay a \$10,000 Civil Penalty and the Board reinstated his Iowa medical license.

**Amended Orders:** When the Board determines that an existing disciplinary order should be amended, the Board may issue an Amended Order.

The Board voted to issue 1 Amended Order.

1. An Iowa-licensed physician who formerly practiced general medicine in Knoxville, Iowa, and currently practices in Mount Pleasant, Iowa, had the terms of his probation amended by the Board on August 28, 2015. On April 28, 2008, the Board placed the physician on indefinite probation subject to certain terms and conditions including substance abuse treatment and monitoring. On August 28, 2015, the Board concluded that the physician has fully complied with the terms of his probation and the Board issued an Amended Order and the physician is no longer required to participate in substance abuse treatment and monitoring.

**Termination Orders:** When a licensee successfully completes the terms of a disciplinary order or the Board determines that a disciplinary order should be terminated, the Board may issue a Termination Order.

The Board voted to issue 2 Termination Orders.

1. An Iowa-licensed physician who formerly practiced family medicine in Sioux City, Iowa, and currently practices psychiatry in Kansas City, Kansas, had the conditions placed on her Iowa medical license terminated by the Iowa Board on August 28, 2015. On November 19, 2007, the physician entered into a Consent Agreement with the Iowa Board, she was granted an Iowa medical license and she was required to submit to the Iowa Physician Health Program (IPHP) for substance abuse treatment and monitoring. On October 23, 2008, the Iowa Board charged the physician with failing to comply with the IPHP's drug screening program and she was placed on probation for a period of two

years subject to substance abuse treatment and monitoring. On September 9, 2009, the physician tested positive for methamphetamine. On July 8, 2010, the Board charged the physician with using drugs in violation of the terms of her probation. On April 1, 2010, the physician entered into a Consent Order with the Kansas Board of Healing Arts (Kansas Board) and she was ordered to submit to the Kansas Medical Society – Medical Advocacy Program (KMS-MAP) for substance abuse evaluation, treatment, monitoring and support for a period of five (5) years. On October 22, 2010, the physician entered into a Settlement Agreement with the Iowa Board to resolve the pending disciplinary charges. The physician was prohibited from practicing medicine in Iowa until she receives written approval from the Board. Prior to returning to the practice of medicine in Iowa, The physician was required to complete a Board-approved substance abuse evaluation and demonstrate that she is safe to practice medicine. Recently, the physician submitted a request for termination of the October 22, 2010, Settlement Agreement. The physician demonstrated that she has fully complied with the October 22, 2010, Iowa Settlement Agreement and the April 1, 2010, Kansas Consent Order, including substance abuse evaluation, treatment and monitoring by the KMS-MAP for a period of five (5) years. She also demonstrated that she is safe to practice medicine with reasonable skill and safety. The physician indicated that she does not intend to return to the practice of medicine in Iowa. On August 28, 2015, the Board voted to terminate the terms of the October 22, 2010, Settlement Agreement. The physician must submit to the IPHP for a substance abuse assessment and fully comply with all requirements established by the IPHP prior to returning to the practice of medicine in Iowa.

2. An Iowa-licensed physician who practices family medicine in Wellman, Iowa, had the conditions placed on his Iowa medical license terminated by the Board on August 28, 2015. On December 12, 2007, the Board charged the physician with substance abuse, improper prescribing, sexual misconduct, violating appropriate physician-patient boundaries and failure to appropriately respond to a young female who suffered a drug overdose. On July 10, 2008, the physician entered into a Settlement Agreement with the Board and his Iowa medical license was indefinitely suspended. On April 16, 2009, the Board reinstated the physician's Iowa medical license and placed him on indefinite probation subject to a Board-approved practice plan and Board monitoring. On August 28, 2015, the Board concluded that the physician has fully complied with the terms of the April 16, 2009, Reinstatement Order and terminated the terms of the Order.

**Dismissal Orders:** When the Board determines that a Statement of Charges should be dismissed, the Board may issue a Dismissal Order.

The Board voted to issue 6 Dismissal Orders.

1. An Iowa-licensed physician who formerly practiced medicine in multiple locations in Florida had disciplinary charges dismissed by the Board on August 28, 2015. On October 25, 2013, the Iowa Board charged the physician with being disciplined by the Florida Department of Health (Florida Board) for prescribing controlled substances for other than a lawful purpose. The physician's Iowa medical license has been inactive since July 1, 2009, and the Board was unable to locate the physician to serve the charges and hold a hearing. Effective July 1, 2015, the physician relinquished her Iowa medical license because she failed to renew or reinstate her Iowa license within five (5) years after its expiration. Therefore, the physician no longer holds an Iowa medical license and the Board dismissed the pending disciplinary charges.

2. An Iowa-licensed physician who formerly practiced ophthalmologic surgery in Martinsville, Virginia, had disciplinary charges dismissed by the Iowa Board on August 28, 2015. On October 25, 2013, the Iowa Board charged the physician with being disciplined by the Virginia Board of Medicine for failing to provide appropriate care to multiple patients. The physician's Iowa medical license has been inactive since January 1, 2004, and the Board was unable to locate the physician to serve the charges and hold a hearing. Effective July 1, 2015, the physician relinquished his Iowa medical license because he failed renew or reinstate his Iowa license within five (5) years after its expiration. Therefore, the physician no longer holds an Iowa medical license and the Board dismissed the pending disciplinary charges.
3. An Iowa-licensed physician who formerly practiced medicine in Dearborn, Michigan, had disciplinary charges dismissed by the Board on August 28, 2015. On June 6, 2014, the Iowa Board charged the physician with being disciplined by the Michigan Medical Board for being convicted of falsifying immigration and federal income tax documents. The physician's Iowa medical license has been inactive since July 1, 1999, and the Board was unable to locate the physician to serve the charges and hold a hearing. Effective July 1, 2015, the physician relinquished his Iowa medical license because he failed renew or reinstate his Iowa license within five (5) years after its expiration. Therefore, The physician no longer holds an Iowa medical license and the Board dismissed the pending disciplinary charges.
4. An Iowa-licensed physician who currently practices emergency medicine in Cleveland, Ohio, had disciplinary charges dismissed by the Iowa Board on August 28, 2015. On October 25, 2013, the Iowa Board charged the physician with being disciplined by the Medical Board of California due to concerns about his laparoscopic surgery skills. The physician's Iowa medical license has been inactive since February 1, 2006, and the Board was unable to locate the physician to serve the charges and hold a hearing. Effective July 1, 2015, the physician relinquished his Iowa medical license because he failed renew or reinstate his Iowa license within five (5) years after its expiration. Therefore, the physician no longer holds an Iowa medical license and the Board dismissed the pending disciplinary charges.
5. An Iowa-licensed physician who formerly practiced medicine in Irvine, California, had disciplinary charges dismissed by the Iowa Board on August 28, 2015. On August 30, 2013, the Iowa Board charged the physician with being disciplined by the Medical Board of California due to concerns about his medical care and record keeping. The physician's Iowa medical license has been inactive since on November 1, 2000, and the Board was unable to locate the physician to serve the charges and hold a hearing. Effective July 1, 2015, the physician relinquished his Iowa medical license because he failed renew or reinstate his Iowa license within five (5) years after its expiration. Therefore, the physician no longer holds an Iowa medical license and the Board dismissed the pending disciplinary charges.
6. An Iowa-licensed physician who formerly practiced psychiatry in Springfield, Missouri, had disciplinary charges dismissed by the Iowa Board on August 28, 2015. On April 17, 2014, the Iowa Board charged the physician with being disciplined by the Missouri State Board of Registration for the Healing Arts (Missouri Board) for abusing controlled substance. The physician's Iowa medical license has been inactive since August 1, 2000, and the Board was unable to locate the physician to serve the charges and hold a hearing. Effective July 1, 2015, the physician relinquished his Iowa medical license because he failed renew or reinstate his Iowa license within five (5) years after its expiration.

Therefore, the physician no longer holds an Iowa medical license and the Board dismissed the pending disciplinary charges.

**Confidential Evaluation Orders:** If the Board receives evidence that a physician may suffer from a physical, neurological or mental health condition, or substance abuse, or has engaged in unprofessional conduct, disruptive behavior or sexual misconduct, the Board may issue a confidential evaluation order requiring the physician to complete an evaluation at a Board-approved evaluation program. Additionally, if the Board receives evidence that a physician lacks the ability to practice medicine with reasonable skill and safety, the Board may issue a confidential evaluation order requiring the physician to complete a clinical competency evaluation at a Board-approved evaluation program.

The Board approved 1 Confidential Evaluation Order due to the following areas of concern:

1. Concerns that a physician failed to provide appropriate and timely obstetrical care to numerous patients. The Board has concerns about the physician's medical judgment; diligence; patient care; surgical skills; communication; interpersonal skills; professionalism and documentation.

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

1. Concerns that a physician violated appropriate professional boundaries, including making inappropriate comments of a sexual nature.
2. Concerns about a physician's evaluation and treatment of a patient who suffered a fractured spine.
3. Concerns that a physician engaged in domestic violence during a confrontation with the physician's spouse.
4. Concerns about a physician's evaluation, testing and treatment of a patient with metastatic cancer.
5. Concerns about a physician's treatment and prescribing to an elderly hospice patient.
6. Concerns about a physician's diagnosis and treatment of a patient who experienced a serious infection.
7. Concerns about a physician's evaluation, testing and treatment of a patient with cancer.
8. Concerns that a physician failed to complete a death certificate in a timely manner.
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12. Concerns that a physician failed to complete a death certificate in a timely manner.
13. Concerns that a physician failed to complete a death certificate in a timely manner.
14. Concerns that an Iowa-licensed physician was disciplined by another state licensing Board for failure to provide appropriate pain management services to patients and improperly accessing patient medical records
15. Concerns that an Iowa-licensed physician was disciplined by another state licensing Board for patient abandonment and improper disposal of medical records.

**Monitoring Committee:** The Monitoring Committee monitors licensees who are subject to a Board disciplinary order and require monitoring.

The Monitoring Committee reviewed 10 physicians who are being monitored by the Board and held 4 physician appearances.

**Screening Committee:** The Screening Committee reviews cases that are lower priority to determine whether investigation is warranted.

The Screening Committee reviewed 34 cases.

**Licensure Committee:** The Licensure Committee reviews initial license applications, renewals and reinstatements and 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.

**Committee Work:**

The Committee reviewed 8 licensure applications. Three permanent licenses, one resident license, one special license and one temporary license were granted. Two applications were left open to obtain further information or allow the applicant to withdraw.

The Committee recommended the Board grant a request for waiver of IA Administrative Code 653-10.4(2)f which requires applicants for a special license to have practiced for five years outside of postgraduate training. The Board approved the Committee's recommendation.

The Committee approved 10 Letters of Warning that were issued due to concerns that the applicants failed to provide truthful, accurate or complete information on the applications.

**Committee Discussion Items:**

**Special to Permanent License**

The Committee received a request from a special licensee at the University of Iowa seeking a pathway to permanent licensure, but does not meet the eligibility requirements outlined in statute or administrative code. The Committee will continue discussion at the October 15-16, 2015, meeting on whether or not they would like to propose a statute change to the Board.

The Committee further directed staff to draft proposed changes to the special licensure rules that require a special licensee to pursue permanent license eligibility and/or limit the number of renewals.

**Review of Resident Applicants with Concerns**

The Committee discussed how review of resident applications is currently being handled. Historically the Committee has reviewed files with concerns such as academic remediation during medical school, medical leaves of absence, suspension from medical school, termination and reinstatement into medical school, etc. The Committee then grants the license with the understanding that the resident applicant has matched to a program and will be supervised, monitored and restricted to that training program, allowing them an opportunity prove competence.

The Committee approved a letter for staff to send to certain resident license applicants, expressing that while a resident license will be issued to them, the concerns identified on

their applications may be revisited by the Board, should the applicants seek permanent licensure in Iowa.

**Update to Initial Application Question #16 and Renewal Application Question #3:**

The Committee approved changes to question 16 on the initial application and question 3 on the renewal application that asks about termination, non-renewal, suspension and relinquishment of privileges. Applicants and licensees are often uncertain on how to answer the question if they relinquished or did not renew their privileges due to retirement, change in employment, or other non-disciplinary reason.

The question will include language on when it is appropriate to answer ‘No’ – specifically, “You may answer ‘No’ if you voluntarily relinquished or did not renew your privileges due to a change in job, retirement, etc. as long as you were not under investigation or review at that time.”

**In other action the Board:**

- Voted to amend Iowa Administrative Code 653 - Chapter 9, “Permanent Physician Licensure,” to implement SF276, which deems an inactive medical license relinquished if the licensee fails to apply for renewal or reinstatement of the license within five years after its expiration. The noticed amendment is scheduled to be published in the Administrative Bulletin on September 30, 2015. A public hearing is tentatively scheduled for 10:00 a.m. on October 20, 2015, at the Board’s office.
- Voted to oppose SF 1778, Telemedicine for Medicare Act, introduced in the U.S. Senate on July 15, 2015, by Senators Joni Ernst of Iowa and Mazie Hirono of Hawaii. The legislation would allow a physician to use telemedicine to diagnose and treat Medicare patients in states where the physician is not licensed to practice. The Iowa Board, and all other states’ medical licensing boards, believe the practice of medicine occurs where the patient is located at the time of the physician-patient encounter (in-person or via telemedicine), and therefore, requires local licensure to protect the public’s safety. The licensure standard has been applied in Iowa since 1886. The standard was affirmed in a telemedicine practice rule adopted by the Iowa Board earlier this year, and in legislation (SF 510) signed by Governor Branstad on July 2, 2015. That legislation establishes an interstate compact to expedite medical licensure.
- Received a report from the Iowa Physician Health Program, which monitors physicians with mental health issues, physical disabilities or substance use disorders. The program had 61 participants and 17 in the review process on July 30. There have been 29 discharges since January 1.
- Received reports from the Iowa Attorney General’s Office on five disciplinary cases and one rulemaking case.

**A press release describing public disciplinary action taken by the Board was distributed and posted on the Board’s Website on September 3, 2015. If you have questions about this summary or the Board’s press release, please contact Kent M. Nebel, J.D., Legal Director, at (515) 281-7088 or [kent.nebel@iowa.gov](mailto:kent.nebel@iowa.gov).**

